

# THE CORPORATION OF THE TOWNSHIP OF MCKELLAR

## PROCEDURES FOR VOTE BY MAIL 2010 MUNICIPAL ELECTION

### 1. PROCEDURES FOR VOTE BY MAIL (Section 42(3))

- a) The Council of the Township of McKellar enacted By-law No. 2010-06 on April 6, 2010, authorizing the use of Vote by Mail as an alternative voting method for the 2010 municipal election. The Municipal Elections Act, 1996, as amended, provides that when a by-law authorizing the use of an alternative voting method is in effect, sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies. Pursuant to By-law 2010-06, Council has authorized the elimination of advance votes and proxy voting.
- b) The purpose of this document is to establish procedures for the use of the vote by mail method which are consistent with the principles of The Municipal Elections Act, 1996. Section 42(3) of the Act requires that the Clerk establish procedures and forms for the use of any alternative voting method and provide a copy of the procedures and forms to each candidate.
- c) If it is necessary to amend procedures, a copy of the amendment will be mailed to each candidate at the address shown on the nomination form or faxed to the number shown on the nomination form.
- d) With respect to matters of policy and procedures for alternative voting methods, the Clerk's decision is final.
- e) The place where the ballots will be counted on voting day is the Township of McKellar Community Centre, which is referred to herein as the Counting Location.
- f) Emergency Plan: It is impossible to predict whether a strike by Canada Post employees may take place, and if so, to what extent the conduct of the election will be affected. In the event of a strike the Clerk may, in accordance with Section 53 of the Municipal Elections Act, declare an emergency and make such arrangements as are considered necessary for the conduct of the election.
- g) Power Failure: In the event that there is a power failure at the McKellar Community Centre, one of the following sites may be used as alternate Counting Locations:
  - McKellar Public Works Department meeting room
  - Council Chambers, McKellar Community Centre
  - Fire Station #1, Sharon Park Drive

## 2. VOTE BY MAIL PROCEDURE

Where an election is required to be held for an office, the vote by mail procedure shall be as follows:

- a) On or about September 27, 2010, Canada Post will begin delivery of voter kits to electors that are on the voters' list as of September 25, 2010.
    - i) When mailed to an elector the kit containing all materials required to vote is referred to as a "voter kit". A voter kit will contain a ballot, instructions for completing the ballot, a voter declaration, a white ballot envelope and a yellow business reply envelope.
    - ii) Once received by the municipality, a sealed business reply envelope will be referred to as a "ballot package" and a sealed ballot envelope will be referred to as a "ballot envelope".
  - b) On receipt of the voter kit, each elector should follow the instructions provided in the kit exactly. These instructions require the elector to:
    - i) complete the ballot;
    - ii) insert the ballot into the ballot envelope;
    - iii) seal the ballot envelope;
    - iv) complete a voter declaration form;
    - v) place the completed voter declaration form and the ballot envelope into the business reply envelope;
    - vi) seal the business reply envelope; and,
    - vii) mail the business reply envelope or deliver it by some other means to the municipality so that it is received no later than 8:00 p.m. on Voting Day.
- Note: the postage paid envelope is only applicable for mail originating within Canada.*
- c) **Friday, October 15, 2010** is the final day to mail a ballot package. Electors who have not mailed their ballot package by October 15 are encouraged to take steps to ensure alternate delivery of ballot packages to McKellar Township Office or, on voting day, to the Counting Location.
  - d) The Township's election service provider has a record of all electors on the voters' list provided by the Regional Assessment Office, and will receive a list of all electors added to the list up to and including September 25, 2010.
    - i) Electors on or added to the list up to September 25 will receive their voter kit by mail from Canada Post.
    - ii) Electors added to the list between September 25 and October 8 will receive their voter kit by mail from the municipality.

- iii) After October 8 it is recommended that persons making application to add their names to the list do so in person or by an agent at the municipal office. If the application is certified by the clerk, a voter kit will be issued at that time.
- iv) It must be emphasized that, in a vote by mail system, the onus is on eligible electors to ensure that their names are on the voters' list. Due to time constraints the clerk cannot ensure that voter kits mailed after October 8 will reach electors in time for them to exercise their right to vote.
  - a) Where it is not possible to mail a voter kit to an elector, and if the elector undertakes to pay the cost of courier service, the clerk will arrange for a voter kit to be delivered to the elector by courier, **collect only**.
- e) If an elector on, or added to, the voters' list does not receive a voter kit, or if the kit is lost or destroyed, a replacement kit may be issued. The elector or his agent may attend at the municipal office to obtain a replacement kit. The Clerk or designate will confirm that the elector is qualified, administer an appropriate oath, and issue the replacement voters' kit.
- f) Blank voter kits will be stored in the safe at the municipal office. The safe will be closed at all times except when necessary to access material stored in the safe.

### 3. **Procedure on Receipt of Ballot Packages at the Municipal Office**

- a) Ballot packages which are received at the municipal office will be stored in the vault in the municipal office for safekeeping until the designated time for the ballot packages to be opened in accordance with the procedure set out in Section 4.
  - i) Access to the municipal vault will be restricted to authorized election officials commencing at the time of receipt of the first ballot package until the close of the voting place on voting day.
- b) The opening of ballot packages between October 18 and October 25 is for the purpose of processing voter declaration forms and placing sealed ballot envelopes into the ballot boxes.
- c) Electors attending in person at the Counting Location on October 25, 2010 to exercise their right to vote shall complete their vote in accordance with the instructions contained in the voter kit, deliver the ballot package to an Election Assistant and leave the Counting Location. There will be an area designated at the Counting Location for electors to complete their vote in privacy.
  - replacement kits will be available at the counting location for electors who require them.
- d) At designated times and locations, as noted below, ballot packages will be opened by election officials and dealt with as noted in Section 4.
  - i) At McKellar Township Office: 1:00 p.m., Tuesday, October 19
  - ii) At McKellar Township Office: 1:00 p.m., Thursday, October 21

- iii) At McKellar Township Office: 1:00 p.m., Friday, October 22
- iv) At the Counting Location: 4:00 p.m. Monday, October 25
- v) If necessary to handle the volume of returns, additional days may be added or removed for opening of ballot packages.

#### 4 **Opening of Ballot Packages Prior to Counting**

- a) At the designated time and location the deputy returning officer, in the presence of at least one other election official, shall open ballot packages which have been received at the municipal office, and shall:
  - i) remove the ballot envelope and elector declaration from the return envelope.
    - a) If a ballot package contains a different number of elector declarations than the number of ballot envelopes that are contained within the same ballot package, the ballot(s) **will be rejected**.
    - b) If a ballot package contains an elector declaration which has not been signed, the ballot **will be rejected**.
    - c) If a ballot package contains no elector declaration the ballot **will be rejected**.
    - d) If ballot envelope is not sealed, or contains writing or marks that may identify the elector, or is torn or defaced or otherwise dealt with by the elector in a way that may identify him or her, the ballot **may be rejected**. Since ballot envelopes will be opened and separated from the ballot prior to counting, ballot envelopes dealt with in such a manner will not automatically be rejected. The decision of the Deputy Returning Officer is final.
    - e) Where a ballot envelope is rejected, the reason for the rejection shall be recorded by numbering the ballot envelope and noting the reason for the rejection on a separate Rejected Ballots Record.
    - f) If upon opening the ballot package, a voter has not enclosed the ballot in the secrecy envelope but has otherwise signed the voter declaration, the DRO may, without unfolding the ballot, put the ballot in a secrecy envelope and deposit the ballot in the ballot box.
  - ii) Update the voters' list by scanning the voter declaration which strikes the name of the elector from the voters list, noting the date on which the voters' list was updated.
  - iii) place the elector declaration in a container, filed alphabetically.
  - iv) place the ballot envelope in a ballot box.
  - v) after all ballot packages have been dealt with, affix a seal to each ballot box, initial the seal and place the sealed ballot box in the municipal vault.

- vi) at the next designated time retrieve the ballot boxes, inspect the seals to ensure they are intact, and break the seals to access the slots for use.
- b) On voting day the ballot boxes and other election material will be transported to the Counting Location.

## 5. Counting of Ballots

- a) At 8:00 p.m. on October 25 the doors to the Counting Location will be locked, ballot boxes will be opened, and the ballots removed, sorted and counted. In the event a ballot is accidentally cut when the Ballot Envelope is opened, the election official shall repair the ballot and not on the reverse of the ballot that the damage to the ballot was caused by the election official.
  - “sorted” means the ballots will be unfolded, and placed in piles of 50 to facilitate counting.When all ballot envelopes have been opened and bundled, the count will begin.
- b) Ballot Packages received after 8:00 p.m. on Voting Day will be date stamped, will not be counted and will be placed in a secure drop box and retained for the statutory document retention period.
- c) Any part of any ballot rejected shall not invalidate the remainder of the ballot except if there are identifying marks, in which case the entire ballot **will be rejected**.
- d) If a ballot envelope contains more than one ballot, the ballots **will be rejected**.
- e) If a ballot contains writing or marks that may identify the elector, or is torn or defaced or otherwise dealt with by the elector in a way that may identify him or her, the ballot **may be rejected**.
- f) Counting of the ballots, completion of the statements of results and handling of election materials will proceed as set out in the Municipal Elections Act 1996, subject to whatever modifications may be required due to the vote by mail process.
- g) Cell phone or other communications equipment will not be permitted in the Counting Location other than for election officials.
- h) Candidates and Scrutineers shall not interfere with the vote count in any manner. Should they do so, they shall be required to leave the Counting Location when so requested by an election official.
- i) No campaign material will be allowed at the Counting Location. The counting location shall include the whole of the Community Centre building and grounds.

## 6 Tabulation Procedures

- a) Tabulation of the Statements of Results will be conducted in the office of the Clerk.

## 7 Ballot Reconciliation

- a) Reconciliation of ballots will be based on:
- number of voter kits mailed to electors
  - number issued through the revision process
  - number returned undelivered by Canada Post
  - number returned in time to be counted
  - number returned after close of voting
- b) Statistical analysis of “voter turnout” will be drawn from the reconciliation process and by counting the number of ballots dealt with on Voting Day as set out in the Statement of the Deputy Returning Officer.
- c) in a traditional election, reconciliation of ballots is a means of ensuring that the number of ballots handed out is the same as the number of ballots returned. It must be noted that, in the vote by mail process, the reconciliation is only meaningful in terms of election statistics.

## **8 Scrutineers**

Only one scrutineer per candidate is allowed at any Counting Station. There will be four (4) counting stations at the Counting Location. The candidate and his or her scrutineer ARE NOT permitted to be present at the same Counting Station.

It is no longer mandatory that scrutineers be 16 years of age or older to work at an election, however, ANYONE who is creating a disturbance at the Counting Location Place will be removed by the DRO.

Before being admitted to the Counting Location, a person Appointed as scrutineer shall produce and show his/her Appointment (the "Scrutineer Form EL12") to the Deputy Returning Officer for the Counting Location and take the oral Oath of Secrecy (Form EL12 (B)) from the Deputy Returning Officer before being permitted to remain in the Counting Location.

Scrutineers are reminded to provide a clipboard for their use, as sitting at the table, which is provided for the Deputy Returning Officer and Voting Place Clerk, IS NOT permitted.

During the counting of the votes, scrutineers may examine all ballots but SHALL NOT handle them. Scrutineers may object to the counting of a ballot and any objection will be noted on the back of a ballot. The final decision as to whether a vote should be counted is the sole responsibility of the Deputy Returning Officer.

Scrutineers/candidates shall not, in any way, impede the progress of the counting of the votes.