



The Corporation of the Municipality of Trent Hills

Telephone/Internet Voting Election Policies and Procedures for the 2022 Ontario Municipal Election

Approved by the
Clerk of the Municipality of Trent Hills
this 1st day of June, 2022

Contents

| | |
|---|----|
| 1. Authority | 3 |
| 2. Definitions..... | 5 |
| 3. Application..... | 7 |
| 4. Secrecy | 7 |
| 5. Preliminary List of Electors / Voters' List | 8 |
| 6. Notices | 10 |
| 7. Voting | 11 |
| 8. Voter Qualifications | 14 |
| 9. Voting Process | 15 |
| 10. Scrutineers | 16 |
| 11. System | 16 |
| 12. Corrupt Election Practices – Provincial Offence and Prosecution | 17 |
| 13. Mail Tampering – Criminal Offence and Prosecution | 19 |
| 14. Results | 20 |
| 15. Tie Vote – Recount Procedures..... | 21 |
| 16. After Voting Day | 23 |
| 17. Emergencies..... | 23 |
| 18. Accessibility..... | 24 |
| 19. Amendments To Procedures..... | 24 |
| 20. Forms | 24 |

These Policies and Procedures have been prepared for the purposes of convenience ONLY. For accurate reference, please refer to the *Municipal Elections Act, 1996*, as amended.

1. Authority

On May 4, 2021, the Council of The Corporation of the Municipality of Trent Hills enacted By-law No. 2021-041 to authorize the use of alternative voting methods, being Internet and Telephone Voting, for the 2022 Municipal Election, and subsequent Municipal Elections.

Section 42(3) of the Municipal Elections Act states that:

Procedures and forms

- (3) The clerk shall,
- (a) establish procedures and forms for the use of,
 - (i) any voting and vote-counting equipment authorized by by-law, and
 - (ii) any alternative voting method authorized by by-law; and
 - (b) provide a copy of the procedures and forms to each candidate when his or her nomination is filed.

Subsection 42(4) states that the procedures and forms established by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.

Subsection 11(2) of the Municipal Elections Act states that the Clerk of a local municipality has responsibility for conducting elections within that municipality and responsibility for,

- a) preparing for the election;
- b) preparing for and conducting a recount in the election;
- c) maintaining peace and order in connection with the election; and
- d) in a regular election, preparing and submitting the report described in subsection 12.1 (2).

With respect to the duties and authority of a municipal clerk, the Municipal Elections Act further states as follows:

- 12(1) 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.

- 12(2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.

12(3) The power conferred by subsection (1) includes power to require a person, as a condition of doing anything or having an election official do anything under this Act, to furnish proof that is satisfactory to the election official of the person's identity or qualifications, including citizenship or residency, or of any other matter.

13(1) Any notice or other information that this Act requires the clerk to give shall be given in a form and manner and at a time that the clerk considers adequate to give reasonable notice or to convey the information, as the case may be.

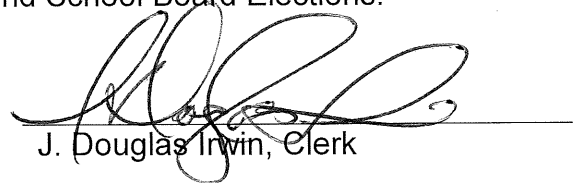
13(2) The clerk shall provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under this Act.

Subsection 42(5) states that when a by-law authorizing the use of an alternative voting method is in effect, Section 44 (voting proxies) applies only if the by-law so specifies. Since the purpose for the use of the alternative voting – being Telephone/Internet Voting – was to eliminate proxies, and By-law No. 2021-041 of Trent Hills is silent on this issue, therefore voting proxies are not applicable.

Section 53 of the Municipal Elections Act also provides that the clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act and provides the authority to the clerk to make arrangements for the proper conduct of the election. Any arrangements made by the clerk, if they are consistent with the principles of the Municipal Elections Act, prevail over anything in the Act and the regulations and all such arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

Therefore, as Clerk of Trent Hills, I do hereby certify and approve the following procedures for conducting the 2022 Municipal and School Board Elections.

June 1, 2022
Date Approved


J. Douglas Irwin, Clerk

2. Definitions

- a) Ballot – shall mean either an image on a computer screen, or any web-enabled device, of a ballot card for an election to be voted for, including all choices available to the Electors and containing spaces in which the Electors mark their votes; or when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the Electors and instruction to mark their selection by depressing the numbered touchtone keypad.
- b) Candidate - shall mean a person who has been nominated under Section 33 of the Municipal Elections Act.
- c) Certified Candidate - shall mean a Candidate whose nomination has been certified by the Clerk under Section 35 of the Municipal Elections Act.
- d) Clerk - shall mean the Clerk of the Municipality of Trent Hills who is responsible for conducting this election under the authority of the Municipal Elections Act. The Clerk is also the Returning Officer.
- e) Election Official - shall mean the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the Municipal Elections Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk, and must take the prescribed oath.
- f) Elector - shall mean a person who is entitled to vote in an election held in the local municipality, if on Voting Day they meets the qualifications outlined in Section 17(2) and 17(3) of the Municipal Elections Act.
- g) Municipal Elections Act – shall mean the Municipal Elections Act, 1996, S.O. 1996, c. 32. Sched., as amended.
- h) Municipal Office – shall mean the Trent Hills Municipal Administration Office located at 66 Front Street South, Campbellford, Ontario.
- i) Password - shall mean an additional access control word assigned by the eVoting Service Provider to each authorized user to provide additional security for access to the voting system.
- j) Personal Identification Number (PIN) - shall mean a unique multiple digit number assigned by the eVoting Service Provider to each Elector to provide security for access to the voting system.
- k) Preliminary List of Electors - shall mean a list of Electors for Trent Hills compiled by the Municipal Property Assessment Corporation (MPAC) and provided to Trent Hills between July 31 and September 1 of an election year as agreed upon by MPAC and the Clerk.

- l) Satisfactory Identification - shall mean the identification required under the Municipal Elections Act (Ontario Regulation 304/13) which would provide proof of identity and residence of an individual to the satisfaction of an Election Official.
- m) Script - shall mean all information flow and system prompts from the eVoting system including instructions, informational messages, error messages, and exceptions.
- n) Scrutineer - shall mean an individual, appointed in writing by a Certified Candidate, to represent them during the voting process.
- o) Support Person - shall mean a person who has been requested by an Elector to assist them in the voting process.
- p) Trent Hills – shall mean The Corporation of the Municipality of Trent Hills.
- q) Voter Help Centre - shall mean a location provided by Trent Hills to assist Electors with the Telephone/Internet Voting process or other general election inquiries, including revisions. Such location will be determined by the Clerk.
- r) Voters' List - shall mean the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Municipal Elections Act.
- s) Voting Day - shall mean the final day on which the vote is to be taken in an election and shall be until 8:00 p.m. on that day. Voting Day in a regular election is the fourth Monday in October – October 24, 2022.
- t) Voter Information Letter - shall mean a sealed envelope containing a Personal Identification Number (PIN) for each person on the Voters' List or who has completed an application, duly approved by an Election Official, for inclusion on the Voters' List, a telephone access number and internet address for voting, a Voter Help Centre number for assistance and a list of Certified Candidates for office. These envelopes shall be mailed individually, or hand-delivered as required, to every person on the Voters' List.
- u) Vote Period – shall mean voting conducted between 9:00 a.m. on October 12, 2022 and 8:00 p.m. on October 24, 2022.

3. Application

1. This procedure has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a) (ii) of the Municipal Elections Act, and applies to the Telephone/Internet Voting being conducted by Trent Hills between Wednesday, October 12, 2022 and Monday, October 24, 2024.
2. The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the Municipal Elections Act.
3. Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of the Municipal Elections Act with the same being determined and established by the Clerk.
4. These procedures may be amended as necessary and deemed appropriate by the Clerk of Trent Hills. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all Candidates for office for Trent Hills and/or school boards.

4. Secrecy

1. The Clerk shall require all Election Officials working in connection with the municipal elections to swear or affirm an oath of secrecy in accordance with Section 49 of the Municipal Elections Act.
2. No person shall interfere or attempt to interfere with an Elector while in the process of accessing the Telephone/Internet Voting service or interfere or attempt to interfere in the voting process while using the Telephone/Internet Voting service unless expressly requested and authorized by an Elector asking for assistance.
3. No person shall obtain or attempt to obtain information about how an Elector intends to vote or has voted. Any individual requested by an Elector to assist them in voting is required to maintain the secrecy of the vote(s) cast by the Elector and shall vote according to the instructions and wishes of the Elector.
4. No person shall communicate any information that might have been inadvertently obtained about how an Elector intends to vote or has voted.
5. No Elector shall reveal how they intend to vote except when obtaining assistance in voting from either a Support Person or an Election Official.
6. All Electors voting at the Voter Help Centre(s) may vote with the assistance of a Support Person; however, the Support Person shall be required to take the appropriate oath prior to providing assistance.

7. 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 "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of the Municipal Elections Act.

5. Preliminary List of Electors / Voters' List

1. The Preliminary List of Electors shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format. The list shall be reviewed by the Clerk and obvious errors shall be corrected as permitted under Section 22 of the Municipal Elections Act, and the list shall be approved for use as the Voters' List.
 - a. The list shall then be reproduced in an electronic format and distributed to those who are entitled to copies under Subsections 23(3), (4) and (5) of the Municipal Elections Act. All Certified Candidates shall be entitled to an electronic format and shall sign a statement acknowledging that the Voters' List shall not be used for any non-election purposes.

The Certified Candidates shall receive login ID(s) and Password(s) allowing them to view the Voters' List that contains the names of the electors who are entitled to vote for their office. They can use the module to identify and track individual electors during the course of the election campaign and Vote Period to observe participation.

- b. Additions, corrections and deletions may be made to the list in accordance with the Municipal Elections Act.
 - c. The Clerk and/or the eVoting Service Provider shall produce an electronic list of the additions, corrections, and deletions, as stated in paragraph (c) of this document, and make available online these additions, corrections and deletions to those who are entitled to copies of the Voters' List under the Municipal Elections Act and the same shall be the final Voters' List. This list shall be available in accordance with the timeline required under Section 27 of the Municipal Elections Act.
 - d. The Voters' List, as corrected by the Clerk pursuant to Section 22 of the Municipal Elections Act shall be provided to the eVoting Service Provider in computer format in order for the eVoting Service Provider to manage the Voter Information Letter.

Voter Information Letters shall be distributed by first-class mail or hand-delivered as required, to all Electors to enable them to use the Telephone/Internet Voting service.

2. The Voter Help Centre(s) shall be responsible for the following:
 - a. Electors who attend the Voter Help Centre(s) and are not on the Voters' List will be able to be added to the list by filling out a declaration form and providing Satisfactory Identification.
 - i. Their names will be added to the Voters' List and they will be assigned and receive (or mailed) a Voter Information Letter containing a Personal Identification Number (PIN); and
 - ii. They will be able to vote at the Voter Help Centre(s) if they so wish during the Vote Period.
 - b. Verifying and re-issuing a Voter Information Letter to Electors:
 - i. Where a person on the Voters' List has lost their Voter Information Letter or did not receive it in the mail, or does not have access to it, they can attend a Voter Help Centre in order to receive a new one. The authorized Election Official will disable the Elector's lost Personal Identification Number (PIN) and electronically mark it in the system with the appropriate details. Upon providing Satisfactory Identification to an Election Official, an oath shall be taken by the Elector and a new Voter Information Letter containing a new Personal Identification Number (PIN) shall be issued.
 - c. Verifying and re-issuing a Personal Identification Number (PIN) to Electors:
 - i. Where a person on the Voters' List has lost their Personal Identification Number (PIN), did not receive it in the mail, or does not have access to it, they can attend a Voter Help Centre in order to receive a new one. The authorized Election Official will disable the Elector's previous Personal Identification Number (PIN) and electronically mark it in the system with the appropriate details. Upon providing Satisfactory Identification or information to a Voter Help Centre Election Official, as may be defined, a new Personal Identification Number (PIN) shall be issued.
 - d. Correcting Voter Information
 - i. Where a person on the Voters' List needs to correct their voter information, they can attend a Voter Help Centre to have this information corrected through completion of the proper forms and identification process.

6. Notices

1. The Clerk of Trent Hills shall notify voters of the following election information through the use of advertisements:
 - a. that municipal & school board elections are being held for Trent Hills and that the Municipality has adopted an alternative voting method (and the manner in which Electors may use the alternative voting method), being Telephone/Internet Voting;
 - b. the date(s), time(s) and location(s) for the holding of the vote during the Vote Period, and the methods of voting;
 - c. the office(s) of the council and/or school boards;
 - d. who is eligible to vote in the municipal & school board elections; and
 - e. the location(s) and dates, and hours of operation of the Voter Help Centre(s), how persons can check to see if their name is on the Voters' List and the procedures by which their name can be added or information corrected on the Voters' List.
2. At the Clerk's discretion, notices will be published in the local newspapers and/or posted on Trent Hills' website. All notices shall be made available in English only.

The following essential notices shall be issued:

- a. Notice of Election Information. See paragraph 6.1;
- b. Notice of Revision of Voters' List. See paragraph 6.1(e);
- c. Notice of Nomination; and
- d. Certified Election Results.

The Clerk reserves the right to publish additional advertisements and notices as deemed appropriate.

3. Where possible, cooperative advertising may take place - costs to be approved and shared by the participating municipalities.
4. Each person on the Voters' List shall be mailed, by first-class mail, a sealed Voter Information Letter containing:
 - a. their Personal Identification Number (PIN), the telephone number(s) to call to cast a vote, and the designated internet address (URL) to access to cast a vote using the internet;
 - b. instructions on how to vote;

- c. dates and hours of voting; and
 - d. the location(s) and telephone number(s) of the Voter Help Centre(s).
5. All Voter Information Letters shall be made available in English only.

7. Voting

1. A Telephone/Internet Voting method shall be used for the 2022 Municipal & School Board Elections.
- a. Telephone/Internet Voting:
 - i. Electors shall be required to telephone a designated number or access a designated internet address and cast their vote.
 - ii. Every Elector shall be limited to only one vote through the use of a Personal Identification Number (PIN) distributed by first-class mail, or hand-delivered as required, in a sealed and personalized Voter Information Letter.
 - iii. The eVoting Service Provider, will allow the Elector to vote using a telephone or the internet.
 - iv. Following the Elector's selection, the voting system response shall identify the voter's choice and provide the Elector with the option of changing or confirming their vote.
 - v. The voting system shall enable the Elector to decline from voting for an office(s) if he/she wishes to do so.
 - vi. Once the Personal Identification Number (PIN) has been used to complete all assigned races associated with the election it cannot be used again, and further access shall not be granted to the Telephone/Internet Voting service to vote again.
 - b. Voting will commence on Wednesday, October 12, 2022 at 9:00 a.m.
2. Prior to the eVote activation, being on Wednesday, October 12, 2022 at 9:00 a.m., the auditor or other authorized Election Official will generate the confirmation report that contains all Certified Candidate names running for an office (through the eVoting system by secure ID and Password). The report displays in real-time the sum total of votes cast for each Certified Candidate running for an office. The timing of this report activity ensures that all totals for all Certified Candidates, confirms zero (0) votes before the election begins.

The eVote will be activated unless any of the counts associated with the Certified Candidate names do not indicate a zero total, and unless directed otherwise by an Election Official.

3. The eVoting Service Provider will make available online a list to the Clerk and any other appropriate individuals of Trent Hills, of all Voters' List individuals by order of wards, who have voted during the Vote Period if such an event has taken place. The names of individuals who have voted will be marked as voted. A list of Electors who have voted will be made available to the Certified Candidates by electronic means by the eVoting Service Provider at the Clerk's discretion. This list shall be provided by the eVoting Service Provider in real-time or as closely as possible to real-time.
4. If so allowed by the Clerk, the eVoting Service Provider will make available during the course of the election, IDs and Passwords for Certified Candidates, who when using this authorization can connect to a Certified Candidate module to review Voters' List information previously identified by them to recognize participants in the election. This capability does not provide the Certified Candidate or their designate information on *how* a voter has voted, only if they *have* voted in the election. A voter who has voted at least one race during an election is considered a participant.
5. Certified Candidates may view this information any time after the start time of the election.
6. Where an Elector is associated with multiple properties within Trent Hills, the Elector may vote only once, and the qualifying address to determine eligibility for voting shall be the place of residence of the Elector. All duplication of names on the Preliminary List of Electors shall be verified by the Clerk and/or Election Official(s), and all duplicate names of individuals shall be deleted prior to the final preparation of the Voters' List. Should an Elector receive more than one Voter Information Letter, the Elector may only vote once and must return the other Document(s) to the Municipal Office. All Electors that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation as to possible corrupt practices under the Municipal Elections Act.
7. Should a Voter Information Letter be returned to the Municipal Office unopened, the Personal Identification Number (PIN) status will be disabled by an Election Official in a manner that prevents the Personal Identification Number (PIN) from being successfully validated in the voting process. The Voter Information Letters will then be marked "unused" and be retained in a secure means and subsequently destroyed at the same time as all other Municipal Election material as provided for under Section 88(2) of the Municipal Elections Act.

8. Should a Voter Information Letter be returned to the Municipal Office that has been opened but has not been used for voting purposes, the Personal Identification Number (PIN) status will be disabled by an Election Official in a manner that prevents the Personal Identification Number (PIN) from being successfully validated in the voting process. In this circumstance, the Voter Information Letter shall be marked unused and be retained and destroyed as in item 7 above.
9. The Clerk and the Election Official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:
 - a. that were sent to voters on the Voters' List;
 - b. that were undeliverable and returned from the Post Office;
 - c. that were returned by a Elector or other individual(s) either opened or unopened but unused for voting purposes;
 - d. that were re-issued to an Elector;
 - e. whose Personal Identification Number (PIN) on the Letters were set to a status that prevented them from being validated in the voting process.
10.
 - a. Where an Elector has attempted to validate their Personal Identification Number (PIN) and they have determined that the Personal Identification Number (PIN) has already been used, the Elector can attend the location determined by the Clerk, bringing Satisfactory Identification and have an Election Official confirm that the Personal Identification Number (PIN) has been used by an impersonator.
 - b. Prior to authorizing the re-issuance of a new Voter Information Letter which contains a new Personal Identification Number (PIN), the Elector shall be required to respond and answer any and all questions from the Election Official. The Election Official shall document, to their satisfaction, questions and answers of the voter and, if deemed appropriate, the Clerk shall submit same to the Ontario Provincial Police for further investigation and prosecution.
 - c. If the Election Official believes that all questions have been answered truthfully and to their satisfaction, the Election Official may authorize the provision of a new Voter Information Letter which contains a new Personal Identification Number (PIN) or, at the discretion of the Election Official the Elector will be required to make a declaration as to their statement and take an oath which shall be given by the Election Official. A copy of this declaration shall also be submitted to the Ontario Provincial Police should further questioning be required in order to ascertain if corrupt practices have occurred. The Elector will be required to assist and cooperate in the investigation in determining the individual(s) who has fraudulently used the Elector's assigned Personal Identification Number (PIN).

- d. Once the Elector has properly answered all questions and if required, taken the prescribed oath, a new Voter Information Letter containing a new Personal Identification Number (PIN) can be issued.

11.

- a. Where an Elector has received an incorrect Voter Personal Identification Number (PIN) in terms of ward and/or school support, the Elector can contact a Voter Help Centre(s) and have the proper information applied to the existing Personal Identification Number (PIN). The Elector may re-access the system and vote all races not yet completed.
- b. The Elector shall be able to re-enter the system at any time during the election using the existing Personal Identification Number (PIN) or the re-categorized Personal Identification Number (PIN) until voting for all races has been completed.

12. New Personal Identification Number(s) (PIN) shall not be given out over the telephone or by mail without the expressed approval of the Clerk. A Voter Information Letter containing a Personal Identification Number (PIN) shall not be given to any person at the Voter Help Centre(s) unless Satisfactory Identification is provided and the individual has taken the required oath, if required, as administered by an Election Official.

8. Voter Qualifications

- 1. A person is entitled to be an Elector at an election held in a local municipality if, on Voting Day, October 24, 2022, they:
 - i. are a Canadian citizen,
 - ii. are at least 18 years old,
 - iii. reside in the local municipality, or are the owner or tenant of land in the local municipality, or the spouse of such a person; and
 - iv. are not prohibited from voting under subsection 17(3) of the Municipal Elections Act or otherwise, by law.

9. Voting Process

1. Electors may vote by:
 - a. accessing the telephone number provided by using a touch-tone telephone - but not a rotary dial telephone. "Digi-pulse" telephones will be able to access the system if the telephone over-ride button is set to a "touch-tone" mode. Should the preceding not be done correctly, the interactive response system will provide an error message requesting that the Electors obtain assistance,
 - b. or by accessing the internet address provided by using a dial modem access or a high-speed connection.
 - c. Electors may vote by attending a Voter Help Centre. Locations, dates, and hours of operation shall be determined as appropriate by the Clerk. Electors may vote by using the internet access provided.
 - d. Attending a Voter Help Centre during hours identified in paragraph (c) with a Support Person, taking the appropriate oath(s), and having a Support Person vote using the internet access provided. In the absence of a Support Person, the voter may request the assistance of an Election Official, who may provide assistance only after the appropriate oath, if required, has been taken.
 - e. Attending a Voter Help Centre location during hours identified in paragraph (c) with an interpreter, taking the appropriate oral oath(s), and voting using the internet access provided.
 - f. With the assistance of an Election Official(s) that will be present at long-term care facilities/retirement homes on dates and hours as determined appropriate by the Clerk.

10. Scrutineers

1. Scrutineers may be appointed, in writing by the candidate, as stated under Section 16 of the Municipal Elections Act. If appointed, Scrutineers will be entitled to the following:
 - a. upon request and after producing the properly signed “Appointment of Scrutineer” and prescribing to the oath(s) of secrecy, they may be provided access to a Candidate module, if applicable; showing them a voter sequence number and/or the Elector names who are entitled to vote for their designated office, allowing them to identify, observe, and list all Electors that have participated. Scrutineers may log in to the system any time after the election has started and voters have cast Ballots, and determine who has voted.
 - b. to be present at the time and place where results are received by the Clerk.
2. Use of a cellular telephone or any other electronic device shall **Not Be Permitted** within a Voter Help Centre by any Certified Candidate or Scrutineer.

11. System

1. The integrity of the voting process shall be the responsibility of the Clerk and shall be preserved by:
 - a. ensuring that every Eligible Elector on the Voters’ List is mailed, using first-class mail or hand-delivered as required, a sealed Voter Information Letter which contains the Elector’s unique Personal Identification Number (PIN);
 - b. ensuring that no one except the eVoting Service Provider, the Clerk or designate, maintains a list of Personal Identification Numbers that matches each voter’s name and address; and
 - c. providing an opportunity for Electors who do not appear on the Voters’ List to be added to the list, or to make amendments to the Voters’ List, up to and including Monday, October 24, 2022, at 8:00 p.m.
2. The voting system shall be tested on several occasions. The test(s) shall include, but not be limited to the following:
 - a. checking the wording of the Script;
 - b. checking Script and input timing;
 - c. attempting to use a Personal Identification Number (PIN) more than once;

- d. balancing a predetermined number of votes with those cast;
 - e. matching Personal Identification Numbers (PIN) to names and addresses;
 - f. checking the system which is used for activating Personal Identification Numbers (PIN); and,
 - g. deliberately entering the wrong information.
3. All Certified Candidates are to provide to the Clerk the proper pronunciation of their name, in English and, in French if applicable, by the date to be identified by the Clerk.

12. Corrupt Election Practices – Provincial Offence and Prosecution

1. Sections 89 and 90 of the Municipal Elections Act provides for penalties and enforcement of corrupt practices and other offences during an election process.
2. Although Trent Hills will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and is enforceable.
3. Section 89 of the Municipal Elections Act continues by stating:

“A person is guilty of an offence if he or she

- a. votes without being entitled to do so;
- b. votes more times than this Act allows;
- c. votes in a voting place in which he or she is not entitled to vote;
- d. induces or procures a person to vote when that person is not entitled to do so;
- e. having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- f. having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
- g. before or during an election, publishes a false statement of a candidates withdrawal;
- h. furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- i. without authority, supplies a ballot to anyone;
- j. delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- k. takes a ballot away from the voting place;
- l. at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;

m. attempts to do something described in clauses (a) to (l). 1996, c. 32, Sched., s. 89.”

Penalties for offences under the Municipal Elections Act are described in Section 94.1 and include amounts of fines (not more than \$25,000) and terms of imprisonment (maximum six (6) months).

4. No person(s) shall solicit a Voter Information Letter from an Elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Ontario Provincial Police for investigation of corrupt practices.
5. In addition, under the provisions of Section 90 of the Municipal Elections Act, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for a term of imprisonment not more than six (6) months.
6. 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.
7. As such, the Clerk in this alternative form of voting, has agreed to the following rules and regulations:
 - a. That all complaints about actions which may contravene the provisions of the Municipal Elections Act, either verbally or written, will be investigated by the Clerk;
 - b. That all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police;
 - c. The Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to their office for further investigation;
 - d. The Detachment Commander of the Ontario Provincial Police, once the investigation is completed will communicate with the Crown Attorney’s Office to determine if an individual(s) will be prosecuted.
 - e. The Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

13. Mail Tampering – Criminal Offence and Prosecution

1. 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.
2. Since Trent Hills will be using an alternative voting method, that being Telephone/Internet Voting, and the notification of the voting process and how Electors can access the voting system in order to exercise their right to vote will be completed through the mail, mail tampering is a criminal offence under the Criminal Code of Canada.
3. As such and in order to ensure the integrity and confidence of the voting process for all Electors and the Certified Candidates, the Clerk in this alternative form of voting has agreed to the following rules and regulations:
 - a. That all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, either verbally or written, will be investigated by the Clerk;
 - b. That all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police;
 - c. The Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to their office for further investigation;
 - d. The Detachment Commander of the Ontario Provincial Police, once the investigation is completed, will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted.
 - e. The Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

14. Results

1. Trent Hills shall keep its public internet and telephone voting open until 8:00 p.m. on Voting Day and its Voter Help Centre(s) (not polling locations) access opened until the Clerk confirms that all Electors in the Voter Help Centre(s) have completed voting.
2. The Clerk, at 8:00 p.m. on Voting Day, providing that all Electors within the Voter Help Centre(s) have voted, shall request the close and deactivation of the Telephone/Internet Voting service and shall also request the tabulation of the results for each Certified Candidate. The final results of each Certified Candidate by ward and school support, shall be available as soon as practicable at the Council Chambers, 50 Doxsee Avenue South, Campbellford.
3. The Clerk shall report the “unofficial” results when received from the eVoting Service Provider as soon as practicable after 8:00 p.m. on Voting Day at the Council Chambers, 50 Doxsee Avenue South, Campbellford.
4. Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the Municipal Elections Act concerning “Recount”, the Clerk shall, as soon as practicable after 8:00 p.m. on Voting Day at the Municipal Office,
 - i. declare the Certified Candidate(s), as the case may be, who received the highest number of votes to be elected.
 - ii. declare the result of any vote on a by-law or question.
5. The “Official Results” of each Certified Candidate by ward shall be available at the Municipal Office, as soon as practicable after 8:00 p.m. on Voting Day. The Clerk shall also post the “Official” results on the Municipality’s website.

15. Tie Vote – Recount Procedures

Any and all recounts shall be conducted in the same manner as the original count unless ordered otherwise by a judge as per Section 60(3) of the Municipal Elections Act.

The recount shall take place when:

- a) The votes of two or more Certified Candidates who receive the same number of votes and cannot both or all be declared elected to the office;
 - b) The votes on a by-law, if the votes for the affirmative and negative are equal; and
 - c) The votes for two or more answers to a questions, if the votes are equal.
1. In the case of a tie vote, as provided under Section 56 of the Municipal Elections Act, the Clerk shall request from the eVoting Service Provider a re-tabulation of the votes cast.
 2. Pursuant to Subsection 56(2) of the Municipal Elections 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 or before Wednesday, November 9, 2022 at the Municipal Office.
 3. Pursuant to Subsection 61(1) of the Municipal Elections Act, the following persons will be authorized to attend the recount:
 - i. the Clerk and any other Election Official appointed by the Clerk for the recount procedure including the Municipal lawyer;
 - ii. every Certified Candidate for the office;
 - iii. the lawyer for each of the Certified Candidate(s); and
 - iv. only one (1) Scrutineer for each Certified Candidate.
 4. Within 15 days after the declaration of the election results, the Clerk shall request the eVoting Service Provider to re-tabulate the results for the office(s) that are subject to the recount procedure and that the results be segregated by ward. The eVoting Service Provider shall send the results of the recount by facsimile transmission and/or by electronic mail (e-mail) and these results will be compared to the results tabulated by the Auditor assigned to the election.

5. The Clerk shall announce the results of the recount and in the event of a tied vote, Subsection 62(3) of the Municipal Elections Act shall apply, being as follows:

“If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the clerk shall choose the successful candidate or candidates by lot”.

6. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:
 - a. The Clerk shall determine the texture and quality of the paper used for this process and each Certified Candidate or the candidates’ lawyer and/or Scrutineer will have an opportunity to examine the paper to be used to inscribe the names of the candidates;
 - b. The Clerk shall inscribe the name of each candidate on a similar size paper and the Certified Candidates, the candidates’ lawyer and/or Scrutineer, without touching the paper, examine the same. In addition, all persons present will have an opportunity to examine the box which will be used for conducting the lot;
 - c. Upon acceptance by the all Certified Candidates, the candidates’ lawyer and/or Scrutineer, that the processes outlined in paragraphs a) and b) have been adhered to, the Clerk shall fold the papers bearing each candidate’s name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the Clerk shall determine the box to be used for this process.
7. Upon completion of this process, the Clerk shall hold the box and, without looking into the box, ensure that the contents have been displaced sufficiently, and request the Municipal lawyer to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
8. The Municipal lawyer shall hand directly to the Clerk the selected and required number of papers and the Clerk shall read aloud the name of the Certified Candidate or Certified Candidates and proceed to declare this or these individuals elected.
9. Once completed, the Municipal lawyer shall remove the remaining contents from the box and provide an opportunity for all persons present to examine these slips of papers including the box.

16.After Voting Day

1. At no time after Voting Day shall any information regarding the voter, Personal Identification Numbers (PIN) and Ballots come together to allow anyone to know how an Elector has voted.
2. All election materials shall be destroyed in accordance with the principles of Section 88 of the Municipal Elections Act, and Trent Hills Records Retention By-law.

17.Emergencies

Pursuant to Section 53 of the Municipal Elections Act, the Clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act. The emergency continues until the Clerk declares that it has ended.

In the event of an emergency, the Clerk shall advertise on the municipal website, and social media if possible, and post notices to the extent possible, that the election has been delayed.

In the event of an emergency, the eVoting Service Provider will follow the direction from the Clerk, which may include:

- Pause or stop the eVote system from accepting calls via a telephone and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be; or
- Extend the Vote Period.

In the event the Clerk is unable to be present to conduct procedures on Voting Day, there shall be a substitute qualified person appointed or available to attend to the election details.

18.Accessibility

Pursuant to Section 12.1 of the Municipal Elections Act:

The Clerk shall have regard for the needs of Candidates and Electors with disabilities.

The Clerk shall ensure the Voter Help Centre(s) is accessible to Candidates and Electors with disabilities.

The Clerk shall prepare a Report, to be submitted to the Council, within ninety (90) days after Voting Day about identification, removal, and prevention of barriers that affect Electors and Candidates with disabilities.

Election Officials will be available for assistance during the Vote Period, including on Voting Day.

Trent Hills has an Accessibility Policy. The Municipal Election for Trent Hills will be conducted with having regard to the policies as established.

19.Amendments To Procedures

The Clerk has the right, at any time, up to and including Voting Day, to amend the procedures contained herein. A copy of any amendment will be forwarded to each Candidate.

20.Forms

1. In addition to any prescribed forms, the Clerk, pursuant to Sections 12(1) and 12(2) of the Municipal Elections Act, shall determine and establish any forms for the 2022 Municipal Election, deemed desirable for conducting the election process.