



Policies and Procedure for Conducting a Recount



Policies and Procedures

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1. Authority

The recount shall be conducted by the Clerk of the Town of Pelham in accordance with the provisions of the *Municipal Elections Act, 1996* (the "Act") and Ontario Regulation 101/97 Section 4.

2. Notice

The Clerk shall give notice of the recount to:

- Every candidate for an office that is subject of the recount;
- In the case of a recount requested under subsection 57 (1) of the Act, local board or Minister, as the case may be;
- In the case of a recount ordered under Section 58 of the Act, the applicant; and
- In the case of a recount concerning an officer, question or by-law in respect of which electors or another municipality are entitled to vote, the clerk who was responsible for the conduct of the vote in that other municipality.

The notice shall indicate the date, time and location of the recount.

3. Programming and Testing of the Vote Tabulators

- 3.1. The vote tabulators shall be programmed in the same manner as on the day of the election.
- 3.2. Prior to the recount, the Clerk shall test the vote tabulators to ensure that they will accurately count the votes cast for the candidates. When testing the vote tabulators, adequate safeguards shall be taken to ensure that the system, or any part of it that is used for processing and tabulating votes, is isolated from all other applications or programs and that no remote devices are capable of gaining access to the vote tabulators.
- 3.3. The Clerk shall give notice of the date and time of the testing of the vote tabulators to the candidates.
- 3.4. The test shall be conducted by:
 - a. Tabulating a pre-audited group of ballots including ballots that contain over votes and under votes and ballots on which are recorded a predetermined number of votes for each candidate; and
 - b. Comparing the output of the tabulation against the pre-audited results.

- 3.5. If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected, and the test repeated until an errorless test is achieved.
- 3.6. The Clerk shall, at the completion of the test, clear the vote totals from the test ballots in the memory card in the vote tabulator and place the memory card in a separate envelope and then seal the envelope.
- 3.7. The Clerk shall retain and have access to the pre-audited group of ballots referred to in clause (3.4) (a), the results tapes that were produced during the test and other materials used in the programming of the vote tabulators.
- 3.8. Each certified candidate for the office that is subject to the recount is entitled to be present during the testing of the vote tabulators, together with one lawyer per certified candidate and one scrutineer per certified candidate.

4. Candidate Briefing

The Clerk shall brief the certified candidates on the process to be followed in the conduct of the recount. Each certified candidate will be notified of the date, time and location of the briefing. Each certified candidate for the office that is subject to the recount is entitled to be present, together with one lawyer per certified candidate and one scrutineer per certified candidate.

5. Location Set-Up

- 5.1. The ballot boxes, vote tabulator(s) and all other supplies and materials necessary for the recount shall be delivered to the recount location for set-up.
- 5.2. The Clerk shall be onsite at the recount location to accept delivery of the ballot boxes. Sufficient security personnel shall be onsite to ensure the safekeeping of the ballots; the number of security personnel to be determined by the Clerk. Security personnel shall remain onsite for the duration of the recount.

6. Recount Stations

There shall be a maximum of thirty (30) recount stations. Each recount station will be staffed with one (1) election official.

7. Attendance

In accordance with Section 61 of the Act, the following persons are entitled to be present at the recount:

- a. The Clerk and any other election official appointed for the recount;
- b. Every certified candidate for the office subject to the recount for the 2022 Municipal and School Board Election;
- c. The applicant for the recount ordered under Section 58 of the Act;
- d. One (1) lawyer for each of the certified candidates;
- e. One (1) scrutineer for each of the certified candidates at each recount station established by the Clerk; and
- f. Any other person with the Clerk's permission.

8. Scrutineers

Each scrutineer must show to an election official an Appointment of Scrutineer Form, signed by the candidate. No admittance to the recount location will be given to any scrutineer who does not produce this form.

Blank Appointment of Scrutineer forms will be distributed to all candidates and made available at the request of the Clerk.

9. Election Officials

The Clerk shall appoint such number of election officials to assist in the conduct of the recount as they consider necessary and may designate their title and duties.

10. Recount Process

- 10.1. The election official at each recount station shall receive a ballot box (or ballot boxes in the case of an advance vote location) from the ballot distribution area and, in full view of any scrutineers present at the recount station,:
 - a. Open the ballot box, remove all ballots and show the empty ballot box;
 - b. Remove the memory card from the sealed envelope and insert it into the vote tabulator;
 - c. Cause the vote tabulator to print a copy of all vote totals in the memory card, confirming zero totals; and
 - d. Feed the ballots into the vote tabulator.

- 10.2. If the vote tabulator is unable to count the votes in a ballot, the election official shall:
 - a. Place a ballot label on the back of the ballot;
 - b. Record the voting location on the ballot label and on the label affixed to the ballot referral envelope; and
 - c. Place the ballot in the ballot referral envelope for delivery to the Clerk.
- 10.3. After all ballots from the ballot box have either been fed into the vote tabulator or placed in the ballot referral envelope for delivery to the Clerk, the election official shall:
 - a. Cause a results tape to be produced by the vote tabulator;
 - b. Remove the memory card from the vote tabulator;
 - c. Place all the ballots counted by the vote tabulator back into the ballot box and seal the ballot box;
 - d. Return the ballot box to the ballot distribution area;
 - e. Deliver the results tape and memory card to the election officials at the results area; and
 - f. Deliver the ballot referral envelope to the Clerk.

11. Ballots Referred to the Clerk

- 11.1. The Clerk shall make the final determination of the votes cast for the office that is subject to the recount in the ballots referred to the Clerk from the recount stations in accordance with the provisions of the Act and Ontario Regulation 101/97.
- 11.2. Prior to making the determination in subsection (11.1), the Clerk shall hear any submissions from the certified candidates, their lawyers or scrutineers.
- 11.3. In the event one of the certified candidates, their lawyer or scrutineer objects to the counting of a vote in a ballot ("disputed ballot"), the Clerk shall record the nature of the objection on the ballot label.
- 11.4. The Clerk shall complete and sign the ballot label on the back of the ballot, indicating for which candidate the vote was counted or whether the ballot was rejected from the recount.

- 11.5. At the conclusion of the recount, the Clerk shall:
 - a. Place all disputed ballots into the disputed ballot envelope and seal the envelope; and
 - b. Place the non-disputed ballots in the non-disputed ballot envelope and seal the envelope.

12. Results

- 12.1. During the recount, the Clerk shall post for inspection the summary of the votes cast for the office that is subject to the recount from the recount stations.
- 12.2. The Clerk shall cause to be added to the totals in (11.1) the results of the count for the ballots referred to the Clerk in Section 11.
- 12.3. When the recount is complete, the Clerk shall announce:
 - a. The results of the recount;
 - b. The number of disputed ballots; and
 - c. The results that would be obtained if the disputed ballots were excluded from the count.

13. Recount Records

At the conclusion of the recount, the Clerk shall secure the ballot boxes and other materials from the recount.