



# **2020 Municipal By-Election**

## **Election Policies & Procedures Manual**

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## DECLARATION

In accordance with Section 12(1) of the *Municipal Elections Act, 1996*, I hereby certify that the attached procedures shall be followed in conducting the 2020 Municipal By-Election in the City of Cambridge.

December 17, 2019.



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Danielle Manton  
City Clerk/Returning Officer

### 1. OVERVIEW

The [Municipal Elections Act, 1996](#), gives authority to the City 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 City Clerk to provide for any matter or procedure that is not provided for in the Act.

This document is subject to change at the discretion of the Clerk if, in the opinion of the Clerk, such change is necessary or desirable for conducting the election.

### 2. MUNICIPAL ELECTIONS ACT, 1996

The *Municipal Elections Act, 1996* (“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 individual votes is paramount
- The election should be fair and non-biased
- The election should be accessible to all voters
- The integrity of the process should be maintained throughout the election
- There be certainty that the results of the election reflect the votes cast; and
- Voters and candidates should be treated fairly and consistently within a municipality

This manual has been prepared to address issues and identify processes undertaken to conduct the 2020 municipal by-election in the City of Cambridge in accordance with the above principles.

### 3. NOMINATIONS

The Clerk will accept complete nomination packages for Ward 7 Councillor. Complete nomination packages can be submitted to the Clerks Division by appointment only.

## **Nomination Period**

Nominations must be filed between December 18, 2019 and February 7, 2020 by 2:00 p.m.

Nominations must be made at the Clerks Division (2<sup>nd</sup> Floor, City Hall) and will only be accepted if an appointment has been made:

- using the prescribed Nomination Paper;
- in person by the nominee or the nominee's agent;
- with the prescribed nomination filing fee:
  - \$100.00 for Ward 7 Councillor;
- with the Endorsement of Nominations for Council form endorsed by 25 persons eligible to vote in the Cambridge in a regular election;
- with proof of identity and residence.

[Form – Nomination Paper \(Form 1\)](#)

[Form – Endorsement of Nomination \(Form 2\)](#)

## **Withdrawal of Nominations**

A person may withdraw their nomination by filing a written withdrawal in the Clerks Division before 2:00 p.m. on February 7, 2020.

[Form – Withdrawal of Nomination \(Form EL19\)](#)

## **Certification of Nomination Papers**

On or before the first business day following Nomination Day (February 7, 2020 at 2:00 PM), the Clerk shall examine each Nomination Paper filed and, if satisfied the person is qualified to be nominated and that the nomination complies with the Act, the Clerk shall certify the Nomination Paper. If not satisfied, the Clerk shall reject the nomination and shall notify the person who sought to be nominated and all other candidates for that office by regular mail.

The Clerk's decision to certify or reject a nomination is final.

The authority to certify Nomination Papers shall remain solely with the Clerk and shall not be delegated to any other election official.

## **Acclamations**

If, after 4:00 p.m. on Monday, February 10, 2020 the number of certified candidates for an office is the same or less than the number to be elected, the Clerk shall declare the candidate for that office elected by acclamation.

## **4. THIRD PARTY ADVERTISERS**

In the 2018 municipal election, new rules were introduced for third party advertising.

Third party advertising refers to advertisements or other materials that support, promote or oppose a candidate, or support, promote or oppose a “yes” or “no” answer to a question on the ballot. Third party advertising is separate from any candidate’s campaign, and must be done independently from a candidate.

Third party advertisers involved in the Cambridge by-election must register at the Clerk’s office between December 18, 2019 and March 20, 2020. Registrations must be made at the Clerks Division (2<sup>nd</sup> Floor, City Hall) and will only be accepted if an appointment has been made

Further information can be found in the City of Cambridge’s Guide and Information for Third Party Advertisers on the [City's website](#).

[Form – Notice of Registration – Third Party \(Form 7\)](#)

[Form – Financial Statement - Auditor’s Report Third Party \(Form 8\)](#)

## **5. ELECTION METHOD FOR 2020**

### **Automatic Vote Tabulators**

The Council of the Corporation of the City of Cambridge passed by-Law 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.

Further details on Advance Voting can be found in [Section 14](#).

## **6. VOTERS' LIST**

The City utilizes a software program to manage the voters' list. The data is received by the Municipal Property Assessment Corporation (MPAC), who is responsible for the enumeration of voter information.

There will be no paper voters' lists utilized in the election; instead, the voters' list program will be utilized whereby there will be live strike-off of voters who choose to vote during the by-election.

The voters' list may be inspected at the Clerk's Office. No person shall use the information obtained from the voters' list except for election purposes. The use or sale of the list for commercial purposes is prohibited.

### **Candidate Access to the Voters' List**

The voters' list, based on the data collected by the Municipal Property Assessment Corporation (MPAC), is available to candidates mid-to-late February. Candidates will be provided with one electronic copy of the voters' list at no charge.

### **Interim Changes for Voters' List**

In mid-February, the Clerk will provide to candidates an interim change to the voters' list, which will include all additions and revisions to the list received.

### **Unconfirmed Citizenship – Oral Oath**

For 2018 Municipal Election, the Municipal Property Assessment Corporation (MPAC), which provides the voters' list, added an "unconfirmed" citizenship indicator ("U") to the voters' list to indicate individuals for whom MPAC has not been able to confirm Canadian citizenship. This remains the same for the 2020 by-election

In order to obtain a ballot, those individuals will be required to swear or affirm an oral oath at the voting place as follows:

"I, [name of voter] being a voter entitled to vote in the City of Cambridge, SWEAR OR SOLEMNLY AFFIRM that I am a Canadian citizen."

Any such individual, identified by a "U" for unconfirmed citizenship on the voters' list, who refuses to swear or affirm his or her Canadian citizenship will be deemed ineligible to vote and will not receive a ballot.

The names of those individuals swearing or affirming an oral oath of citizenship, or refusing to swear or affirm an oral oath of citizenship, will be forwarded to MPAC after the election to permit MPAC to revise the data relating to those voters.

## **7. ADDITIONS AND AMENDMENTS TO THE VOTERS' LIST**

Appropriate social media will be used including advertisements which are periodically placed in the Cambridge Times to advise voters that the voters' list is available for inspection in the Clerk's Office and that the necessary forms for additions or amendments are available through the Clerk's Office. Persons who are not on the voters' list may complete a form at City Hall to have their names added to the list.

**Form – Application to Amend Voters' List (Form EL15)**

### **Additions/Revisions at the Voting Place – Advance Voting and/or Voting Day**

A person who presents him/herself to be a voter, who applies at the voting place for a ballot, who does not have a Clerk's Certificate signed by the Clerk and whose name does not appear on the voters' list is entitled to vote if he/she establishes his or her identity to the satisfaction of the Deputy Returning Officer and completes and signs an Application to Amend Voters' List.

**Form – Application to Amend Voters' List (Form EL15)**

## **8. ADVERTISING & NOTICES**

All advertisements relating to notices or information required pursuant to the *Municipal Elections Act*, 1996, will be published on the [City's website](#).

The City will also utilize social media to publicize and promote the municipal by-election.

Each person on the voters' list shall be mailed by "first-class" mail a sealed Voter Information Notice containing:

- a) Voting Options, including dates and times surrounding Advance Voting Day and Voting Day;
- b) Location of polling locations; and
- c) Contact information for assistance.

For the 2020 Municipal By-election, eligible electors are permitted to vote at any of the voting locations.

## **9. CANDIDATES – INFORMATION AND NOTICES**

Any correspondence or information required to be provided to candidates relating to the 2020 municipal by-election will be sent by mail and/or email based on the Clerk's discretion.

Extra copies of any information or correspondence will be available and may be picked up by candidates during normal business hours in the Clerks Division (2<sup>nd</sup> Floor, City Hall).

## **10. ELECTION MANUALS & FORMS**

The Clerk's Office will provide all candidates with copies (either electronic or paper) of the following:

- 1) Election Policies & Procedures Manual (this document)
- 2) Alternate Vote Procedures
- 3) Guide and Information for Candidates
- 4) Sign Information for Candidates and Third Party Advertisers
- 5) Accessibility Plan
- 6) Use of Corporate Resources

The Clerk's Office will produce English-language manuals for use by by-election workers providing detailed information and instructions relating to election procedures:

- 1) Managing Deputy Returning Officer's Handbook
- 2) Deputy Returning Officer's Handbook
- 3) Instructions for Election Assistants
- 4) Instructions for Election Officials

In addition, the Clerk will establish a number of forms to facilitate the conduct of municipal elections.

Copies of the manuals and forms will be provided to any candidate on request.

## **11. ELECTION OFFICIALS**

Candidates, their spouses and children are not eligible to be appointed as election officials in any capacity.

### **City Clerk**

The Clerk of the City of Cambridge is responsible for preparing for and conducting the by-election and maintaining peace and order in connection with the election.

The Clerk may appoint such election officials as he/she considers necessary to assist with the by-election, shall make such appointments in writing and shall require all election officials to take an oath to protect the secrecy of the voting process and all related matters.

Section 12(1) of the *Municipal Elections Act*, 1996, states:

“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.”

The Clerk may delegate such powers and duties to other election officials as he/she deems advisable, but shall retain and may continue to exercise any and all of the powers delegated to such election officials.

## **Election Officer**

The Clerk appoints necessary staff within the Clerk's Office to be designated as Election Officers to assist in preparing for and conducting the election. The Clerk delegates to them the power and duty to:

- Accept but not certify Nomination Papers
- Accept and certify Applications to Amend Voters' List
- Accept but not certify Applications for Removal of Another's Name from Voters' List
- Accept and certify Applications for Clerk's Certificate to Amend Voters' List
- Accept and certify Appointments of Voting Proxy
- Correct any obvious errors in the preliminary list of voters
- Prepare an interim list of changes to the voters' list
- Establish the location of voting places
- Assist in the results tabulation process

The foregoing may be expanded to include such further and other duties and powers as the Clerk may from time to time delegate.

## **Managing Deputy Returning Officer**

The Clerk appoints a Managing Deputy Returning Officer for each voting location on Voting Day. The Clerk delegates to Managing Deputy Returning Officers the power and duty to:

- Supervise voting procedures as set out in the *Municipal Elections Act*
- Supervise other election workers at the assigned voting place, including Deputy Returning Officers, Assistant Deputy Returning Officers, and Election Assistants
- Operate the automatic vote tabulator at the assigned voting place, including certifying the "zero" tape prior to the opening of the voting place, processing ballots during voting hours, closing the tabulator and producing printed results
- Issue ballots to voters when necessary
- Require a voter to swear an oath or affirm, either verbally or in writing, as to his or her identity or qualifications to be a voter and administer the appropriate oath when necessary

- Accept and certify applications to amend the voters' list, if necessary
- Complete and certify all forms required to account for all ballots and validate the votes cast at the assigned voting place
- Ensure the memory card is given to a designated runner and printed record of results are delivered to the Clerk after the voting place closes on Election Day

This delegation shall also include all duties and responsibilities set out in the Managing Deputy Returning Officer's Handbook provided by the Clerk and such further and other duties as the Clerk may from time to time determine.

### **Deputy Returning Officer**

The Clerk appoints several Deputy Returning Officers for each voting location to assist the Managing Deputy Returning Officer on Voting Day and delegates to those Deputy Returning Officers the power and duty to:

- Require a voter to swear an oath or affirm, either verbally or in writing, as to his or her identity and qualifications to be a voter
- Issue ballots to voters
- Provide instructions on how to vote, if necessary
- Accept and certify applications to amend the voters' list
- Accept Appointments of Proxy and Applications for Clerk's Certificate, certified by the Clerk or his/her designate
- Complete and certify all forms required to account for all ballots and validate the votes cast at the assigned voting place
- Assist the Managing Deputy Returning Officer as and when required

This delegation shall also include all duties and responsibilities set out in the Deputy Returning Officer's Handbook provided by the Clerk and such further and other duties as the Clerk may from time to time determine.

### **Election Assistant**

The Clerk may appoint an Election Assistant/Officials for some or all voting locations on Voting Day and delegates to those Election Assistants the duty to:

- Advise voters on how to mark the ballot
- Assist voters at the voting place
- Direct voters to the appropriate voting table
- Assist the Managing Deputy Returning Officer and other election workers as and when required
- Assist with door opening
- Undertake such other duties as the Clerk may from time to time assign

## 12. VOTING PLACES

There will be three voting locations for the 2020 municipal by-election on March 23, 2020:

Forward Baptist Church 55 Franklin Boulevard Cambridge, ON N1R 5S2	French Club Banquet Hall 647 Franklin Boulevard Cambridge, ON N1T 1M7	Holy Spirit Catholic Elementary School 15 Gatehouse Drive Cambridge, ON N1P 1C7
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On Voting Day, accessible voting equipment will be available at Forward Baptist Church.

## 13. NOTICE OF VOTING PLACES

A Voter Information Notice will be mailed to each elector whose name appears on the voters' list advising of their voting options and locations. Eligible electors are able to vote at any polling location within their Ward.

## 14. 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).

The Advance Voting Day will be staffed by Managing Deputy Returning Officers, Deputy Returning Officers with assistance from Clerk Division, as required.

At the close of voting, the used ballots and memory card will be removed from the tabulator, sealed by the appropriate Managing Deputy Returning Officer and City Clerk or designate and securely stored by the City Clerk or designate. On Voting Day, the Municipal Election Runners will return to City Hall and the memory cards will be removed from storage and downloaded to a computer for tabulation of results after 8:00 p.m.

## 15. BALLOTS

Voters can vote for the candidate of their choice by marking an "X" in the box opposite the candidate's name for Ward 7 Councillor.

A voter must be a resident or an owner of residential property or the spouse of a resident or owner of residential property in the City of Cambridge to be eligible to vote for candidates.

## 16. SECRECY OF THE VOTING

All election officials, candidates, scrutineers or other persons authorized to be in the voting place during voting hours are required to take the Oath of Secrecy in the form required and provided by the Clerk.

Every person who is present in the voting place or at the counting of the votes shall help to maintain the secrecy of the voting.

No person shall:

- (a) Interfere with a voter or attempt to interfere with a voter who is marking a ballot;
- (b) Obtain or attempt to obtain, at a voting place, information about how a voter intends to vote or has voted; or
- (c) Communicate any information obtained at a voting place about how a voter intends to vote or has voted.

No voter shall show his or her marked ballot to any person so as to reveal how he or she voted; this applies to the use of internet voting as well. If they require assistance in the voting location, an exception may be granted.

No person other than the voter shall be allowed to enter the voting compartment while a voter is voting or be in any position to see how a voter marks a ballot unless a voter requires assistance, in which case the voter and his/her designated assistant shall swear the appropriate oral oaths.

For the assistance of visually-impaired voters, a magnifying sheet will be available at the polling location.

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 "Offences, Penalties and Enforcement" under Sections 89 and 90 of the *Municipal Elections Act, 1996*.

**Form – Oath of Secrecy (Form EL12(B))**

## 17. HOW OFTEN MAY VOTERS VOTE?

A qualified voter is entitled to:

- (a) Vote only once in only one voting location in the City of Cambridge.
- (b) Vote for only one candidate.
- (c) Vote only once on any by-law or question included on a ballot.

A voter in the City of Cambridge is entitled to ONE BALLOT ONLY regardless of the number of properties he or she may own in separate wards.

A person who has been appointed a voting proxy is still entitled to vote on his/her own ballot, notwithstanding that he/she has voted as a voting proxy for another voter.

## **18. APPOINTMENT OF VOTING PROXY**

The appointment of a voting proxy may be made between March 2, 2020 and March 20, 2020.

Proxy forms are available only from the Clerks Division (2<sup>nd</sup> Floor, City Hall). Candidates should refer any voter wishing to appoint a proxy to the Clerks Division for information and instructions.

Any person who is entitled to be a voter in the City of Cambridge may vote by proxy. The person appointed must also be entitled to be a voter in the City of Cambridge.

A person appointed as a proxy may only act for one person unless the proxy and the other person are spouses or siblings of each other, parent and child, or grandparent or grandchild.

**Form – Appointment for Voting Proxy (Form 3)**

### **Instructions for Completing Proxy Form:**

The “Voter Making the Appointment” must:

- (1) Complete Box A; and
- (2) Sign the statement located at the bottom of the first page in the presence of a witness who must also sign the form. The witness cannot be the “Voter Appointed”.

Prior to Voting Day (March 23, 2020), the “Voter Appointed”:

- (1) Must make an appointment with the Clerks Division and present both copies of the form, in person, to the Clerk or designate;
- (2) Will be required to swear the declaration on the second page.

The Clerk or designate, if satisfied as to the qualification of the person who appointed the voting proxy and the person so appointed, shall certify the form and return the original to the person appointed.

On Advance Voting Day or Voting Day, the “Voter Appointed”:

- (1) Must take the Appointment of Voting Proxy form to the voting place;
- (2) Will be required to swear or affirm the Oral Oath shown on the second page of the form; and
- (3) Will be issued a ballot to mark on behalf of the “Voter Making the Appointment”.

## 19. SCRUTINEERS

A candidate may appoint scrutineers to represent him or her during the voting and at the counting of the votes, including during a recount, if required.

Candidates are permitted to appoint one scrutineer per poll location. Candidates who enter the voting place are considered to be scrutineers and the number of scrutineers who may be present is reduced by one while the candidate is present in the voting place.

Each scrutineer, upon arriving at the voting place, must present to the Managing Deputy Returning Officer a signed Appointment of Scrutineer by Candidate and take the Oath of Secrecy.

Scrutineers wanting information regarding the voters’ list should attend the City Clerk’s office on Election Day for assistance.

Scrutineers **MAY**:

- (a) Enter a voting place fifteen (15) minutes before it opens to inspect the vote tabulators, ballots and all other papers, forms and documents relating to the vote (but not so as to delay the timely opening of the voting place);
- (b) Inspect the vote tabulator tape showing the record of zero totals;
- (c) Remain in a voting place when the vote is being taken or the results are being tabulated;
- (d) Sign the statement of results printed by the vote tabulator;
- (e) Be present when the ballot box is prepared for transfer to the Clerk and may place a seal on the ballot box when the Managing Deputy Returning Officer or DRO seals the box;
- (f) Be present when materials and documents are delivered to the Clerk following advance voting.

Scrutineers **MAY NOT**:

- (a) Speak to voters or interfere with the voting process;
- (b) Wear or display any campaign material inside the voting place, e.g. buttons, flyers, etc.;
- (c) Display any campaign literature, signs or material on the property of the voting place;
- (d) Sit at or use chairs or tables provided for election officials.

To protect the secrecy of the vote, **SCRUTINEERS MAY NOT EXAMINE THE BALLOTS** or object to ballots or to the counting of votes in a ballot as provided for in clauses 47(5) (e) and 47(5) (f) and Subsection 54(3) of the Act as the ballots are being inserted into the vote tabulator by the election official.

[Form – Appointment of Scrutineer by Candidate \(Form EL12\(A\)\)](#)

## **20. CAMPAIGN MATERIAL WITHIN A VOTING PLACE**

No campaign material or literature of any nature relating to any candidate, third party advertiser or question on the ballot shall be displayed within a voting place or on the property of a voting place in addition to including City Hall as the centre for the administration of the election. This material includes campaign buttons or any other advertising material.

For the purposes of a municipal by-election, any location designated as a voting location shall include the entire property on which the premises are located and any municipal property abutting the voting place.

## **21. PERSONS AUTHORIZED TO REMAIN IN THE VOTING PLACE**

The following persons are entitled to remain in the voting place during the time the voting place is open, and/or to be there for the tabulation of results:

- (a) The Clerk or designate, Managing Deputy Returning Officer, Deputy Returning Officers, Election Assistants and any other election officials appointed by the Clerk for the voting place;
- (b) A certified candidate;
- (c) Scrutineers properly appointed in accordance with the provisions of Section 19 herein.

## **22. PROCEDURES FOR USE OF VOTE TABULATORS**

### **Vote Tabulator Procedures**

The *Municipal Elections Act*, S.O. 1996, as amended, (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.

On Voting Day a vote tabulator will be used at each voting place, which will accept a paper ballot.

The vote tabulator procedures are set out in the 2020 Municipal By-Election Alternate Vote Procedure guide.

## **24. PROCESSING THE VOTE TOTALS ON ELECTION DAY**

A representative from Dominion Voting Systems will assist the City Clerk (or designate) in the following functions:

After 8:00 p.m. and the close of polls on Voting Day, March 23, 2020, the following steps will be followed:

- The control panel will be connected to the host computer
- The memory card with the advanced internet voting results will be removed from the secrecy envelope
- The memory card with advanced internet voting results will be inserted into the host computer
- The Clerk (or designate) will upload the advanced internet voting results
- The Clerk (or designate) will print a copy of the advanced internet vote tally result
- The Clerk (or designate) will remove the compact flash memory card(s) for advanced voting on vote tabulator from the secrecy envelope
- The advanced vote compact flash memory card will be inserted into the control panel
- The Clerk (or designate) will press the close poll button on the control panel

- As prompted by the control panel, the system will print a copy of the tally result
- The special voting location(s) compact flash memory card will be inserted into the control panel
- The Clerk (or designate) will press the close poll button on the control panel
- As prompted by the control panel, the system will print a copy of the tally result
- The remaining compact flash memory card(s), in the order in which they are returned to City Hall, will be individually inserted into the control panel
- The Clerk (or designate) will press the close polls button on the control panel
- As prompted by the control panel, the system will print a copy of the tally result

The Clerk (or designate) shall provide a secure location for the storage of all election equipment and supplies.

## **25. DISPLAY AND DECLARATION OF RESULTS**

As memory cards are downloaded to a computer at City Hall on Voting Night, unofficial results will be displayed and continuously updated on a screen in Council Chambers. Printed copies of the unofficial results will be available to candidates, members of the media and the public on an ongoing basis. Final unofficial results will be made available when all the necessary information has been received and verified.

The City Clerk will make an official declaration of election results as soon as possible after Election Day.

## **26. RECOUNTS**

The Act notes that if a recount of votes is held, the votes shall be counted in the same manner as the votes were counted on Voting Day.

The vote tabulators/compact memory cards are programmed such that only the race(s) to be recounted will be tabulated in accordance with Section 56 of the Act if there is a tie vote.

A vote tabulator shall be tested before the recount in the manner described previously in this procedural guide.

Pursuant to Subsection 56(2) of the Act, the recount shall be held within fifteen (15) days after the Clerk's declaration of the results of the election, and therefore the recount shall occur on Tuesday, April 7, 2020 at the hour of 10:00 a.m. or prior to, as declared by the Clerk.

In addition to such staff as designated by the Clerk to conduct the recount, the following persons may be present to observe the recount process:

- (a) Candidates for the offices of the recount;
- (b) The Clerk;
- (c) For each candidate, a lawyer and one scrutineer for each recount station established.

Only those vote tabulators that were used in wards at the advance votes and on Voting Day will be used to tabulate the results of the recount as follows:

- a) A memory card will be inserted into each vote tabulator unit for the poll/polls prior to the day of recount.
- b) At the recount, a zero tape will be generated to ensure that no votes are recorded for any candidate.
- c) After each tabulator has completed the processing of ballots, a results tape will be generated.
- d) Statistics on the results tape relating to offices that are not subject to the recount will be severed by City staff.
- e) To obtain the final election results, the memory cards will be removed from the tabulators by City staff and inserted into the memory card reader for upload into the election system software.
- f) City staff will replace each memory card in its respective tabulator, and re-package and seal the tabulator.
- g) Recounts for data-based alternative voting methods including internet will be conducted in the same manner as the tabulation undertaken on Voting Day, with the necessary adjustments for the scope of the recount.

The recount staff will process ballots and tabulate the results as follows:

- a) City staff will be assigned to process ballots.

- b) The ballots will be processed through the same vote tabulators that were used at the advance votes and on Election Day for the Ward(s) in the recount.
- c) Ballot transfer cases will be opened by breaking the seals one box at a time for each vote tabulator in use. Subsequent ballot transfer cases will be opened in the same manner only after the preceding ballots have been processed and the ballots returned to and sealed inside their original ballot transfer case.
- d) Ballots will be inserted into the vote tabulators face down. Candidates and other observers present during the audit will not be permitted to examine ballots as they are processed through the vote tabulators, and will not be permitted to dispute the validity of any ballot or how the votes on any ballot are counted by the tabulators.
- e) In the event of a ballot that is torn or otherwise not accepted by a vote tabulator, and in the opinion of the City Clerk cannot properly be processed by the vote tabulator at the recount, a replacement ballot shall be prepared by marking a new ballot only with the marks contained in the designated voting spaces on the original used ballot, and the replacement ballot shall be clearly labelled “replacement” and given a serial number which shall also be recorded on the original used ballot. The ballot will then be processed through the vote tabulator and accounted for.
- f) If a used ballot was rejected by the tabulator because there were no votes in any of the spaces designated, the ballot shall be returned for processing the above (e).

At the conclusion of the recount, the City Clerk will announce the results of the recount. A copy of the final recount report will be provided to each candidate present at the recount. A copy of the final recount report will be provided to any candidate who was not present for the recount. At the conclusion of the recount, the City Clerk will announce the results of the recount.

## **27. CORRUPT ELECTION PRACTICES**

Sections 89 and 90 of the Act provide for penalties and enforcement of corrupt practices and other offences during an election process.

Section 89 of the Act provides for penalties and enforcement of corrupt practices and other offences during an election process. These include a person who:

- Votes without being entitled to do so

- Votes more times than the Act allows
- Induces or procures a person to vote when that person is not entitled to do so
- Before or during an election, publishes a false statement of a candidate's withdrawal
- Furnishes false or misleading information to a person whom the Act authorizes to obtain information
- Without authority, supplies a ballot to anyone
- Deals with a ballot, without having authority to do so
- Attempts to do something described above

No person(s) shall solicit a Voter Information Notice from an eligible voter. All valid complaints or knowledge of solicitation shall be reported immediately to the police for investigation of corrupt practices.

In addition, under the provisions of Section 90(1) of the Municipal Elections Act, if a person is convicted of an offence and the offence was committed knowingly, the offence constitutes a corrupt practice.

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.

An individual who is convicted of an offence is liable to penalties that include but are not limited to a maximum fine of \$25,000 and or a maximum imprisonment of six (6) months.

Notification of the voting process and how voters can access the voting system will be provided in the Voter Information Notice and will be provided to voters by first class mail by mid-to-late February.

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. As such, in order to ensure the integrity and confidence of the voting process for all voters and the candidates, the Clerk in this alternative form of voting has agreed that all complaints and actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, either verbally or written will be reported to the police.

## **28. EMERGENCIES**

The Clerk may declare an emergency if in his/her opinion circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act.

On declaring an emergency, the Clerk shall make such arrangements he/she considers advisable/necessary for the conduct of the election. The arrangements made by the Clerk, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

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

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

It shall be the policy that in the event of an emergency, as determined by the Clerk, that the Clerk shall to the best of his/her ability advertise such emergency.

If required, the Clerk may consider alternate options for the following:

- Reporting result
- Notification of voters
- Election Officials
- Voting period (delay of Voting Day, extension of voting hours or days(s))
- Alternate voting place or alternate facility

If voting for an office is not completed in accordance with the rules and procedures, the Clerk shall not release the results until the voting for that office is completed.

In the event of an emergency, the provider of the internet voting services will take direction from the Clerk as to what actions will be taken, shall stop the internet voting system from accepting connections from the internet, thus preventing the election from continuing, or starting, as the case may be.

## **29. AFTER VOTING DAY**

At no time after Voting Day shall Voter Identification Numbers come together to allow anyone to know how a voter has voted.

All election materials shall be destroyed in accordance with the principles of Section 88 of the Act.

### **30. 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](mailto:byelection@cambridge.ca)  
Internet: [www.cambridge.ca/byelection](http://www.cambridge.ca/byelection)  
In-person: 50 Dickson Street  
Second Floor  
PO Box 669  
Cambridge, ON  
N1R 5W8