



# 2023 Ward 1 **BY-ELECTION**

# 2023 Ward 1 By-Election Policies & Procedures Manual

This guide is prepared for information purposes only. Reference should always be made to the relevant legislation and regulation.

Revised: October 2023

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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 2023 Ward 1 By-Election in the City of Cambridge.

Dated: October 12, 2023

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 2023 municipal by-election in the City of Cambridge in accordance with the above-noted principles.

## 3. NOMINATIONS

The Clerk accepted completed nomination packages for the vacancy of Ward 1 Councillor.

The submission deadline for completed nomination packages was on September 29, 2023.

## **Nomination Period and Candidate Packages**

Nominations filing began on Tuesday, September 5, 2023, and ended on Friday, September 29, 2023, at 2:00 p.m. Nominations were filed at Cambridge City Hill with the City Clerk or Deputy City Clerk.

Candidate Packages were prepared as a resource for those interested in filing and contained the various forms, policies, and guides that were needed during and following the campaign period.

## **4. NOMINATION APPOINTMENTS**

Nominations were filed by completion of the following steps:

- The nominee or their agent scheduled an in-person appointment with the City Clerk or Deputy City Clerk at Cambridge City Hall;
- Nominations were filed following a one-hour appointment with the City Clerk or Deputy City Clerk;
- The nominee or their agent paid the prescribed nomination filing fee of \$100.00;
- The nominee or their agent filed the Endorsement of Nominations for Council Form, endorsed by 30 persons eligible to vote in Cambridge in a regular election; and,
- The nominee provided proof of identity and residence.

**Note:** All nominations were submitted on the prescribed form.

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

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

## **Withdrawal of Nominations**

The withdrawal of nominations period ended at 2 p.m. on Friday, September 29, 2023.

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

## **Certification of Nomination Papers**

The City Clerk examined each Nomination Paper and certified the forms on Friday, September 29, 2023. If you wish to find out more information about the certification process, you may do so by visiting the [City's website](#).

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

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

## **Acclamations**

If, after 4:00 p.m. on the Monday following nomination day being Monday, October 2, 2023, 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.

## **Certified Candidates**

A list of the certified candidates is available online for public reference via the following link: [Ward 1 By-Election List of Certified Candidates](#). The candidates' nomination forms will not be posted online but are public and available for viewing upon request at City Hall.

## **5. THIRD PARTY ADVERTISERS**

Changes to the Municipal Elections Act, 1996, created a framework of rules 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 municipal election must register at the Clerk's office between Tuesday, September 5, 2023 and Friday, November 10, 2023. Registrations must be made at City Hall, Clerks Division, 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](#) located on the [City's website](#).

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

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

## 6. ELECTION METHODS FOR 2023 WARD 1 BY-ELECTION

During the City Council meeting on August 29, 2023, Cambridge City Council directed staff to deliver the Ward 1 By-Election using a combination of internet voting and in-person voting with paper ballots and a manual count. The motion resulted in the passing of By-laws [23-069](#) and [23-070](#), which provides authorization for a by-election and authorizes the use of internet voting as an alternative voting method to fill the Ward 1 vacancy.

### Internet Voting

The Voters' List for Municipal Elections is supplied to municipalities by the Municipal Property Assessment Corporation (MPAC) and is connected to the internet voting website. The internet voting system recognizes voter information and those who have already voted.

Through use of the internet voting method, voters receive a Voter Notification Letter generated by the internet voting vendor based on the MPAC Voters' List. The Voter Notification Letter includes a unique PIN along with the link to the internet voting website. Upon accessing the voting website, voters are prompted to register with their date of birth and unique PIN before they can begin their voting session and cast their ballot. Once a voter has cast their ballot, they are recorded as having voted and are no longer able to use their unique PIN to start a subsequent voting session. Errors related to Voters' List data, including but not limited to spelling of names, birth dates, etc. will require the voter to submit an EO 1 Form - Application to Amend Voters' List to correct the data in the Voters' List and require the City to issue a new Voter Notification Letter and unique PIN to vote using the online voting website.

The *Municipal Elections Act* requires the Voters' List for all municipal elections in the province be provided by MPAC. The municipal, provincial and federal elections do not share a Voters' List and all three are generated differently. To be removed from the Voters' List, a person is required to apply to be removed during the election period and notice of this change is provided to MPAC by the municipality. Inaccuracies on the Voters' List is not the responsibility of the municipality, and all changes are provided to MPAC from the municipality.

### It Is Illegal to Vote More than Once

A qualified person can only vote once. This is regardless of how many properties a person owns/rents in Cambridge. If you live in Cambridge and own/rent more than one property, you must vote according to the ward in which you live.



Voting more than once or voting when you are not entitled to vote is an offence under Ontario's Municipal Elections Act and carries a maximum fine of \$25,000 and imprisonment for a term not exceeding six months. This includes voting using another person's Voter ID and Voting PIN – it is illegal. Anyone with evidence of voter fraud should contact the Waterloo Regional Police Service's non-emergency line at (519) 570-9777.

## Paper Ballots

This method requires an elector to attend a voting location in-person during voting hours with their Voter Notification Letter along with acceptable identification. Once the voter is verified as being eligible to vote, they are struck off the electronic Voters' List and provided with a paper ballot in a secrecy sleeve. The elector will then proceed to an unoccupied voting screen where they will mark their ballot with their candidate selection, ensuring to place the ballot back into the secrecy sleeve once done. The voter will then proceed to the ballot box where they will remove their ballot from the secrecy sleeve and insert it into the ballot box.

## Advance Voting

Advance Voting Days will be held as follows:

- Internet voting commences on October 30, 2023 at 12:01 a.m. through to November 13, 2023 at 7:59 p.m.
- In-person voting commences on Wednesday, November 1, 2023, at Langs Community Health Centre and Saturday, November 4, 2023, at Allen Reuter Centre.

**Note:** More information about in-person advance voting locations will be available on the City's website and all Voter Notification Letters.

During Advance Voting, voters may use the following voting methods: internet voting or in-person voting. The in-person voting option will allow the voter to cast their vote using a paper ballot. Alternatively, voters may opt to use internet voting via a City-issued iPad. The use of a paper ballot will be manually counted on Monday, November 13, 2023.

During the Advance Voting period, voting locations will have a limited number of iPads available for use by voters who would like assistance with internet voting. Upon taking an Oath of Assistance, an election official or a person accompanying a voter may help a voter cast their vote using a City-issued iPad or paper ballot.

## **At-Home Voting Program**

Upon request, elections staff will attend a voter's place of residence to assist with voting in a confidential and secure manner. At home, voters will have the option to cast their vote either using a paper ballot or online using a City-issued iPad. Voters wishing to utilize the at-home voting option who have not received a Voter Notification Letter should contact the City of Cambridge Clerk's Division to arrange to have a Voter Notification Letter brought to their residence at the time they wish to vote.

## **Voting Procedures 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 gives further 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 of Cambridge will utilize internet voting and manual vote counting to administer the 2023 Ward 1 By-Election.

## **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 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

## **Application of Procedures**

These procedures have been prepared to address issues and identify processes undertaken to conduct the 2023 Ward 1 By-Election in 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 not otherwise provided for in the Act or regulation, if 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 (Monday, November 13, 2023). The most up-to-date version of these procedures will be available on the [City of Cambridge's website](#).

## **Internet Voting Procedure**

Internet Voting complements paper ballot with manual count voting process that the City of Cambridge will be offering for the delivery of the 2023 Ward 1 By-Election.

Internet voting will be continuously available beginning Monday, October 30, 2023, at 12:01 a.m. through to Monday, November 13, 2023, at 7:59 p.m., offering a fifteen (15) day window for voters to cast their vote.

## **Voter Registration and Voter Notification Letters**

Prior to the Advance Voting period, voters will receive a package containing a Voter Notification Letter and election information by regular mail to all voters who appear on the Voters' List supplied by the Municipal Property Assessment Corporation (MPAC) on Friday, September 8, 2023.

The Voter Notification Letter will include the appropriate information, such as the unique PIN number and website link for access to the online voting platform, which is hosted through the internet voting service provider. The letter will also include all voting locations for Advance Voting, Special Voting and Election Day, and a list of the candidates that will appear on the ballot.

## **Programming and Testing of Vote Equipment**

The internet voting system is programmed so that a printed record of the number of votes cast for each candidate may be produced.

Before commencing the internet voting period, the City Clerk will appoint an Internal Auditor to conduct logic and accuracy testing, ensuring that the internet voting system accurately counts the votes cast for all candidates and that the results are properly generated.

## **“Zero Results” Report**

Following the logic and accuracy testing process and prior to the commencement of the internet voting window, the Clerk will print a “Zero Results” report to verify that no pre-existing votes for any candidates have been recorded in the internet voting system. The “Zero Results” report will be posted to the [City’s By-Election](#) webpage.

## **Starting an Internet Voting Session**

Using the link to the Internet voting website from their Voter Notification Letter, voters will access the Internet voting system.

Upon accessing the voting site, the alternative voting method using the internet is as follows:

1. Upon accessing the online website, the voter must correctly complete the human interaction challenge or CAPTCHA challenge. The challenge is in place to ensure that automated applications cannot access the voting system. Online voters must click ‘Continue’ to be taken to the next step;
2. Eligible voters will need to input their date of birth and unique Personal Identification Number (“PIN”), found on the Voter Notification Letter, and select ‘Continue’ to access the next step;
3. Voters will see a welcome message on the website outlining the eligible ballot for the Ward 1 By-Election. Voters will need to select ‘Continue’ to access the next screen;
4. The online voting website will direct the voter to the ballot and provide voting instructions. The voter will click on the appropriate box next to the candidate’s name and click ‘Submit’;
5. On the next screen, the voter can confirm their selection by clicking ‘Vote Now’ or clicking ‘Return to the Ballot’ to change their selection.
6. If the voter chooses the ‘Return to the Ballot’ option, they must follow steps 4 to 5 to complete their selection.
7. Once the voter selects ‘Vote Now,’ a confirmation message will appear on the screen advising that their selection was recorded. At this point, the vote is final and cannot be changed. The voter is provided with a summary of their voting activity and may close their browser to exit the webpage.

## **Voting Disruption**

If a voter experiences a disruption during the online voting process, they may contact the Call Centre Help Line noted on their Voter Notification Letter for technical support. Voters may also attend a voting location in-person during the

Advance Voting period or on Election Day, where election staff will be available to assist with internet voting.

### **Failure to Receive Voter Notification Letter**

Individuals who do not receive a Voter Notification Letter but who wish to vote during the online voting period must contact the Clerk's Division at the City of Cambridge. The Clerk's Division will confirm whether the individual is eligible to vote and, if required, add them to the Voters' List. Please note that elections staff will make arrangements for the voter to pick up their Voter Notification Letter at City Hall. Voters may attend Advance Voting locations or on Election Day with appropriate identification and receive a copy of their Voter Notification Letter.

### **Security and Integrity**

The Service Provider will be requested to provide documentation on the security of its system and its data centre.

Security protocols for internet voting systems are much like secure online transaction systems used by banks and other organizations with similar privacy and confidentiality protocols.

The program used for the registration of voters and voting will be hosted by the Service Provider's data centre.

Internet Voting in no way releases voters, candidates and others from acting in accordance with the requirements of the Act. Only qualified voters are entitled to vote in the election and have only one vote in the municipality regardless of how they select to vote.

### **Internet Voting Results**

After the voting period concludes at 8:00 p.m. on Monday, November 13, 2023, the City Clerk will produce the internet voting results, which will be posted to the [City's By-Election](#) webpage.

## **7. MANUAL VOTE COUNTING PROCEDURE**

The Manual Vote Counting Procedure for all votes cast will require a two-step vote counting process, which is outlined as follows:

**Initial Ballot Count** - the MDRO and Ballot Clerk will conduct the initial ballot count on-site at the voting location. The Poll Supervisor will monitor the counting of the ballots.

**Final Ballot Count Verification** – the City Clerk and Deputy City Clerk will conduct the final ballot count verification in City Hall. The Internal Election Auditor will monitor the final ballot count verification process.

## **Initial Count Procedure - Voting Location**

### **Counting the Votes**

Immediately after the close of voting on Election Day, the MDRO and Ballot Clerk, under the supervision of the Poll Supervisor, shall count and tally the votes in the presence of any candidates or their scrutineers.

### **Tally sheets**

An **MDRO 6 – MDRO Ballot Tally Sheet** will be provided for the purpose of counting the ballots from the ballot box at the closing of the voting location.

## **Step-by-Step Initial Ballot Counting Procedure**

The MDRO will explain the manual counting ballot process to all individuals present prior to beginning the count process and shall complete the vote count in the following order:

1. The MDRO shall count all unused ballots, if any, and place the unused ballots in the Unused Ballot Box with a copy of the **MDRO 9 - Confirmation of Ballot Count - Unused Ballots Form**. The MDRO shall also indicate the number of remaining unused issued ballots by writing the number on the **MDRO 14 - Statement of MDRO Form**;
2. The MDRO shall retrieve their red envelope labeled 'Rejected Ballots' from their station. The MDRO shall count the rejected ballots and note the number on the **MDRO 14 - Statement of MDRO Form** and on the **MDRO 10 - Confirmation of Ballot Count - Rejected Ballots Form**. The MDRO shall place the rejected ballots in the container labelled 'Marked Container' with the completed **MDRO 10 - Confirmation of Ballot Count - Rejected Ballots Form** placed on top of the rejected ballots;
3. Prior to removing cast ballots from the Ballot Box, the MDRO shall set up the following place cards on a cleared table to assist with keeping an organized stack of each ballot type during the counting process:
  - Candidate Place Cards
  - Spoiled Ballot Place Card

- Objected Ballot Place Card
4. The MDRO with the assistance of the Ballot Clerk, if needed, will proceed by carefully opening and removing the ballots located inside the Ballot Box;
  5. Once all ballots are carefully removed, the MDRO shall present the empty Ballot Box to election staff, scrutineers and candidates. The MDRO, Ballot Clerk and Poll Supervisor shall sign the Ballot Box Clearance Form. If scrutineers and candidates are present, the MDRO may ask them if they wish to sign the Ballot Box Clearance Form;
  6. The MDRO shall hold up the cast ballot in full view of election staff, scrutineers and candidates, and make the following declaration for the Ballot Clerk to record the casted vote: "Vote for (insert candidate name)";
  7. The Ballot Clerk shall place a tally in the appropriate box on the **MDRO 6- MDRO Ballot Tally Sheet**. Additionally, with every counted ballot declaration by the MDRO, the Ballot Clerk shall state "Recorded." The Poll Supervisor is responsible for monitoring the Ballot Clerk's tally of all recorded votes;
  8. The MDRO shall place the ballot behind the appropriate place card outlined in step three (3);
  9. During the MDRO's ballot counting, they may encounter "spoiled ballots", which do not clearly indicate the voters' intent. The MDRO shall state, "This ballot appears to be spoiled and will be considered following the conclusion of accepted ballots." The MDRO may then place the spoiled ballot behind the 'Spoiled Ballot' place card after making their declaration;
  10. All spoiled ballots must be recorded on the **MDRO 7 - Spoiled Ballot Log** and issued a number. The MDRO must state the reason why the ballot is considered spoiled and initial beside the appropriate row. Further information is contained below under 'Rejection of Ballots';
  11. Additionally, the candidates or their scrutineers may object to the count of a ballot if indicated that the ballot does not follow the prescribed rules of the

*Municipal Elections Act (MEA)*. Under the MEA, the MDRO has been delegated the power to accept or reject an objection to the ballot;

12. The MDRO will log each objection on the **MDRO 8 - Ballot Objection Log**, assign the ballot a number and decide if they accept or reject the objection;
13. If the MDRO accepts the objection, the ballot will not be counted, marked on the **MDRO 8 – Objection log** as “accepted” and will be placed behind the Objected Ballot place card;
14. If the MDRO rejects the objection, the ballot will be counted, marked on the **MDRO 8 – Objection Log** as “rejected” and placed behind the Objected Ballot place card;
15. The MDRO shall use the appropriately labelled coloured Confirmation of Ballot Count Forms to separate the above-noted marked ballots and fill in the number of recorded ballots, rejected ballots, objected ballots and spoiled ballots in the appropriate line.
16. The MDRO will complete the **MDRO 14 - Statement of MDRO Form** in accordance with the Confirmation of Ballot Count Forms and **MDRO 6 – MDRO Ballot Tally Sheet**, ensuring the final total on the **MDRO 14 - Statement of MDRO Form** equals zero (0).
17. If the **MDRO 14 - Statement of MDRO Form** does not equal zero (0) at the end of the count, the MDRO shall recount the recorded ballots, spoiled ballots, rejected ballots, objected ballot (accepted by the MDRO) and unused ballots, and confirm the total against the Confirmation of Ballot Count Forms and **MDRO 6 - MDRO Ballot Tally Sheet**.
18. If after two attempts the **MDRO 14 - Statement of MDRO Form** does not equal zero (0), the MDRO shall contact the Returning Officer at City Hall to advise on next steps. The Returning Officer will request that the MDRO, Ballot Clerk and Poll Supervisor return to City Hall to count all ballots in the presence of the Returning Officer;



19. Following the phone call with the Returning Officer, the MDRO shall invite the scrutineers and candidates to attend City Hall for the counting of the ballots with the Returning Officer.
20. Upon completion of the counting process, all marked ballots shall be placed into the Marked Ballot Container in alphabetical order and the ballots must be organized under the following Confirmation of Ballot Count Forms:
  - Confirmation of Ballot Count Forms – Candidate’s Name
  - Confirmation of Ballot Count Form – Rejected Ballots
  - Confirmation of Ballot Count Form – Spoiled Ballots
  - Confirmation of Ballot Count Form – Objected Ballots
21. The MDRO will seal the Unused Ballot Box and Marked Ballot Container with the provided Clerks seal and corresponding seals to be labelled with the date, time of sealing and signatures of the MDRO, Poll Supervisor and any willing candidates and scrutineers;
22. The MDRO will collapse the Ballot Box and place it with all election supplies to be transferred by the MDRO to City Hall following the final cleaning of the voting location;
23. Please note that the Unused Ballot Box and Marked Ballot Container containing the unused ballots will be placed in the Ballot Transfer Box;
24. The Ballot Transfer Box shall be locked with appropriate election paperwork and returned to City Hall by the Poll Supervisor to be received by the Returning Officer;
25. Following the Initial Ballot Count at all polling locations, the Returning Officer will complete the Final Ballot Count Verification; and
26. Once Final Ballot Count Verification is completed, the Returning Officer will post all results on the [City’s website](#).

### **Rejected ballots**

A rejected ballot will be handed to the MDRO in the following circumstances:

- The voter declines to vote and returns their ballot;

- The ballot is ripped, torn or soiled; and / or
- The elector marks the ballot in error.

### **Spoiled ballots**

The MDRO shall consider the following ballots spoiled, and the Ballot Clerk will not place a tally on the **MDRO 6 – MDRO Ballot Tally Sheet** from the count,

- ballots that were not supplied by the Returning Officer;
- unclear voter intent;
- marks that identify an elector;
- words written in that do not convey intent; and
- marks for more than one candidate.

### **Ballots not initialled by Poll or Revision Clerk**

If the MDRO determines that a ballot has not been initialled by the Poll Clerk in the DRO Box on the ballot, they shall, in the presence of present candidates and scrutineers, initial and count the ballot if satisfied that all ballots that were provided by the Returning Officer have been accounted for.

### **Decision of MDRO**

Every question that is raised by an objection shall be decided by the MDRO who counts the votes, and the decision is subject to reversal only on a recount or an application to a court of competent jurisdiction.

**All counted results will be verified by the Returning Officer and posted on the City of Cambridge’s website.**

**All pertinent election documents are to be placed in the Ballot Transfer Box.**

The MDRO shall seal in the Ballot Transfer Box:

1. The Marked Ballot Container, including recorded ballots for each candidate, Confirmation of Ballot Count Forms, rejected ballot(s), spoiled ballot(s), **MDRO 6 – MDRO Ballot Tally Sheet, MDRO 14 - the Statement of MDRO Form**, Voter Notification Letters and Election Forms completed Election Day;
2. the Unused Ballot Box containing any unused ballots;
3. the completed **EO 1 -Applications to Amend Voters’ List Form.**

### **Sealing of Ballot Transfer Box**

The Ballot Transfer Box shall be sealed with the seals provided by the Poll Supervisor.

## **Advance Voting**

### **Counting of Paper Ballots Cast During Advanced, Special Locations and At-Home Voting**

The Advanced Voting MDRO, with the assistance of the Ballot Clerk, will count paper ballots at 8 p.m. for the following: Two Advanced Voting Locations, Special Locations and At-Home Voting. The ballot counting process is outlined in the Step-by-Step Initial Ballot Counting Procedure on page 15.

Following the Initial Ballot Count of the Advanced, Special Locations and At-Home Vote, the Returning Officer will complete the Final Ballot Count Verification.

**NOTE:** Scrutineers or candidates need to arrive to City Hall by no later than 8 p.m. to observe the counting of Advanced, Special Locations and At-Home Voting, and should plan to remain at the City Hall location until closing procedures for the poll are completed.

**No candidates or scrutineers will be provided access to City Hall after 8 p.m. All candidates and scrutineers must sign in by the deadline.**

## **Delivery of Ballot Boxes and Election Supplies to Returning Officer**

### **Advanced, Special Locations and At-Home Voting**

The MDRO and Election Staff for Advanced Voting Locations, Special Locations and At-Home Voting, shall at the end of each Advanced, Special or At -Home voting location, return all ballots cast and election paperwork to the Returning Officer or designate at City Hall for safekeeping.

### **Election Day Locations**

The Poll Supervisor assigned to a voting location shall, without delay after sealing the Ballot Transfer Box from their assigned voting location, deliver the Ballot Transfer Box to the Returning Officer or designate at City Hall.

## **Internal Election Auditor**

The Internal Election Auditor will act as a witness during the receiving and final counting of all voting locations on Election Day. The Internal Election Auditor will proof the final ballot prior to the ballot being sent to print.

## **8. BALLOT PROOFING PROCEDURE**

The ballot proofing process is a pre-election check to ensure the candidate names, offices, wards, logos, instructions, and any language appearing on the ballot is complete, correct and accurate. It is a manual process that requires the use of resources to manually check and inspect the ballot for errors.

Timelines and specifications for ballot preparation must comply with the requirements of the Municipal Elections Act, 1996, and those of the ballot vendor contracted to prepare and print the ballots. Adherence to printing deadlines ensures sufficient time for the vendor to print and deliver the ballots to the City.

The ballot proofing procedure will be conducted by the Internal Election Auditor, Supervisor of Records and Information Management and Archives, Deputy City Clerk and Returning Officer.

### **Service area and programs**

The City of Cambridge engages ballot proofing in support of the various voting methods used to provide an election.

### **Mock-ballot and design**

Prior to ballot proofing activities, the City will work with the ballot vendor to finalize the ballot design approved by the City. This would include ballot size, font type, logos, graphics, voting instructions, colour and accessibility and any City-specific information relating to the ballot style. The vendor will work with the City to advise on best practices of designing a ballot that would adhere to the technical considerations needed to support the voting method(s) as follows:

- The City works with the vendor to produce a mock-ballot design that closely resembles the production ballot to be used in the election.
- City staff will review the ballot design and work with the vendor to make any necessary changes prior to acceptance.
- Upon City acceptance, the vendor will ensure the mock-up ballot design components are considered into the final production ballot design.

## **Election requirements**

The City may provide a number of requirements to the ballot vendor to begin programming the election. Election ballot requirements include:

1. Ballot paper size
2. Ballot colour values
3. List of candidates running for office
4. Number of candidates voters may select for each office
5. List of offices, including school boards
6. Unique ballot types and styles
7. Candidate sequential numbering
8. Header language, font type and sizing, election date
9. List of City ward numbers
10. List of City voting locations including ward/sub identification numbers
11. Audio recording of candidate's full name

## **Online voting program ballot proofing**

The vendor of the online voting system prepares the various screens the voter will see when they access the link to the voting system through their Voter Notification Letter and forwards them to the City for review.

Upon receiving the screenshots from the vendor, the proofing process follows the same steps as outlined in the digital proofing process with the review to be conducted by the same staff.

## **Candidates and scrutineers**

No candidate or scrutineer will be permitted to be part of the ballot proofing process in accordance with the powers conferred to the Clerk under Section 12 of the Municipal Elections Act, 1996.

## **9. 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 by-election; instead, the Voters' List program will be utilized to strike-off voters who choose to vote during the by-election.

Once prepared, all candidates will receive an electronic copy of the Voters' List for use during their campaign. No candidate shall use the information obtained from the Voters' List except for election purposes only. The use or sale of the list for non-election or commercial purposes is strictly prohibited.

At the conclusion of the Advance Voting period, the Clerk will provide an updated electronic copy of the Voters' List to candidates.

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

A variety of communication tools, including social media, will be used to advise voters that the necessary forms for additions or amendments to the Voters' List are available through the Clerk's Office. Persons who are not on the Voters' List may complete a form at City Hall and at voting locations to have their names added to the list.

**Revision Period: Prior to Advance Voting and Voting Day** Persons who complete the appropriate form through the Clerk's Office will be provided with a copy of their Voter Notification Letter allowing them to vote via the internet or at a voting location.

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

A person who presents themselves to be a voter, who applies at the voting location for a ballot, who does not have a Voter Notification Letter and whose name does not appear on the Voters' List is entitled to vote if they establish their identity to the satisfaction of the Revision Clerk and completes and signs an **EO 1 - Application to Amend Voters' List**.

## **11. 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](#).

Supplementary advertisements may be published in the Waterloo Record at the discretion of the Clerk.

The Clerk shall determine the date(s) of all advertisements including in which newspaper(s) the notices are to appear in order to comply with the requirements and principles of the *Municipal Elections Act*, 1996.

The City will also utilize social media to publicize and promote the 2023 Ward 1 By-Election.

Each person on the Voters' List shall be mailed a sealed Voter Notification Letter containing:

- a) A unique PIN and the website address to cast their ballot online;
- b) Voting options, including dates and times surrounding in-person voting on Advance Voting Days, Special Locations, At-Home Voting and Voting Day;
- c) Voting locations;
- d) Candidate Information; and
- e) Contact information for assistance.

For the 2023 Ward 1 By-Election, eligible electors are permitted to cast their ballot either online using the internet or in-person at any of the voting locations identified in their Voter Notification Letter during the Advance Voting Days and on Voting Day (November 13, 2023).

Voters who have had their names added to the list or who changed their qualifying address after September 5, 2023, will be advised where to vote at the time of their application for revision or may call the Clerk's Office for information.

## **12. 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 and conducting the election and maintaining peace and order in connection with the election.

The Clerk may appoint Election Staff, as they consider necessary, to assist with the election and shall make such appointments in writing, requiring 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 they deem advisable but shall retain and may continue to exercise any and all of the powers delegated to such election officials.<sup>1</sup> It is the Clerk’s discretion to add additional roles beyond those outlined below:

### **Election Day Staff**

The following is a list of the staff roles that the Clerk appoints that assists with Election Day:

- Poll Supervisor
- MDRO
- Ballot Clerk
- Poll Clerk
- Revision Clerk
- Greeters

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

## **13. VOTING PLACES**

Four (4) voting locations have been established for eligible voters for the purpose of conducting the 2023 Ward 1 By-Election. Voters will be provided with four voting locations to allow for voter flexibility and convenience and may choose which voting location they wish to attend. A complete list of voting locations will be provided in Voter Notification Letters and posted to the [City's website](#).

During the Advance Voting period and on Voting Day, elections staff will be on hand to assist voters who require assistance with casting their ballot. Any voters who require assistance may also bring a friend or family member to assist them. Each voting location will also feature the opportunity for voters to vote online at the voting location or utilize paper ballot if they wish.

### **Special Voting Places**

Arrangements have been made for early voting and special hours of voting for hospitals, retirement, and nursing homes in Ward 1 based on the number of

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<sup>1</sup> [Municipal Elections Act](#), 1996, SO 1996, c 32, s 15(2).



residents in the facilities.<sup>2</sup> To ensure all residents are afforded an opportunity to vote, and depending on public health advisory during the election period, the Clerk will use any of the options below to administer the elections:

- send election staff to the facilities; or
- recruit staff of the facilities as election staff

<b>S/n</b>	<b>Facility Name</b>	<b>Ward</b>
1	Cambridge Country Manor	1
2	Marian Residence	1
3	Golden Years Nursing Home	1
4	Fairview Mennonite Home	1
5	Cambridge Memorial Hospital (if applicable)	1

## **14. NOTICE OF VOTING PLACES**

A Voter Notification Letter will be mailed to each elector whose name appears on the Voters' List advising of their voting options and locations. Eligible electors can vote at any voting location identified on their letter.

## **15. BALLOTS**

Voters can vote for the Ward 1 candidate of their choice by marking an “X” in the box opposite the candidate’s name.

If a voter chooses to attend a voting location the voter may cast their ballot via paper ballot or online using a City-issued iPad. Each ballot will contain the list of candidates for Ward 1 Councillor.

A voter must be a resident or an owner of residential property in Ward 1 or the spouse of a resident or owner of residential property in Ward 1 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.

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<sup>2</sup> [Municipal Elections Act](#), 1996, SO 1996, c 32, ss 45(7) and 46(3).

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 their marked ballot to any person to reveal how they voted; this applies to the use of internet voting as well. If a voter requires 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. However, if a voter requires assistance, the voter and their designated assistant shall swear the appropriate oral oaths.

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

## **17. HOW OFTEN MAY VOTERS VOTE?**

A qualified voter is entitled to:

- (a) Vote only once
- (b) Vote for only one candidate.

A voter in the City of Cambridge is entitled to ONE BALLOT ONLY regardless of the number of properties they may own in Ward 1.

A person who has been appointed a voting proxy is still entitled to vote on their own ballot, notwithstanding that they have voted as a voting proxy for another voter.

## 18. APPOINTMENT OF VOTING PROXY

The appointment of a voting proxy may not be made until after October 4, 2023.

Proxy forms are available from the Clerk's Division at City Hall. Candidates should refer any voter wishing to appoint a proxy to the Clerk's Division for information and instructions.

Any person who is entitled to be a voter in the 2023 Ward 1 By-Election may vote by proxy. The person appointed must also be an eligible 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.

The deadline to apply to vote by proxy is **Friday, November 10, 2023**.

### **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 (November 13, 2023), 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

Candidates may appoint scrutineers to represent them during the voting and at the counting of the votes, including during a recount, if required.

Candidates are permitted to appoint one scrutineer per voting location. Candidates who enter the voting location are considered to be scrutineers and therefore any of a candidate's scrutineers that are present at the voting location must leave the premises immediately.

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 may be asked to stay within a specific area of the voting location.

Scrutineers **MAY**:

- (a) Liaise with the candidate they are representing to obtain a copy of Voters' List as provided by the Clerk and will NOT have access to the electronic Voters' List at the voting location.
- (b) Enter a voting location fifteen (15) minutes before it opens to inspect the ballots, ballot boxes and forms and documents relating to the vote (but not so as to delay the timely opening of the voting location);
- (c) Inspect the ballot box before it is sealed to confirm it is empty and sign the seals to be affixed to the closed ballot box;
- (d) Remain in a voting location when the vote is being taken or the results are being counted;
- (e) Sign the statement of results / tally sheet at the conclusion of the manual count;
- (f) 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 seals the box;
- (g) Be present when materials and documents are delivered to the Clerk following all 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.

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

No campaign material or literature of any nature relating to any candidate shall be displayed within a voting place or on the property of a voting place. Please note this includes 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 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 location during the time the voting location is open, and / or to be there for the manual counting of results:

- (a) The Clerk or designate, MDRO, Poll Clerks, Revision Clerks, Ballot Clerk, Election Assistants and Poll Supervisor, and any other election officials appointed by the Clerk for the voting place;
- (b) A certified candidate; and,
- (c) Scrutineers properly appointed in accordance with the provisions of Section 19 herein.

## **22. 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.

Pursuant to section 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 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; and,
- (c) For each candidate, a lawyer and one scrutineer for each recount station established.

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

- a) City staff will be assigned to count ballots.
- b) The ballots will be hand counted in the same manner as they were on Election Day as noted on page 13 in the Step-by-Step Initial Ballot Counting Procedure.
- c) Ballot Transfer Boxes will be opened by breaking the seals one box at a time. Subsequent Ballot Transfer Boxes will be opened in the same manner only after the preceding ballots have been counted and the ballots returned to and sealed inside their original ballot transfer case.

At the conclusion of the recount, the City Clerk will announce the results of the recount.

## **23. 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. These corrupt election practices 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 Notification Letter 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 Notification Letter.

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 in writing, will be reported to the police.

## **24. EMERGENCIES**

The Clerk may declare an emergency, as per section 53 of the Act, if in their 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 they consider 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 their ability advertise such emergency.

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

- Reporting results
- 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, including stopping the internet voting system from accepting connections from the internet, thus preventing the election from continuing, or starting, as the case may be.

## **25. AFTER VOTING DAY**

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

## **26. CONTACT INFORMATION**

For more information about the 2023 Ward 1 By-Election, please contact the City Clerk's Office as follows:

Telephone:	519-623-1340 ext. 4561
Email:	<a href="mailto:elections@cambridge.ca">elections@cambridge.ca</a>
Internet:	<a href="http://www.cambridge.ca/byelection">www.cambridge.ca/byelection</a>
In-person:	Cambridge City Hall 50 Dickson Street, First Floor Cambridge, ON N1R 5W8