



## **Municipality of Lambton Shores**

**TELEPHONE/INTERNET VOTING  
ELECTION POLICIES and PROCEDURES  
for the 2018 ONTARIO MUNICIPAL ELECTIONS**

Approved by the  
Clerk / Returning Officer of  
The Municipality of Lambton Shores  
this 29<sup>th</sup> day of December, 2017

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These Policies and Procedures have been prepared for the purposes of convenience ONLY. For accurate reference, please refer to the *Municipal Elections Act, 1996*, as amended and the *Good Government Act, 2009*.

## 1. AUTHORITY

On March 28, 2017, the Council of the Municipality of Lambton Shores adopted By-law Number 27 of 2017 authorizing the use of an alternative voting method, that being the Telephone/Internet Voting method.

The Municipal Elections Act, more specifically Subsection 42(3), states as follows:

### **Procedures and forms**

- (3) The clerk shall,
- (a) establish procedures and forms for the use of,
    - (i) any voting and vote-counting equipment authorized by by-law, and
    - (ii) any alternative voting method authorized by by-law; and
  - (b) provide a copy of the procedures and forms to each candidate when his or her nomination is filed. 2009, c. 33, Sched. 21, s. 8 (22); 2016, c. 15, s. 31 (3).

Subsection 42(4), states that the clerk shall provide the procedures and forms on or before December 31 in the year before the year of the election.

Subsection 42(4), states that the procedures and forms established by the clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.

In addition, the Council of the Municipality of Lambton Shores has adopted By-law Number 27 of 2017 on March 28, 2017, being a by-law to enter into an agreement with an eVoting Service Provider for Telephone/Internet Voting service for the 2018 Municipal & School Board Elections.

Subsection 11(2) of the Municipal Elections Act states that the clerk of a local municipality has responsibility for conducting elections within that municipality and responsibility for,

- a) preparing for the election;
- b) preparing for and conducting a recount in the election;
- c) maintaining peace and order in connection with the election; and
- d) in a regular election, preparing and submitting the report described in subsection 12.1 (2). 1996, c. 32, Sched., s. 11 (2); 2009, c. 33, Sched. 21, s. 8 (7).

With respect to the duties and authority of a municipal clerk, the Municipal Elections Act further states as follows:

- 12(1) A clerk who is responsible for conducting an election may provide for any matter or procedure that,
- a) is not otherwise provided for in an Act or regulation; and
  - b) in the clerk's opinion, is necessary or desirable for conducting the election.

- 12(2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.
- 12(3) The power conferred by subsection (1) includes power to require a person, as a condition of doing anything or having an election official do anything under this Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications, including citizenship or residency, or of any other matter.
- 13(1) Any notice or other information that this Act requires the clerk to give shall be given in a form and manner and at a time that the clerk considers adequate to give reasonable notice or to convey the information, as the case may be.
- 13(2) The clerk shall provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under this Act.

Subsection 42(5) states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies. Since the purpose for the use of the alternative voting – being Telephone/Internet Voting – was to eliminate proxies, and By-law Number 27 of 2017 of The Municipality of Lambton Shores is silent on these issues therefore voting proxies are not applicable.

The Municipal Elections Act, more specifically Section 53, also provides that the clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act and provides the authority to the clerk to make arrangements for the proper conduct of the election. Any arrangements made by the clerk, if they are consistent with the principles of the Municipal Elections Act, prevail over anything in the Act and the regulations and all such arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

Therefore, as clerk of The Municipality of Lambton Shores and Returning Officer for the 2018 Municipal & School Board Elections, I do hereby certify and approve the following procedures for conducting the 2018 Municipal & School Board Elections and also establish that the attached forms are the forms permitted to be used during this election process.

December 29, 2017



Stephanie Troyer-Boyd  
Clerk / Returning Officer

## 2. DEFINITIONS

- a) Advance Voting - means voting conducted anytime from 9:00 am on October 11, 2018 until 11:59 pm on October 21, 2018.
- b) Ballot - means either an image on a computer screen, or any web enabled device, of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the numbered touchtone keypad.
- c) Candidate - means a person who has been nominated under Section 33 of the Municipal Elections Act, 1996.
- d) Certified Candidate - means a candidate whose nomination has been certified by the municipal clerk under Section 35 of the Municipal Elections Act, 1996.
- e) Clerk - means the clerk of The Municipality of Lambton Shores who is responsible for conducting this election under the authority of the Municipal Elections Act, 1996, as amended. *(This legislation provides that the clerk of a municipality may provide for any matter that is not otherwise provided for in an Act or regulation and is, in the clerk of the municipality's opinion, necessary or desirable - Section 12 of the Municipal Elections Act)*
- f) Election official - means the clerk or other person(s) appointed in writing by the clerk to carry out election duties under the Municipal Elections Act, 1996. An election official can only carry out the tasks and duties as assigned in writing by the clerk, and must take the prescribed oath.
- g) Eligible Elector - means a person who is entitled to be an elector at an election held in the local municipality, if on voting day he or she meets the qualifications outlined in Section 17(2) and 17(3) of the Municipal Elections Act, 1996.
- h) Password - means an additional access control word assigned by the eVoting Service Provider to each authorized user to provide additional security for access to the voting system.
- i) Personal Identification Number (PIN) - means a unique multiple digit number assigned by the eVoting Service Provider to each voter to provide security for access to the voting system.
- j) Preliminary List of Electors - means a list of electors for The Municipality of Lambton Shores compiled by the Municipal Property Assessment Corporation (MPAC) and provided to The Municipality of Lambton Shores between July 31 and September 1 of an election year as agreed upon by MPAC and the clerk.

- k) Satisfactory Identification - means the identification required under the Municipal Elections Act, 1996 (Ontario Regulation 304/13) which would provide proof of identity and residence of an individual to the satisfaction of an election official.
- l) Script - means all information flow and system prompts from the eVoting system including instructions, informational messages, error messages, and exceptions.
- m) Scrutineer - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.
- n) Support person - means a person who has been requested by an elector to assist him or her in the voting process.
- o) Voter Help Centre - means a location provided by The Municipality of Lambton Shores to assist electors with the Telephone/Internet Voting process or other general election inquiries, including revisions. The Voter Help Centre(s) is located at 7883 Amtelecom Parkway, Forest.
- p) Voters' List - means the Preliminary List of Electors, as corrected by the clerk, under the provisions of Section 22 of the Municipal Elections Act.
- q) Voting Day - means the final day on which the vote is to be taken in an election and shall be until 8:00 p.m. on that day. Voting day in a regular election is the fourth Monday in October – October 22, 2018.
- r) Voter Information Letter - means a sealed envelope containing a Personal Identification Number (PIN) for each person on the voters' list or who has completed an application, duly approved by an election official, for inclusion on the voters' list, a telephone access number and internet address for voting, a Voter Help Centre number for assistance and a list of candidates for office. These envelopes shall be mailed individually, or hand-delivered as required, to every person on the voters' list.

### **3. APPLICATION**

1. This procedure has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a) (ii) of the Municipal Elections Act, and applies to the Telephone/Internet Voting being conducted by The Municipality of Lambton Shores between October 11, 2018 and October 22, 2018.
2. The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the Municipal Elections Act.
3. Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of the Municipal Elections Act with the same being determined and established by the clerk.
4. These procedures may be amended, as necessary and deemed appropriate, by the clerk of The Municipality of Lambton Shores. Any amendment to these procedures shall be signed by the clerk and a copy of the amendment(s) shall be provided forthwith to all certified candidates for office for The Municipality of Lambton Shores and/or school boards.

#### **4. SECRECY**

1. The clerk shall require all election official(s) and/or other persons working in connection with the municipal elections to swear or affirm an oath of secrecy in accordance with Section 49 of the Municipal Elections Act, 1996.
2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the Telephone/Internet Voting service or interfere or attempt to interfere in the voting process while using the Telephone/Internet Voting service unless expressly requested and authorized by an elector asking for assistance.
3. No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and shall vote according to the instructions and wishes of the elector.
4. No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
5. No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a support person or an election official.
6. All electors voting at the Voter Help Centre(s) may vote with the assistance of a support person; however, the support person shall be required to take the appropriate oath prior to providing assistance.
7. All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of the Municipal Elections Act, 1996.

## 5. PRELIMINARY LIST OF ELECTORS / VOTERS' LIST

1. The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format. The list shall be reviewed by the clerk of The Municipality of Lambton Shores and obvious errors shall be corrected as permitted under Section 22 of the Municipal Elections Act, and the list shall be approved for use as the Voters' List.
  - a. The list shall then be reproduced in paper or electronic format and distributed to those who are entitled to copies under Subsections 23(3), (4) and (5) of the Act. All certified candidates shall be entitled to two (2) copies or an electronic format and shall sign a statement acknowledging that the voters' list shall not be used for any commercial purposes.

The candidates shall receive login ID(s) and password(s) allowing them to view the voters' list that contains the names of the electors who are entitled to vote for their office. They can use the module to identify and track individual electors during the course of the election campaign and voting period to observe participation.
  - b. The list shall be available in an electronic format to accommodate the administration in the voting process at the Voter Help Centre(s).
  - c. Additions, corrections and deletions may be made to the list in accordance with the Municipal Elections Act, 1996.
  - d. The clerk and/or the eVoting Service Provider shall produce an electronic list of the additions, corrections and deletions, as stated in paragraph (c) of this document, and make available online these additions, corrections and deletions to those who are entitled to copies of the voters' list under the Act and the same shall be the final voters' list. This list, as required under Section 27 of the Municipal Elections Act, shall be available on September 15, 2018 at 7883 Amtelecom Parkway, Forest, Ontario.
  - e. The voters' list, as corrected by the clerk pursuant to Section 22 of the Municipal Elections Act, 1996 shall be provided to the eVoting Service Provider in computer format in order for the eVoting Service Provider to manage the Voter Information Letter.

Voter Information Letters shall be distributed by first class mail or hand-delivered as required, to all eligible electors to enable them to use the Telephone/Internet Voting service.

2. The Voter Help Centre(s) shall be responsible for the following:

a. Eligible electors who attend the Voter Help Centre(s) and are not on the voters' list will be able to be added to the list by filling out a declaration form and providing satisfactory identification.

i. Their names will be added to the voters' list and they will be assigned and receive (or mailed) a Voter Information Letter containing a (PIN); and

ii. they will be able to vote at the Voter Help Centre(s) if they so wish during the voting period.

b. Verifying and re-issuing a Voter Information Letter to qualified voters:

i. where a person on the voters' list has lost his or her Voter Information Letter or did not receive it in the mail, or does not have access to it, he or she can attend a Voter Help Centre in order to receive a new one. The authorized election official will disable the voter's lost Personal Identification Number (PIN) and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification to an election official, an oath shall be taken by the voter and a new Voter Information Letter containing a new Personal Identification Number (PIN) shall be issued.

c. Verifying and re-issuing a Personal Identification Number (PIN) to qualified voters:

i. where a person on the voters' list has lost his or her Personal Identification Number (PIN), did not receive it in the mail, or does not have access to it, he or she can attend a Voter Help Centre in order to receive a new one. The authorized election official will disable the voter's previous PIN and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification or

information to a Voter Help Centre election official, as may be defined, a new Personal Identification Number (PIN) shall be issued.

## 6. NOTICES

1. The clerk of The Municipality of Lambton Shores shall notify voters of the following election information through the use of advertisements:
  - a. that municipal & school board elections are being held for The Municipality of Lambton Shores and that the Municipality has adopted an alternative voting method (and the manner in which electors may use the alternative voting method), being Telephone/Internet Voting;
  - b. the date(s), time(s) and location(s) for the holding of the vote including advance voting, and the methods of voting for each;
  - c. the office(s) of the council and/or school boards;
  - d. the manner in which electors may or may not use voting proxies;
  - e. who is eligible to vote in the municipal & school board elections; and
  - f. the location(s) and dates, and hours of operation of the Voter Help Centre(s), how persons can check to see if their name is on the voters' list and the procedures by which their name can be added or information corrected on the voters' list.
2. At the clerk's discretion, notices will be published in the local newspapers and/or posted on the Municipality's website. All notices shall be made available in English only.

The following essential notices shall be issued:

- a. Notice of Election Information. See paragraph 6.1;
- b. Notice of Revision of Voters' List. See paragraph 6.1(f);
- c. Notice of Nomination; and
- d. Certified Election Results.

The clerk reserves the right to publish additional advertisements and notices as deemed appropriate.

3. Where possible, cooperative advertising may take place - costs to be approved and shared by the participating municipalities.
4. Each person on the voters' list shall be mailed, by "first-class" mail a sealed Voter Information Letter containing:
  - a. his or her Personal Identification Number (PIN), the telephone number(s) to call to cast a vote, and the designated internet address (URL) to access to cast a vote using the internet;
  - b. instructions on how to vote;
  - c. dates and hours of voting; and
  - d. the location(s) and telephone number(s) of the Voter Help Centre(s).
5. All Voter Information Letters shall be made available in English only.

## 7. VOTING

1. A Telephone/Internet Voting method shall be used for the 2018 Municipal & School Board Elections.

a. Telephone/Internet Voting:

- i. Eligible voters shall be required to telephone a designated number or access a designated internet address and cast their vote.
- ii. Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail, or hand-delivered as required, in a sealed and personalized Voter Information Letter.
- iii. The eVoting Service Provider, will allow the eligible voter to vote using a telephone or the internet.
- iv. Following the voter's selection, the voting system response shall identify the voter's choice and provide the voter with the option of changing or confirming their vote.
- v. The voting system shall enable the voter to decline from voting for an office(s) if he/she wishes to do so.
- vi. Once the PIN has been used to complete all assigned races associated with the election it cannot be used again, and further access shall not be granted to the Telephone/Internet Voting service to vote again.

b. Voting will commence on October 11, 2018 at 9:00 am.

2. Prior to the eVote activation, being on October 11, 2018 at 9:00 am, the auditor or other authorized election official will generate the confirmation report that contains all candidate names running for an office (through the eVoting system by secure ID and password). The report displays in real time the sum total of votes cast for each candidate running for an office. The timing of this report activity ensures that all totals for all candidates, confirms zero (0) votes before the electronic election begins.

The eVote will be activated unless any of the counts associated with the candidate names do not indicate a zero total, and unless directed otherwise by an election official.

3. Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at zero (0) and shall be permitted to sign a document that attests to this fact.
4. The eVoting Service Provider will make available online a list to the clerk and any other appropriate individuals of The Municipality of Lambton Shores, of all voters' list individuals by order of polling subdivisions and wards, who have voted during the voting period if such an event has taken place. The names of individuals who have voted will be marked as voted. A list of voters who have voted will be provided or made available to the candidates or their respective scrutineer through the clerk's office or by electronic means by the eVoting Service Provider at the clerk's discretion. This list shall be provided by the eVoting Service Provider in real time or as closely as possible to real time.
5. If so allowed by the clerk, the eVoting Service Provider will make available during the course of the election, IDs and passwords for candidates and their scrutineers, who when using this authorization can connect to a Candidate module to review voter's list information previously identified by them to recognize participants in the election. This capability does not provide the candidate or their designate information on *how* a voter has voted, only if they *have* voted in the election. A voter who has voted at least one race during an election is considered a participant.
6. Candidates or their scrutineers may view this information any time after the start time of the election.
7. Where a voter is associated with multiple properties within The Municipality of Lambton Shores, the voter may vote only once, and the qualifying address to determine eligibility for voting shall be the place of residence of the voter. All duplication of names on the Preliminary List of Electors shall be verified by the clerk and/or election official(s), and all duplicate names of individuals shall be deleted prior to the final preparation of the voters' list. Should a voter receive more than one Voter Information Letter, the voter may only vote once and must return the other Document(s) to the Municipal Administration Office. All voters that vote more than once or who improperly use the Voter Information Letter

shall be reported to the Ontario Provincial Police for further investigation as to possible corrupt practices under the Municipal Elections Act, 1996.

8. Should a Voter Information Letter be returned to the Municipal Administration Office unopened, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. The Voter Information Letters will then be marked “unused” and be retained in a secure means and subsequently destroyed at the same time as all other Municipal Election material as provided for under Section 88(2) of the Municipal Elections Act, 1996.
9. Should a Voter Information Letter be returned to the Municipal Administration Office that has been opened but has not been used for voting purposes, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. In this circumstance, the Voter Information Letter shall be marked unused and be retained and destroyed as in item 8 above.
10. The clerk and the election official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:
  - a. that were sent to voters on the voters’ list;
  - b. that were undeliverable and returned from the Post Office;
  - c. that were returned by a voter or other individual(s) either opened or unopened but unused for voting purposes;
  - d. that were re-issued to an eligible elector;
  - e. whose PIN on the Letters were set to a status that prevented them from being validated in the voting process.
11.
  - a. Where an eligible voter has attempted to validate his or her PIN and they have determined that the PIN has already been used, the voter can attend the location determined by the clerk, bringing satisfactory identification and have an election official confirm that the PIN has been used by an impersonator.
  - b. Prior to authorizing the re-issuance of a new Voter Information Letter which contains a new PIN, the voter shall be required to respond and answer any and all questions from the election official. The election official

shall document, to his or her satisfaction, questions and answers of the voter and, if deemed appropriate, the clerk shall submit same to the Ontario Provincial Police for further investigation and prosecution.

- c. If the election official believes that all questions have been answered truthfully and to his or her satisfaction, the election official may authorize the provision of a new Voter Information Letter which contains a new PIN or, at the discretion of the election official the elector will be required to make a declaration as to his or her statement and take an oath which shall be given by the election official. A copy of this declaration shall also be submitted to the Ontario Provincial Police should further questioning be required in order to ascertain if corrupt practices have occurred. The elector will be required to assist and cooperate in the investigation in determining the individual(s) who has fraudulently used the voter's assigned PIN.
- d. Once the voter has properly answered all questions and if required, taken the prescribed oath, a new Voter Information Letter containing a new PIN can be issued.

12.

- a. Where an eligible voter has received an incorrect Voter PIN in terms of ward and/or school support, the voter can contact a Voter Help Centre(s) and have the proper information applied to the existing PIN. The voter may re-access the system and vote all races not yet completed.
- b. The eligible voter shall be able to re-enter the system at any time during the election using the existing PIN or the re-categorized PIN until voting for all races has been completed.

13. New PIN(s) shall not be given out over the telephone or by mail without the expressed approval of the clerk or their designate. A Voter Information Letter containing a PIN shall not be given to any person at the Voter Help Centre(s) unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by an election official.

## **8. VOTER QUALIFICATIONS**

1. A person is entitled to be an elector at an election held in a local municipality if, on Voting Day, October 22, 2018, he or she:
  - i. is a Canadian citizen,
  - ii. is at least 18 years old,
  - iii. resides in the local municipality, or is the owner or tenant of land in the local municipality, or the spouse, or same-sex partner of such a person; and
  - iv. is not prohibited from voting under subsection 17(3) of the Municipal Elections Act, 1996 or otherwise, by law.

## 9. VOTING PROCESS

### 1. Eligible voters may vote by:

- a. accessing the telephone number provided by using a touch-tone telephone - but not a rotary dial telephone. “Digi-pulse” telephones will be able to access the system if the telephone over-ride button is set to a “touch-tone” mode. Should the preceding not be done correctly, the interactive response system will provide an error message requesting that the eligible elector obtain assistance,
- b. or by accessing the internet address provided by using a dial modem access or a high-speed connection.
- c. Eligible voters may vote by attending a Voter Help Centre during the following hours:
  - 7883 Amtelecom Pkwy
  - October 11, 2018 – 9:00 am to 4:30 pm
  - October 12, 2018 - 8:30 am to 4:30 pm
  - October 15-19, 2018 - 8:30 am to 4:30 pm
  - October 20, 2018 - 9:00 am to 1:00 pm
  - October 22, 2018 – 8:30 am to 8:00 pmand using a touch-tone telephone or the internet access provided. Any telephone provided at the Voter Help Centre shall delete any display options on the telephone.
- d. Attending a Voter Help Centre during hours identified in paragraph (c) with a support person, taking the appropriate oath(s), and having a support person vote using a touch tone telephone or the internet access provided. In the absence of a support person, the voter may request the assistance of an election official, who may provide assistance only after the appropriate oath, if required, has been taken.
- e. Attending a Voter Help Centre during hours identified in paragraph (c) with an interpreter, taking the appropriate oral oath(s), and voting using a touch-tone telephone or the internet access provided.

- f. With the assistance of an election official(s) that will be present at the following institutions and retirement homes on the specified date(s) and hours:

<b>RETIREMENT HOME OR INSTITUTION</b>	<b>DATE</b>	<b>HOURS FOR ASSISTANCE</b>
Country Manor	TBD	TBD
North Lambton Lodge	TBD	TBD

## 10. SCRUTINEERS

1. Scrutineers may be appointed, in writing by the candidate, as stated under Section 16 of the Municipal Elections Act, 1996. If appointed, scrutineers will be entitled to the following:
  - a. upon request and after producing the properly signed “Appointment of Scrutineer” and prescribing to the oath(s) of secrecy, they will be provided access to a Candidate module; showing them a voter sequence number and/or the elector names who are entitled to vote for their designate office, allowing them to identify, observe, and list all electors that have participated. Scrutineers may log in to the system any time after the election has started and voters have cast ballots, and determine who has voted.
  - b. upon request and after producing the properly signed appointment of scrutineer form and prescribing to the oath(s) of secrecy, they may attend a Voter Help Centre(s) during hours of operation to observe the process. Scrutineers who do not follow the instructions of the clerk or election official, or who attempt to interfere, influence or determine how an elector is voting, will be requested to leave the Voter Help Centre immediately. Their appointment will be revoked and they will not be permitted to re-attend a Voter Help Centre(s).
  - c. to be present at the time and place where results are received by the clerk including signing the results report indicating the final results and votes cast.
2. Use of a cellular telephone or any other electronic device shall NOT BE PERMITTED within a Voter Help Centre by any candidate or scrutineer.

## 11. SYSTEM

1. The integrity of the voting process shall be the responsibility of the clerk of The Municipality of Lambton Shores and shall be preserved by:
  - a. ensuring that every eligible elector on the voters' list is mailed, using first class mail or hand-delivered as required, a sealed Voter Information Letter which contains the voter's unique PIN;
  - b. ensuring that no one except the eVoting Service Provider, the clerk of The Municipality of Lambton Shores, or designate, maintains a list of Personal Identification Numbers that matches each voter's name and address; and
  - c. providing an opportunity for eligible electors who do not appear on the voters' list to be added to the list, or to make amendments to the list, up to and including election day, October 22, 2018, at 8:00 p.m..
2. The voting system shall be tested on several occasions. The test(s) shall include, but not be limited to the following:
  - a. checking the wording of the script;
  - b. checking the Voter Help Centre telephones and internet access;
  - c. checking Script and input timing;
  - d. attempting to use a PIN more than once;
  - e. balancing a predetermined number of votes with those cast;
  - f. matching PINs to names and addresses;
  - g. checking the system which is used for activating PINs; and
  - h. deliberately entering the wrong information.
3. All certified candidates are to provide to the clerk the proper pronunciation of their name, in English and, in French if applicable, no later than August 2, 2018.

## 12. CORRUPT ELECTION PRACTICES – PROVINCIAL OFFENCE AND PROSECUTION

1. Sections 89 and 90 of the Municipal Elections Act provides for penalties and enforcement of corrupt practices and other offences during an election process.
2. Although The Municipality of Lambton Shores will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and is enforceable.
3. Section 89 of the Municipal Elections Act continues by stating:

“A person is guilty of an offence and liable, on conviction, to a fine of not more than \$5,000, if he or she

- a. votes without being entitled to do so;
- b. votes more times than this Act allows;
- c. votes in a voting place in which he or she is not entitled to vote;
- d. induces or procures a person to vote when that person is not entitled to do so;
- e. having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- f. having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
- g. before or during an election, publishes a false statement of a candidates withdrawal;
- h. furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- i. without authority, supplies a ballot to anyone;
- j. delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- k. takes a ballot away from the voting place;
- l. at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
- m. attempts to do something described in clauses (a) to (l). 1996, c. 32, Sched., s. 89.”

4. No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Ontario Provincial Police for investigation of corrupt practices.
5. In addition, under the provisions of Section 90 of the Municipal Elections Act, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for a term or imprisonment not more than six (6) months.
6. Although many provisions of the Municipal Elections Act also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with the “alternative form” of voting since the principle of the Act must be maintained and is therefore enforceable and subject to penalties.
7. As such, the Municipal Clerk of The Municipality of Lambton Shores in this alternative form of voting, has agreed to the following rules and regulations:
  - a. THAT all complaints about actions which may contravene the provisions of the Municipal Elections Act, either verbally or written, will be investigated by the clerk;
  - b. THAT all such valid complaints, once investigated to the extent and knowledge of the clerk, will be submitted to the local detachment of the Ontario Provincial Police;
  - c. THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;
  - d. THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed will communicate with the Crown Attorney’s Office to determine if an individual(s) will be prosecuted.
  - e. THE clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

### **13. MAIL TAMPERING – CRIMINAL OFFENCE AND PROSECUTION**

1. The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.
2. Since The Municipality of Lambton Shores will be using an alternative voting method, that being Telephone/Internet Voting, and the notification of the voting process and how electors can access the voting system in order to exercise their right to vote will be completed through the mail, mail tampering is a criminal offence under the Criminal Code of Canada.
3. As such and in order to ensure the integrity and confidence of the voting process for all electors and the candidates, the Municipal Clerk of The Municipality of Lambton Shores in this alternative form of voting has agreed to the following rules and regulations:
  - a. THAT all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, either verbally or written, will be investigated by the clerk;
  - b. THAT all such valid complaints, once investigated to the extent and knowledge of the clerk, will be submitted to the local detachment of the Ontario Provincial Police;
  - c. THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;
  - d. THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed, will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted.
  - e. THE clerk or any election official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

## 14. RESULTS

1. The Municipality of Lambton Shores shall keep its public internet and telephone voting open until 8:00 p.m. October 22, 2018 and its Voter Help Centre(s) (not polling locations) access opened until the clerk confirms that all eligible voters in the Voter Help Centre(s) at 8:00 p.m. October 22, 2018 have completed voting.
2. The clerk of The Municipality of Lambton Shores at 8:00 p.m. October 22, 2018 providing that all eligible electors within the Voter Help Centre(s) have voted, shall request the close and deactivation of the Telephone/Internet Voting service and shall also request the tabulation of the results for each candidate.
3. The Clerk shall report the “unofficial” results when received from the eVoting Service Provider as soon as practicable after 8:00 p.m. October 22, 2018 at Election Headquarters located at the Municipal Administration Office located at 7883 Amtelecom Parkway.
4. Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the Municipal Elections Act, 1996 concerning “Recount”, the Clerk shall on or before November 6, 2018 at the Municipal Administration Office located at 7883 Amtelecom Parkway, Forest, Ontario:
  - i. declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected.
  - ii. declare the result of any vote on a by-law or question.
5. The “Official Results” of each candidate by ward, shall be available at the Municipal Administration Office located at 7883 Amtelecom Parkway as soon as possible after Voting Day. Also, the clerk shall post the “Official” results on the Municipality’s website.

## 15. TIE VOTE – RECOUNT PROCEDURES

1. In the case of a tie vote, as provided under Section 56 of the Municipal Elections Act, the clerk of The Municipality of Lambton Shores shall request from the eVoting Service Provider a re-tabulation of the votes cast.
2. Pursuant to Subsection 56(2) of the Municipal Elections Act, the recount shall be held within fifteen (15) days after the clerk’s declaration of the results of the election.
3. Pursuant to Subsection 61(1) of the Municipal Elections Act, the following persons will be authorized to attend the recount:
  - i. the clerk and any other election official appointed by the clerk for the recount procedure including the Municipal lawyer;
  - ii. every certified candidate for the office;
  - iii. the lawyer for each of the candidate(s); and
  - iv. only one (1) scrutineer for each of the candidate(s).
4. Within 15 days after the declaration of the election results, the clerk shall request the eVoting Service Provider to re-tabulate the results for the office(s) that are subject to the recount procedure and that the results be segregated by ward and polling subdivisions. The eVoting Service Provider shall send the results of the recount by facsimile transmission and/or by electronic mail (E-mail) and these results will be compared to the results tabulated by the Auditor assigned to the election.
5. The clerk shall announce the results of the recount and in the event of a tied vote, Subsection 62(3) of the Municipal Elections Act shall apply, being as follows:

*“If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot”.*
6. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:

- a. The clerk shall determine the texture and quality of the paper used for this process and each candidate or the candidates' lawyer and/or scrutineer will have an opportunity to examine the paper to be used to inscribe the names of the candidates;
  - b. The clerk shall inscribe the name of each candidate on a similar size paper and the candidates, the candidates' lawyer and/or scrutineer, without touching the paper, examine the same. In addition, all persons present will have an opportunity to examine the box which will be used for conducting the lot;
  - c. Upon acceptance by the all candidates, the candidates' lawyer and/or scrutineer, that the processes outlined in paragraphs a) and b) have been adhered to, the clerk shall fold the papers bearing each candidate's name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the clerk shall determine the box to be used for this process.
7. Upon completion of this process, the clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and request the Municipal lawyer to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
  8. The Municipal lawyer shall hand directly to the clerk the selected and required number of papers and the clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.
  9. Once completed, the Municipal lawyer 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.

## **16. AFTER VOTING DAY**

1. At no time after voting day shall any information regarding the voter, PINs and ballots come together to allow anyone to know how an elector has voted.
2. All election materials shall be destroyed in accordance with the principles of Section 88 of the Municipal Election Act, 1996.

## **17. EMERGENCIES**

Pursuant to the Municipal Elections Act, 1996, Section 53, an emergency shall be declared in the event of a flood, fire or power failure in the municipality; acute illness or accident of the clerk/returning officer or assistant returning officer which prevents her/him from conducting the election pursuant to the Municipal Elections Act.

In the event of an emergency, the clerk/returning officer shall advertise on radio and television stations if possible, and post notices to the extent possible, that the election has been delayed.

In the event of an emergency, the eVoting Service Provider under direction from the clerk/returning officer, shall stop the eVote system from accepting calls via a telephone and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.

In the event the clerk/returning officer or assistant returning officer is unable to be present to conduct procedures on voting day, there shall be a substitute qualified person appointed or available to attend to the election details.

## **18. ACCESSIBILITY**

The clerk shall have regard for the needs of candidates and electors with disabilities.

The clerk shall ensure the Voter Help Centre(s) is accessible to candidates and electors with disabilities.

The clerk shall prepare a Report to be submitted to the Council 90 days after Voting Day about identification, removal, and prevention of barriers that affect voters and candidates with disabilities.

Election officials will be available for assistance during the Voting Period and on Voting Day.

The Municipality of Lambton Shores has an Accessibility Policy. The Municipal Election for The Municipality of Lambton Shores will be conducted with having regard to the policies as established.

## **19. AMENDMENTS TO PROCEDURES**

The clerk has the right, at any time, up to and including Voting Day, to amend the procedures contained herein. A copy of any amendment will be forwarded to each candidate.

Amended June 26, 2018

- Section 14 - Results - Subsection 4
- Removal of forms EL46, EL47, EL48

## 20. ATTACHMENTS – FORMS

The following forms have been approved for use by The Municipality of Lambton Shores for the election process:

Form #	Name of Form	Section
EL07	List of Certified Candidates	(S.11(4) 2)
EL08	Certificate of Election Results	(S.11(4) 3)
EL09	Final Summary of Election Results	(S.11(4) 4)
EL10	Appointment and Oath of RO	(S.15(1))
EL11	Appointment and Oath of an Election Official	(S.15(2))
EL12(A)	Appointment of Scrutineer by Candidate	(S.16(1))
EL12(B)	Oral Oath of Secrecy	
EL14	Candidate's Declaration-Proper Use of Voters' List	(S.23(5))
EL15	Application to Amend Voters' List	(S.24)
EL16	Application for Removal of Another's Name from the Voters' List	(S.25)
EL17	Notice of Nomination for Office	(S.32)
EL18(A)	Declaration of a Qualified Candidate – Municipal	(S.35(2))
EL18(B)	Declaration of a Qualified Candidate - School Trustee	
EL19	Withdrawal of Nomination	(S.36)
EL20	Declaration of Acclamation to Office	(S.37(1))
EL21	Notice of Death of Candidate	(S.39(A))
EL22	Certificate on Voters' List	(S.28(1))
EL10	FOI Freedom of Information Release	
EL24	Sample Notice of Election Information (For Newspaper Ad)	(S.40)
EL25(A)	Certificate and Receipt for Ballots	(S.41(1))
EL26	Oath of Qualification	(S. 52(1) 3)
EL27	Oral Oaths at Help Centre	
EL29(A)	Voting Instructions	(S.52(3),(4))
EL29(B)	Voter Instructions and Sample Ballot	
EL30	List of Objections to Vote Count	(S.54(4))
EL31(A)	Statement of Election Results (Deputy Returning Officer)	(S.55(1) A)
EL32	Declaration of Election Candidate	(S.55(4) A)
EL34	Statutory Provisions Regulating Voting Procedures	(S.48, 49)
EL35	Notice of Offence, Notice of Corrupt Practice	(S.89)
EL36	Disclaimer to Right to Office	(S.84(1)-(3))
EL37	Certificate of Maximum Campaign Expenses	(S.76(7))
EL38	Witness Statements as to Destruction of Ballots	(S. 88(2))
EL39	Notice of Recount	(S.56 - 58)
EL40	Recount Results	(S.62(1))
EL41	Declaration of Recount Results	(S.62(4))

EL42	Notice to Candidate of Filing Requirements	(S.78(6))
EL43	Notice of Default	(S.80(3))

Additional forms have been prepared for the 2018 Municipal Elections and will be utilized when necessary or desirable for conducting the election under the direction of the Clerk, as per Section 12(1) and 12(2) of the Municipal Elections Act, 1996, S. O. 1996.