

Ballot Casting and Adjudication Procedure	City Clerk – Election Office
	Procedure No.: EO-26-008

1. Purpose

- 1.1 The purpose of this procedure is to establish clear, consistent, and transparent processes for the adjudication of ballots during the election in accordance with the Municipal Elections Act, 1996 (MEA).

2. Application

- 2.1 This procedure applies to all individuals and roles involved in the adjudication of ballots during the election. This includes, but is not limited to:
- i. The City Clerk (Returning Officer);
 - ii. Delegated election officials; and
 - iii. Candidates and scrutineers.

3. Legislative Authority

- 3.1 The powers of the City Clerk, include the power to provide for any matter or procedure that is not otherwise provided for in an Act or regulation and that, in the City Clerk’s opinion, is necessary or desirable for conducting the election (MEA s.12(1)).
- 3.2 The powers referenced above include the power to establish forms, including forms of oaths and statutory declarations, and the power to require their use (MEA s.12(2)).
- 3.3 The City Clerk may delegate any of their power and duties in relation to an election to any other election official, as they consider necessary (MEA s.15(2)).
- 3.4 The Managing Deputy Returning Officer (MDRO) shall reject from the count all ballots and votes in a ballot that do not comply with prescribed rules (MEA s.54(2)).
- 3.5 Managing Deputy Returning Officers (MDRO) are responsible for deciding on any objections to a ballot or the counting of some or all votes in a ballot, on the grounds that the ballot or votes do not comply with prescribed rules (MEA s.54(3)(4)).

4. Procedure

Requirements

- 4.1 Ballot adjudication shall be conducted when a ballot is rejected or flagged by an optical scan tabulator.
- 4.2 All adjudication activities shall:
 - i. Be conducted in a secure and controlled environment;
 - ii. Maintain the secrecy of the ballots at all times;
 - iii. Be performed by the Managing Deputy Returning Officer (MDRO); and
 - iv. Be observable by authorized scrutineers and candidates.

Ballot Processing

- 4.3 The Tabulator Clerk is responsible for the operation of the vote tabulator, including responding to all tabulator messages and identifying and addressing processing errors in accordance with established procedures.
- 4.4 The Tabulator Clerk shall maintain the secrecy of the ballot at all times and shall not examine the face of any ballot except where necessary to resolve a tabulator rejection or as otherwise permitted under this procedure.
- 4.5 Where a ballot is accepted by the tabulator, it shall be processed without intervention and no adjudication is required. This includes, but is not limited to:
 - i. Blank Ballots;
 - ii. Ballots with blank contests; and
 - iii. Ballots with undervotes.

Rejected Ballots

- 4.6 Where a ballot is rejected or returned by the tabulator, the Tabulator Clerk shall follow the instructions associated with the tabulator message and process the ballot in accordance with Schedule A.
- 4.7 Where a ballot may be affected by a scanning or insertion issue (e.g., misfeed or alignment error), the Tabulator Clerk shall attempt to reprocess the ballot through the tabulator before taking further action.
- 4.8 If the elector is present and the ballot is rejected; the Tabulator Clerk shall:
 - i. Inform the elector of the tabulator message;
 - ii. Provide the elector with the opportunity to correct or replace the ballot, where applicable; and

- iii. If the elector declines, the ballot shall be sequentially numbered, recorded in the appropriate log, and placed in the designated rejected ballots envelope.

4.9 Where the elector is not present and a ballot is rejected; the Tabulator Clerk shall:

- i. Attempt to reprocess the ballot where possible; and
- ii. If the ballot remains rejected and the issue cannot be resolved at the time of tabulation, the ballot shall be placed in the adjudication folder to be processed at the close of voting.

Correction of the Ballot

4.10 Where an elector is able to correct an error on the ballot, the Tabulator Clerk shall:

4.10.1 Direct the elector to complete the correction at an available voting booth; and

4.10.2 Upon completion, reinsert the ballot into the optical scan tabulator and verify that it is accepted.

4.11 Where the ballot is subsequently rejected by the tabulator, the Tabulator Clerk shall:

4.11.1 Inform the elector of the tabulator message;

4.11.2 Provide the elector with the opportunity to replace the ballot; and

4.11.3 If the elector declines, the ballot shall be sequentially numbered, recorded in the appropriate log, and placed in the designated rejected ballots envelope.

Replacement Ballot

4.12 Where an elector requires a replacement ballot, the Tabulator Clerk shall place the original ballot in a secrecy sleeve and provide it to the Managing Deputy Returning Officer (MDRO).

4.13 The MDRO shall:

4.13.1 Place the original ballot in the designated "Rejected Ballots" envelope;

4.13.2 Log the rejection and that the ballot was replaced;

4.13.2 Write "Replaced" on the back of the ballot; and

4.13.2 Issue a new ballot to the elector and direct them to an available voting booth.

Adjudication

- 4.14 Adjudication shall occur following the close of voting and shall be conducted in the presence of any candidate or scrutineer who was present in the voting location prior to the close of voting.
- 4.15 The Managing Deputy Returning Officer (MDRO) shall review all ballots set aside for adjudication in accordance with Appendix A.
- 4.16 Where the Managing Deputy Returning Officer (MDRO) is unable to determine an outcome for a ballot during adjudication, the ballot shall be referred to the City Clerk for final determination.
- 4.16.1 All candidates and their scrutineers who are present at the MDRO's location following the close of voting shall be permitted to attend the designated adjudication area to observe the final determination of each ballot.

5. Legislation

Municipal Election Act, 1996, S.O. 1996, CHAPTER 32.

6. Related Policies/Procedures

Procedure EO 26-007 Alternative Voting Methods: Use of Optical Scan Tabulators, Marking Devices and Online Voting

7. Revision History

Action	Date
Approved	May 2026

Schedule A

Ballot Types and Adjudication

The Managing Deputy Returning Officer (MDRO) will act as the Adjudicator for the purposes of this procedure. Where applicable, final adjudication will be made by the City Clerk, Returning Officer.

#	Scenario	Elector is not Present for Tabulation of Ballot (Voter Left Poll, Institutional, Special, At-home voting)
1	<p>Blank ballots or Votes not Marked in the Designated Space.</p> <p>Definitions:</p> <ul style="list-style-type: none"> • Blank Ballots: A ballot without votes in any of the specified voting spaces. • Votes not Marked in Designated Space: votes on the ballot are not marked inside the space provided for marking the ballot. The tabulator will assume that this is a blank ballot. <p>Tabulator Action: Tabulator will return the ballot with an error message. If forced cast, no vote will be counted but the ballot is counted.</p> <p>Guiding Legislation</p> <ul style="list-style-type: none"> • MEA s. 54.1 • O.Reg. 101/97: General 3(2) (e) 	<p>TC Action:</p> <p>Where a ballot is rejected by the tabulator with an error message, the Tabulator Clerk may review the ballot to determine the appropriate action.</p> <p>If the ballot contains no markings and is determined to be blank, the ballot shall be cast, and no votes shall be recorded by the tabulator.</p> <p>If markings are present on the ballot but the ballot is rejected, the ballot shall be securely set aside for adjudication.</p> <hr/> <p>Adjudication Action:</p> <p>If there are markings on the ballot but they are not in the designated space, the ballot is rejected. Ballot to be placed in the envelope labelled “Rejected Ballots”.</p> <p>If the markings are in the correct place voter intent is clear, the Adjudicator will complete the ballot in view of all scrutineers, ensuring that the replacement ballot is reflective of the votes made on the original. The replacement ballot will be cast. The original ballot will be retained in the envelope labelled “replaced ballots.”</p>
2	<p>Under Vote</p> <p>Definition: A ballot without votes in one or more of the races, but with at least one race marked.</p>	<p>TC Action:</p> <p>Ballot is Tabulated.</p> <hr/> <p>No Adjudication</p>

	<p>Tabulator Action: Tabulator accepts and processes the ballot.</p>	
3	<p>Over Vote</p> <p>Definition: A ballot with more designated voting spaces marked for a race than the elector is entitled to vote for.</p> <p>Tabulator Action: Tabulator will return the ballot with an error message. if forced cast the votes for an over-voted race will not be counted.</p> <p>Guiding Legislation</p> <ul style="list-style-type: none"> • MEA s. 54 (2) • O.Reg. 101/97: General 3(2) (b) 	<p>TC Action:</p> <p>Cast Ballot.</p> <p>Tabulator will not count races that are overvoted, however, races that are not over-voted on the ballot will be counted.</p>
		<p>No Adjudication</p>
4	<p>DRO Error</p> <p>Definition: A ballot without a DRO's initials in the designated box on the front of the ballot.</p> <p>Tabulator Action: The tabulator will return the ballot with an error message. Ballot will not be accepted by the tabulator and cannot be cast.</p> <p>Guiding Legislation</p> <ul style="list-style-type: none"> • MEA s. 54 (2) • O.Reg. 101/97: General 3(2) (a) & (i) 	<p>TC Action:</p> <p>Obtain the DRO initial the ballot and refeed into the tabulator.</p> <p>If the ballot does not appear to be a legitimate City-issued ballot, they will set aside for adjudication.</p>
		<p>Adjudicator Action:</p> <p>The adjudicator will review the ballot. If the ballot is determined to be an official City issued ballot, they will return to the DRO to initial and process through the tabulator.</p> <p>If the ballot is determined to be unofficial and not issued by the City, the ballot will be retained in the envelope labelled "Rejected Ballots"</p>
5	<p>Damaged or Defective Ballot with <u>no</u> identifying information</p> <p>Definition: The ballot has been damaged or is defective such that the tabulator will not</p>	<p>TC Action:</p> <p>Try processing the ballot again. If the error message still occurs, the ballot will be set aside for adjudication.</p>
		<p>Adjudication Action:</p>

	<p>accept or properly process the ballot. (Ballot is ripped, wet, etc.)</p> <p>Tabulator Action: The tabulator will not accept the ballot and will push it back with an error message.</p>	<p>Review the ballot.</p> <p>If the votes are in the right place voter intent is clear, complete a replacement ballot in view of all scrutineers, reflective of the votes made on the original. Cast the ballot.</p> <p>Retain original ballot in envelope labelled “Replaced Ballots”</p> <p>If voter intent is not clear, ballot is placed in the envelope labelled “Rejected Ballots”</p>
6	<p>Ballot with identifying Information</p> <p>Note: As the TC does not look at the ballot, as a means to ensure that the secrecy of the vote is maintained, identifying information would only be apparent if the ballot is being adjudicated.</p> <p>Definition: The ballot contains writing or marks that may identify the elector, or the ballot is torn or defaced in a way that may identify the elector (e.g. Name, Nickname, image or symbol)</p>	<p>TC Action:</p> <p>If the ballot is rejected by the tabulator, and a review shows identifying information, set aside the ballot for adjudication.</p> <hr/> <p>Adjudication Action:</p> <p>If there are any marking on the ballot that could identify the elector, the ballot is rejected and placed in the “Rejected Ballot” Envelope.</p> <p>If it is determined that the marking is not identifying, and if voter intent is clear, the adjudicator will complete a replacement ballot in view of all scrutineers, reflective of the votes made on the original. Cast the ballot.</p> <p>Retain the original ballot in envelope labelled “Replaced Ballots.”</p>
7	<p>Ambiguous Marks</p> <p>Definition: A ballot containing a mark that is not sufficiently clear, dark, or complete to unequivocally indicate the voter’s intent. This may include partial markings, such as an incomplete fill or a faint or poorly</p>	<p>TC Action:</p> <p>If not accepted, set aside for adjudication.</p>

	<p>defined mark (e.g., an “X” drawn through, rather than within, the designated voting oval).</p> <p>Tabulator Action: The tabulator will reject the ballot and return it to the Tabulator Clerk with an error message indicating that one or more markings could not be interpreted.</p>	<p>Adjudicator Action:</p> <p>Review the ballot.</p> <p>If the markings are within the designated voting area and the adjudicator determines that the voter’s intent is clear, the adjudicator shall clarify the marking or complete a replacement ballot that accurately reflects the voter’s selections and cast the ballot.</p> <p>Where a replacement ballot is completed, the original ballot shall be retained in the envelope labelled “Replaced Ballots.”</p> <p>If the adjudicator determines that voter intent cannot be reasonably established, the ballot shall be rejected and placed in the envelope labelled “Rejected Ballots.”</p>
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“MDRO” means Managing Deputy Returning Officer.

“TC” means Tabulator Clerk.

“DRO” means election official administering the ballot.