



2020 Municipal By-Election

Alternate Vote Procedures

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1. Overview

The [Municipal Elections Act, 1996](#), (the Act) gives authority to the Clerk, as Returning Officer, to establish procedures and forms for voting and vote-counting equipment within the municipality. The Act further gives authority to the Clerk to provide for any matter or procedure that is not provided for in the Act.

The procedures described in this document outline how the City will utilize voting equipment for the administration of the 2020 Municipal By-Election.

This document will complement further information and guides that will be prepared by the Clerks Division ahead of the 2020 Municipal By-Election.

2. Municipal Elections Act

The Act applies to and governs municipal elections in the City of Cambridge and is based on the following principles:

- The secrecy and confidentiality of the individual votes is paramount
- The election should be fair and non-biased
- The election should be accessible to the voters
- The integrity of the process should be maintained throughout the election
- There is to be certainty that the results of the election reflect the votes cast
- Voters and candidates should be treated fairly and consistently within a municipality
- The proper majority vote governs by ensuring that valid votes be counted and invalid votes be rejected so far as is reasonably possible

3. Definitions

For the purposes of voting, the following definitions apply:

“Act” means the *Municipal Elections Act, 1996*, as amended.

"Auxiliary Compartment" means the front compartment of the ballot box in the tabulator stand where Voters' ballots are temporarily stored in the event a Vote Tabulator fails to operate.

“Code” means a system or set of numbers and letters generated to facilitate the integrity of the Internet Voting process.

“Decrypted” means the act of deciphering or decoding data that has been encrypted.

"Deputy Returning Officer (DRO)" means the person designated by the Clerk to perform certain election functions.

"Election Reporting Manager (ERM)" means the software used to accumulate and complete the raw election data, once it has been decrypted on Voting Day.

"Encrypt" means the act of ciphering data using a secret Code so as to be unintelligible.

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

"Secrecy Folder" means the folder in which a ballot can be placed so as to conceal the name of the candidates and the marks made by the voter upon the face of the ballot, but which exposes the initials of the DRO(s).

"Voter" means a person is entitled to be a voter at an election held in a local municipality if, on Voting Day, he or she, (a) resides in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant; (b) is a Canadian citizen; (c) is at least 18 years old; and (d) is not prohibited from voting under subsection (3) or otherwise by law.

"Vote Tabulator" means a machine that digitally scans a specified area on a ballot to read the vote(s) and tabulate the results.

4. Application of Procedures

These procedures have been prepared to address issues and identify processes undertaken to conduct the 2020 Municipal By-Election in ward 7 of the City of Cambridge.

Any matter not provided for in this procedure shall be dealt with as far as practicable in accordance with the principles of the Act.

In accordance with Section 12(1) of the Act, the Clerk may provide for any matter or procedure that is not otherwise provided for in the Act or regulation; and in the City Clerk's opinion, is necessary or desirable for conducting the election.

This document is subject to change and may be updated as required up to Voting Day (March 23, 2020). The most up to date version of these procedures will be available on the [City's website](#).

5. By-Election Method for 2020

Automatic Vote Tabulators (In-person voting only)

The Council of the Corporation of the City of Cambridge passed by-Law No. 19-182 authorizing the use of automatic vote tabulators. After voting locations close at 8:00 p.m. on March 23, 2020, the tabulators produce the results automatically, print a record of the results (similar to a cash register tape) and save the results on a memory card.

The printed records and memory cards are delivered to City Hall on Voting Day, where the stored information is downloaded to a computer for tabulation of results from all voting places.

Advance Voting

Advance Voting Day will be held on March 7, 2020 from 10:00 a.m. to 3:00 p.m. in the Bowman Room at Cambridge City Hall (50 Dickson Street).

Advance voting is common in elections, as it allows voters to vote prior to Voting Day. During Advance Voting Day, voters will be able to place their vote using tabulators which will then be stored and downloaded to a secured computer for tabulation results.

There will be accessible voting available.

6. Programming & Testing of Vote Equipment

Programming

The vote tabulators are programmed so that a printed record of the number of votes cast for each candidate may be produced. The process on Voting Day is described:

- A ballot without votes in any of the specified voting spaces, as determined by a vote tabulator, with the message "Blank Ballot Detected" 1 – Accept, 2 – Return
- A ballot with more designated voting spaces marked for an office than the voter is entitled to vote for, as determined by a vote tabulator, with the message "You have over voted for an office", 1 – Accept, 2 – Return
- A ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by a vote tabulator with the message "Ballot Misread", 1 – Return Ballot, 2 – Manual Override
- A ballot that has a mark that is less than 5% +/- 1% threshold will result in the message, "Ambiguous Mark Detected. Please correct and re-feed"

Note: The tabulator software systems may be modified from the time of preparing this procedure, which may result with slightly different error messages.

Testing

Prior to Voting Day, the Clerk (or designate) shall test the vote tabulators to ensure that they accurately count the votes cast for all candidates.

Testing Vote Tabulators (Diagnostic Testing):

This test will ensure that the clock, LCD display, system memory, printer, serial port, auxiliary port and ballot reader are all functioning properly.

Testing Memory Cards:

This tests the accuracy of the memory cards to ensure that data contained therein is not defective.

Testing Ballots:

Once the ballots have been printed and received, a test deck must be prepared and tested on each machine. A test deck shall include every type of ballot and be comprised of samples of blank ballots, under-voted ballots, over-voted ballots and properly completed ballots.

At all times, 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 programmes and that no remote devices are capable of gaining access to the vote tabulator.

The test shall be conducted as follows:

- Step 1: Assign a varying number of votes to a pre-audited group of ballots marked with a designated black ballot marking pen in designated areas.
- Step 2: Manually count each valid vote and record the results.
- Step 3: Tabulate the pre-audited ballots using the vote tabulator.
- Step 4: Compare the output of the tabulator with the pre-audited results.

A test must include every type of ballot to be used and be comprised of samples of under-voted ballots, over-voted ballots, and properly completed ballots. A test must also include every type of accessibility equipment to be used.

The test shall be conducted as follows:

- Step 1: A list is to be compiled of predetermined votes to be cast.
- Step 2: Using all types of accessibility equipment assigned to a tabulator, the votes for all races in the election are to be cast according to the predetermined list.
- Step 3: The results will be compared from the tape of the voting machine against the predetermined list of votes to be cast.

Test Documentation

A complete record of all testing phases shall be retained. In the event that the competency of the voting equipment is questioned, all printouts, reports, and the test decks shall be retained for verification purposes. The Clerk shall, at the completion of the test, retain the programs, test materials and ballots in the manner provided for in the Act for the keeping of election records. The Clerk shall have access to the pre-audited group of ballots and other materials used in the programming of the vote tabulators

Defective Machines and Spare Tabulators

In the event that a memory card or vote tabulator must be replaced, a new vote tabulator, which has previously been tested, will be put into operation.

Prior to Voting Day, any spare vote tabulators shall be tested using the same procedures along with the other vote tabulators.

7. Procedures for Use of Vote Tabulators

Vote Tabulator Procedures

The Act gives authority to the Clerk, as Returning Officer, to establish procedures and forms for voting and vote-counting equipment within the municipality. The Act further gives authority to the Clerk to provide for any matter or procedure that is not provided for in the Act.

For the Advance Vote Period and on Voting Day, a vote tabulator or tabulators will be used at each voting location, which will accept a paper ballot.

Procedure at the Voting Location

The Managing Deputy Returning Officer (MDRO) or election official, shall, in the presence of all authorized individuals present, cause the Vote Tabulator to print a copy of all totals in its compact flash memory card confirming “zero (0)” totals before the opening of the voting location.

If the totals are zero for all candidates, the MDRO or election official shall ensure that the Zero Totals Report remains affixed to the vote tabulator until the ballot count results are printed by the vote tabulator after the close of the vote.

If the totals of the Zero Totals Report are not zero for all candidates, the MDRO or the election official shall immediately notify the Clerk and shall conduct the vote using the auxiliary compartment of the ballot box until the vote tabulator is made operational or the Clerk provides a back-up vote tabulator to the voting location.

Process in Normal Circumstances

As each voter arrives at the ballot issuing table, the election official verifies that the name of the person is entered on the voters’ list and checks for required ID (or has an Oath of Qualification performed). The DRO, or an election assistant, shall, at the same time as the ballot is delivered, provide a secrecy folder to each voter, and briefly explain the voting procedure.

Upon receiving the ballot, the voter shall:

- Immediately proceed to the voting compartment
- Using the ballot-marking pen provided, place an “X” in the box to the right of the candidate(s) of their choice

After marking the ballot in the voting compartment, the voter shall:

- Insert the ballot into the secrecy folder
- Leave the compartment without delay
- Deliver the secrecy folder containing the ballot to the MDRO

The machine operator requests that the voter remain until the vote tabulator has successfully accepted the ballot, and shall, in the presence of the voter and without removing the ballot from the secrecy folder:

- Insert the secrecy folder containing the ballot face down into the feed area of the vote tabulator until the vote tabulator draws the ballot from the secrecy folder in full view of the voter

If a vote tabulator is available in the voting location but fails to operate, the MDRO or an Election Official shall:

- Insert the ballot into the auxiliary compartment of the ballot box
- The MDRO will insert the ballots from the auxiliary compartment into the feed area of the vote tabulator after the close of the voting

Upon successful acceptance of the ballot, the voter promptly leaves the voting location. A person whose ballot has been placed in the ballot box is deemed to have voted.

Close of Advance Voting

At the designated time at which the voting must end on Advanced Voting Day, an election official will announce that the voting location is closed and lock the doors. They will allow any voters who are in the voting location at the time of the announcement to complete the voting process.

The MDRO will follow the same procedures as outlined above in this document. However, for the Advanced Voting Day, the total of the votes shall not be printed and the tabulation of results shall not be followed until after 8:00 p.m. on Voting Day.

Process in Extraordinary Circumstances

Tabulator Malfunction during the Voting Process

In the event that a tabulator malfunctions during the voting process, the designated Election Official shall insert the ballot into the secrecy folder, with the initials of the MDRO face down, directly into the auxiliary compartment in full view of the voter. Ballots from the auxiliary compartment will be inserted into the vote tabulator at the close of the voting place.

At no time shall a voter be prevented from casting their ballot.

In the event that a memory card malfunctions, the Election Official upon receiving a replacement vote tabulator and memory card shall verify the vote tabulator and replacement memory card are operational, seal the ballot box containing any ballots which were previously processed or inserted into the auxiliary compartment during the equipment swap and set it aside in a secure location until the close of the poll. A new empty ballot box is then used to accept ballots that are to be fed through the tabulator with the new memory card for the remainder of the day. Ballots from the auxiliary ballot slot shall be processed through the new memory card. Procedures noted above for printing a copy of the "Zero Totals Report" shall be implemented for the replacement tabulator.

When Tabulation of Votes cannot be completed

If the tabulation of the votes cannot be completed because the vote tabulator is not operating or cannot be made to operate within a reasonable time following the close of the voting, the MDRO shall, after the close of the voting and after determining the tabulation cannot be completed – do the following:

- Ensure the memory card is removed and placed in the secrecy folder;
- Remove the vote tabulator from on top of the ballot box and seal and initial the ballot box. Any scrutineer who is present and wishes to initial the seal on the ballot box may do so;
- Communicate to all candidates and scrutineers present in the voting place that the vote counting location will be City Hall and that they have the right to be present at this location;
- Deliver the memory card in the secrecy envelope, vote tabulator, ballot box and all cancelled and declined ballots and other election supplies to the Clerk at City Hall where a back-up vote tabulator is located.

At City Hall, in the presence of all scrutineers, the MDRO shall:

- Remove the memory card from the secrecy envelope
- Insert the memory card into a back-up vote tabulator
- Print two copies of the report of ballots tape from the vote tabulator. Sign one copy of the report of ballots tape from the vote tabulator and permit any scrutineers who are present and wish to sign the results tape to do so
- Leave the second copy of the report of ballots tape attached to the vote tabulator
- Remove the memory card from the vote tabulator
- Provide the signed copy of the report of ballots tape and memory card to the Clerk for processing

Inconsistent Results Report

If the Clerk/Returning Officer considers the results report of the votes from the Vote Tabulator is inconsistent, the Clerk/Returning Officer shall:

- Request that the vote tabulating machine results be cleared from the machine
- Power down the vote tabulator for a period of time set by the Clerk
- Power up the vote tabulator
- Load a new, blank memory card into the vote tabulator
- Print a “Zero Totals Report”
- Direct that the ballot box assigned to the vote tabulator that provided the inconsistent results be brought to the results reporting room

- Direct that the seals be removed from the ballot box
- Tabulate all ballots through the vote tabulator into a holding box
- Close off the vote tabulator
- Print two copies of the report of ballots tape from the vote tabulator
- Sign one copy of the report of ballots tape from the vote tabulator and permit any scrutineers who are present and wish to sign the results tape to do so, leaving the second copy attached to the vote tabulator
- Print a results report tape from the vote tabulator indicating the number of votes allocated to each candidate
- Verify the results tape to the report of ballots tape
- Sign the results reporting tape from the vote tabulator indicating the number of votes allocated to each candidate and permit any scrutineers who are present and wish to sign the results tape to do so
- Return all ballots from the holding box into the original ballot box
- Seal the ballot box to ensure the box cannot be re-opened without breaking the seals and cover the ballot slot, permitting any scrutineers who are present and wish to initial the seal to do so

Memory Card has Malfunctioned

If the Clerk/Returning Officer is unable to complete the results report of the votes because the memory card has malfunctioned, the Clerk shall:

- Request that the vote tabulator for the voting place where the memory card was used is brought to the results reporting room
- Use the secondary memory card to retrieve the results from the vote tabulator
- Close off the vote tabulator
- Sign the results reporting tape from the vote tabulator indicating the number of votes allocated to each candidate and permit any scrutineers who are present and wish to sign the results tape to do so

8. Results

Advanced Voting

The Act provides that the total number of votes cast for each candidate at an advanced voting location shall not be printed and closing procedures not followed until after 8:00 p.m. on Voting Day.

Once Advance Voting Day closes, the vote tabulator and ballot boxes containing the ballots cast during the advanced voting period will be securely stored by the

City Clerk until 8:00 p.m. on Voting Day at which time they will then be tabulated by an election official using the same procedure outlined above.

All regular voting locations will close at 8:00 p.m. on Voting Day. An election official from each voting location will deliver the vote tabulator(s) directly to City Hall after the close of the voting locations. The results for Voting Day will be tabulated at City Hall by a designated election official who shall:

1. remove the memory card from the vote tabulator;
2. insert the memory card into the memory card reader for upload into the election system software;
3. replace each memory card into its respective tabulator; and
4. re-package and seal the tabulator for storage.

If, at the close of the voting, the Clerk is of the opinion that it is not possible to count the votes with the vote tabulators, he or she may direct that all the votes cast in the election shall be counted manually following as far as practicable the provisions of the Act governing the counting of votes. The total of votes cast for each candidate, as tabulated by any such manual vote counting process as accepted by the Clerk is deemed to be final.

As memory cards are downloaded to a computer at City Hall on election night, unofficial results will be displayed and continuously updated on a screen in Council Chambers and on the [City's website](#).

The Clerk shall, at the completion of the count, retain the programs, memory cards, test materials and ballots in the same manner as is provided for in the Act for the keeping of election records and shall not alter or make changes to the materials.

Unofficial results will be made available when all the necessary information has been received and verified.

9. Emergencies

In accordance with Section 53 of the Act, the Clerk may declare an emergency if he/she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act.

Upon declaring an emergency, the Clerk is authorized to make any arrangements he/she considers advisable for the conduct of the election.

The arrangements made by the City Clerk, if they are consistent with the principles of the *Act*, prevail over anything in the Act and the regulations made under it.

If made in good faith, the City Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

The emergency continues until the City Clerk declares that it has ended

10. Contact Information

For more information about the 2020 Municipal By-Election, please contact the City Clerk's Office as follows:

Telephone: 519-740-4680 ext. 4079

Email: byelection@cambridge.ca

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