MUNICIPAL ELECTION
October 24 2022

Special On Demand Vote By Mail Procedure

Vote By Mail

Pelham NIAGARA

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1. Introduction

Electors may request a Special on Demand Vote by Mail Kit to allow them to cast a Ballot without attending a voting location in person.

2. Definitions

In this procedure:

"**Act**" means the *Municipal Elections Act, 1996*, S.O. 1996, c.32.

"**AccuVote Tabulating Machine** (**"AccuVote"**)**"** means optical scanning vote tabulator that reads ballots in order to tabulate results of votes.

"**Ballot"** means the composite ballot used for casting a vote.

"**Ballot Box"** means cardboard container that counted ballots are deposited into which is compatible with the AccuVote.

"**Ballot Drop Box"** means designated secured container to store sealed ballot secrecy envelopes containing marked ballots before processing through AccuVote.

"**Ballot Counting Centre"** means the Miclette Room located in the Town Municipal Office, 20 Pelham Town Square, Fonthill.

"**Ballot Return Station"** means the Clerk's Department, Town of Pelham Municipal Office, Meridian Community Centre or Lincoln Pelham Union Library Maple Acre Branch.

"**Candidate"** means a person who has been nominated under section 33 of the Act.

"**Clerk**" means the Town Clerk, or designate, for Town of Pelham and Election Returning Officer responsible for the election.

"**Designate/Election Official"** means Town staff or appointed election officer as designated by the Clerk to carry out election duties as required.

"**Elector**" means a person qualified to vote in the Municipal and School Board Election.

"**Identification**" means voter identification – proof of identity and qualifying address will be provided through declaration on Registration form.

"**Memory Card**" means the card programmed to read and tabulate the results of ballots processed through the AccuVote tabulator.

"**Non-Counted Envelope**" means an envelope to store Ballots which have been inadvertently spoiled, rejected, damaged, etc., and as such will not be counted.

"**On Demand Special Ballot**" means an alternative method of voting provided to Electors upon request.

"**Scrutineer**" means a person appointed in writing by a certified Candidate to observe the election process.

"**Secure Location**" means a locked vault in custody of the Clerk's Department.

"**Special Ballot Registration**" means a required process to receive an On Demand Special Ballot kit.

"**Voters' List"** means a list of voter/ elector data compiled from the Preliminary List of Electors provided by the Municipal Property Assessment Corporation ("MPAC"), as amended by the Clerk.

3. Election Personnel

3.1. The Clerk is responsible to conduct the Municipal and School Board Election, establish the procedures and rules, and to interpret the procedures and rules pursuant to the Act and all Ontario Regulations thereto, except as varied by a Court [s.12(1)].

3.2. The Clerk may appoint in writing, Deputy Returning Officers and such other officials as required to assist in the administration, management, security and control of the election process, including On Demand Special Ballot.

3.3. Written appointments and delegation of duties of Deputy Returning Officers and Election Officials shall include the authority to require any person to furnish proof of identity or qualifications pursuant to The Act.

4. Notice for Vote by Mail Process

4.1. Notice of On Demand Special Ballot and Registration Procedure will be posted on the Town's website.

4.2. Notice of Voters' List revisions - qualified Electors may apply using the prescribed form "Application to Amend the Voters' List" to add, correct or delete their name from the Voters' List.

4.3. Voter Notification Package will be delivered by Canada Post in the fall of 2022.

5. Voters Required to Provide Voter Identification as Per the Act

Submission of Identification is not required. There is a declaration on the Voter Registration form.

6. Vote by Mail Ballot

6.1. Qualified Electors who have registered for On Demand Special Ballot by September 26, 2022 will receive an On Demand Special Ballot Kit via Canada Post regular mail service or in-person pickup. The Voters' List will be marked "VBM" beside the Elector's name to prevent the potential for additional Ballots being issued to the same Elector.

6.2. Qualified Electors who have not registered for an On Demand Special Ballot Kit by September 26, 2022 but find themselves in a circumstance wherein they are unable to attend an in-person voting station may make special arrangements with the Clerk to receive the On Demand Special Ballot Kit. The delivery of the kit will be determined on a case by case basis.

7. Vote by Mail Process

7.1. Qualified Electors whose names appear on the Voters' List, wishing to obtain a On Demand Special Ballot Kit, are required to register by 2:00 p.m. on September 26, 2022 using either of the following methods:

1. In-Person by appointment; or
2. Email communication to hwillford@pelham.ca;
3. Telephone call with follow-up written communication; or
4. First class mail.

Where under the supervision of the Clerk, the On Demand Special Ballot Kits will be distributed to eligible Electors. All Electors are required to sign the declaration on the Registration form which will

serve as Identification. On Demand Special Ballot Registration forms are available from the Clerk's Department, Town of Pelham Municipal Office, 20 Pelham Town Square, Fonthill, or Town website.

The Clerk or Designate will review the Registration form to ensure it is fully and correctly completed by:

- Confirming Elector's identity, by confirming name and qualifying address are on the Voters' List;
- Update the Elector's record on the Voters' List indicating they will receive a Special Ballot on Demand by using the "Record Elector-Vote By Mail" process, and in the comments section, adding "VBM Ballot #", noting the date;
- Sign and date Registration form in the "Town of Pelham" section; and
- If Registration form is rejected, the Clerk or Designate shall notify Elector, explain rejection and provide opportunity for correction where possible.

7.2. The pre-registration process will commence on September 1, 2022 during normal office hours, Monday to Friday 8:30 a.m. to 4:30 p.m. and conclude on September 26, 2022 at 2:00 p.m. The Registration form must contain an original signature.

7.3. Application must be made in writing, on the prescribed form, and the declaration must have an original signature.

7.4. All On Demand Special Ballots, included in the Special Ballot Kits, must be returned either by in-person drop off, Canada Post first class mail using the envelope provided, or deposited into one of the Ballot Return Stations. On Demand Special Ballot returns will not be accepted at any of the voting poll locations or at advance polls.

7.5. Any Elector who registers for an On Demand Special Ballot Kit and decides to attend their voting poll location to vote must surrender their On Demand Special Ballot Kit to the Deputy Returning Officer before being permitted another Ballot to vote at their voting poll location.

7.6. Qualified Electors who have not registered for an On Demand Special Ballot Kit by September 26, 2022 but find themselves in a circumstance wherein they are unable to attend an in-person voting

station may make special arrangements with the Clerk to receive the On Demand Special Ballot Kit. The delivery of the kit will be determined on a case-by-case basis.

7.7. The Special On Demand Kit shall consist of:

a. One Composite Ballot, initialed in the designated Deputy Returning Officer space, by the Clerk or Designate;
b. Voting instructions;
c. One Ballot Secrecy Envelope;
d. One Voter Declaration form;
e. One Voter Declaration form envelope;
f. One postage-paid reply envelope addressed to the Returning Officer; and
g. Such other material as the Clerk determines necessary.

7.8. If a qualified Elector does not receive their On Demand Special Ballot Kit or if the On Demand Special Ballot Kit is lost or destroyed, a new On Demand Special Ballot Kit may be issued by attending the Clerk's Department, Town of Pelham Municipal Office. At the Clerk's discretion, requests to have a replacement On Demand Special Ballot Kit delivered to an Elector's qualifying address will be considered. The Clerk will confirm that the Elector has signed up and is qualified**,** and will have the Elector sign a declaration before a new On Demand Special Ballot Kit will be issued. It will be noted on the Voters' List that the Elector was issued a new On Demand Special Ballot Kit (VBM-R).

7.9. Only black felt pen or black ink shall be used to mark the Ballot. A Ballot will be rejected by the AccuVote if it is marked with any other colour ink or pencil. If a Ballot is rejected, the Clerk will have the discretion to mark a replacement Ballot with the Elector's voting choices with the approved marker and the rejected Ballot will be placed in the Special Ballot Non-Counted Ballot Envelope, marked "replaced". A Ballot sheet account will be maintained for all On Demand Special Ballot Kits issued and Ballots returned.

7.10. Upon receipt of the On Demand Special Ballot Kit, the Elector shall complete the Ballot, marking in accordance with the instructions on the Ballot, place it in the labelled Ballot Secrecy Envelope and seal the envelope. This envelope shall not be folded once it contains a

completed Ballot. The Elector shall complete the Voter Declaration form by signing it and printing their name; tearing or cutting the declaration along the perforation line and placing it in the Voter Declaration Envelope, with the signature visible in the envelope window. Both sealed envelopes shall then be placed in the prepaid Return Voting Envelope. The prepaid Return Voting Envelope may be mailed or delivered to one of the Ballot Return Stations.

7.11. In addition to using regular mail service, the Ballot Return Stations will be established for those Electors wishing to deposit, or have deposited, their Return Voting Envelope directly to the Clerk's Office, Town Municipal Offices, 20 Pelham Town Square, Fonthill, the Meridian Community Centre, 100 Meridian Way or to the Lincoln Pelham Union Library Maple Acre Branch, 781 Canboro Road, Fenwick, or using the secure drop box at the rear entrance to the Town of Pelham Municipal office. See below.

7.12. Electors are responsible for ensuring the Ballot is returned to the Clerk's Department by 8:00 p.m. on Election Day. Should Electors choose to return their Ballot via Canada Post, Electors should ensure enough time is provided for regular post delivery. Electors may also consider depositing their Return Voting Envelope at a designated Ballot Return Station, as identified below:

<u>The Ballot Return Station at Meridian Community Centre ("MCC"):</u>

At any time when the MCC is open

Commencing September 1, 2022 and concluding October 21, 2022 at 4:30pm.

<u>The Ballot Return Station at Pelham Town Hall:</u>

Secure Ballot Return Station: Clerk's Office

Commencing September 1, 2022, Monday to Friday 8:30 a.m. to 4:30 p.m. to Voting Day October 24, 2022, 8:30 a.m. until 4:30 p.m.

Or secure mail drop box situated at the east entrance to Town Hall before 8:00 p.m. on October 24, 2022.

<u>The Ballot Return Station at Lincoln Pelham Union Library Maple Acre Branch</u>

At any time when the library branch is open. Commencing September 1, 2022 and concluding October 21, 2022 at closing of branch.

7.13. On Voting Day, October 24, 2022, the Town of Pelham Municipal Office will close at 4:30 p.m. After 4:30 p.m., Return Voting envelopes can be deposited in the Municipal Office drop box until the close of voting at 8:00 p.m., using the accessible drop box located at the rear entrance of the Town of Pelham Municipal Office.

7.14. Return Voting envelopes deposited in the Town of Pelham Municipal Office drop boxes at any time before October 24, 2022 and no later than 8:00 p.m. will be considered as having been mailed. Return Voting envelopes deposited at the MCC or Maple Acre Library Branch before closing of the branch on October 21, 2022 will be considered as having been mailed.

7.15. A separate Return Voting Envelope will be provided to each individual Elector. Any Return Voting Envelope which contains more than one Voter Declaration form or more than one inner Ballot Secrecy envelope, shall be treated in the following manner:

a. Return Voting envelopes containing equal numbers of Ballot Secrecy envelopes to Voter Declarations will be counted;
b. Return Voting envelopes containing more Ballot Secrecy envelopes to Voter Declaration forms or more Vote Declaration forms to Ballot Secrecy envelopes will be rejected; and
c. In the event a Voter Declaration form could be inside the sealed Ballot Secrecy envelopes, the Ballot Secrecy Envelope will be held by the Clerk until the Ballot processing begins. Upon opening the Ballot Secrecy envelope, if there is no Voter Declaration form it will be rejected. If there is a Voter Declaration form in the Ballot Secrecy Envelope it will be accepted and processed through the AccuVote.

7.16. Each day as Return Voting Envelopes are received either by mail, in-person or at a Ballot Return Station, the Clerk, in the presence of one other Designated Election Official, will:

a. Open the returned On Demand Special Ballot Return Envelope and remove the Voter Declaration Envelope and Ballot Secrecy Envelope;
b. Review the Voter Declaration form to ensure it has been signed;
c. Ensure the voter’s name has not already been struck off the Voters’ List as having voted;

d. Ensure the Ballot Return Secrecy Envelope has been sealed and if it has not been sealed, shall immediately seal the envelope without removing or examining the Ballot;
e. Date stamp the Voter Declaration form and file the forms by date and by poll number, and sorted alphabetically, which shall be made available to Candidates or Scrutineers to review, on appointment;
f. Complete the VoterView electronic master Voters' List Vote By Mail tracking database noting the date the Ballot was returned, and note the date in the comment section for the specific Elector ; and
g. Store the Ballot Secrecy Envelope in a secured, fireproof location within the Clerk's Office.

7.17. Candidates may continuously extract a copy of the updated Voters' List, including On Demand Special Ballot Ballots returned and Elector s who vote at the Advance Poll opportunities, using the Candidate Access Portal.

7.18. At 6:00 p.m. on Voting Day, the sealed Ballot Secrecy Envelopes will be moved to the Special Ballot Counting Centre located in the Miclette Room, Town of Pelham Municipal Office, as designated by the Clerk. It is recognized that there is no way to predict the number of Special Ballot Ballots that will be utilized. To ensure the secrecy of the Ballot, all On Demand Special Ballot Ballots will be processed through an AccuVote tabulator which was assigned to Fire Station #2 Advance Vote, October 1, 2022, to ensure there is no ability to identify. After processing the On Demand Special Ballots, the ender-card process will be conducted and the results tape will be generated.

7.19. Special Ballots received by the Clerk after 8:00 p.m. on Voting Day shall not be counted, but shall be date and time stamped and retained for the statutory document retention period. The Clerk shall retain the Ballots and all other documents and materials related to an election for 120 days after declaring the results of the election; and, when the 120-day period has elapsed, the Clerk, (a) shall destroy the Ballots, in the presence of two witnesses; and (b) may destroy any other documents and materials related to the election (Section 88(1) (2) *Municipal Elections Act, 1996*).

7.20. Ballots not received by 8:00 p.m. on October 24, 2022 will not be counted and Electors who received an On Demand Special Ballot Kit

but no Ballot returned, or Ballots returned late, will be marked on the VoterView system using the "Unrecord" process.

7.21. If a qualified Elector does not receive their On Demand Special Ballot Kit or if the Kit is lost or destroyed, a new On Demand Special Ballot Kit may be issued by contacting the Clerk. The Clerk, or Designate, will confirm the Elector is qualified and require the Elector to complete the Application for Replacement of Special Ballot Kit form. Information will be noted on the VoterView Database for Ballot tracking purposes.

8. Rejection of Ballot(s)

In the event a Voter Declaration form may be inside the sealed Ballot Secrecy Envelope, the Ballot Secrecy Envelope will be held by the Clerk until 8:00 p.m. on October 24, 2022. Upon opening the Ballot Secrecy Envelope, if there is no Voter Declaration form it will be rejected. If there is a Voter Declaration form in the Ballot Secrecy Envelope it will be accepted.

In addition to rejecting cast Ballots for violations of the Act, the following conditions will also cause a Ballot to be considered rejected:

a. If upon opening the Return Voting Envelope the Voter Declaration Form is not signed;
b. If upon opening the Return Voting Envelope there is a different number of Ballot Secrecy Envelopes to Voter Declaration Forms;
c. If there are identifiable marks on the sealed Ballot Secrecy Envelope that identify the Elector;
d. If upon opening the sealed Ballot Secrecy Envelopes at Miclette Committee Room, the envelope contains more than one Ballot; and
e. If upon opening the sealed Ballot Secrecy Envelopes at Miclette Committee Room, the envelopes contains a Ballot which has been over voted in all races, the Accuvote will accept a Ballot for races that have been marked correctly or under voted.

9. Counting Procedure

9.1. At the time of writing, the Town of Pelham Municipal Office is open to the walk-in public. On Voting Day, October 24, 2022, the Town of Pelham Municipal Office will close to the public at 4:30 p.m. Certified Candidates and authorized Scrutineers will be permitted to attend to observe the vote counting process for the Special Ballot Ballots, in accordance with public health guidelines as may be required.

Candidates and/or Scrutineers must advise the Clerk of their intent to witness in advance of Voting Day and be present at 5:45 p.m. to be granted access to the building.

9.2. The Miclette Room at the Town of Pelham Municipal Office will be established as the Special Ballot Counting Centre, together with the Advance Vote tabulation. Only the Clerk and Election Officials, certified Candidates or authorized Scrutineers will be permitted to remain in the Miclette Room.

9.3. The doors to the Miclette Room will be closed at 8:00 p.m. on October 24, 2022, and only Election Officials will be allowed to enter thereafter. Candidates and Scrutineers already present may remain; however, those leaving the room after 8:00 p.m. will not be permitted to return.

9.4. Cell phones or other electronic equipment will not be permitted in the Miclette Room other than for Election Officials. Scrutineers shall not interfere with the vote count in any manner. Should they do so, they shall be required to leave the facility when so requested by the Election Official.

9.5. No campaigning material will be allowed within the Miclette Room.

9.6. At 4:30 p.m. on October 24, 2022, the secured sealed Ballot Secrecy Envelopes received by the Clerk or Designate will be delivered to the Miclette Room.

9.7. The sealed Ballot Secrecy Envelopes will be opened and counted by processing through the AccuVote Tabulator that was assigned to the Fire Station #2, October 1, 2022 Advance Vote polling station. No results tape will be generated until after 8:00 p.m. The number of Ballots processed in this manner will be recorded on a separate Statement of Ballot Account form specifically relating to On Demand Special Ballots issued. Using a new Ballot Box and the AccuVote from Fire Station #2, October 1, 2022 Advance Vote polling station, the Election Official will proceed to deposit the special Ballots through the AccuVote directly into the new Ballot Box. The number of Ballots counted on the AccuVote will be monitored throughout the counting process to ensure it equals the number of special Ballots received, and that the end total is the sum of Station #2 October 1, 2022

Ballots and On Demand Special Ballots processed on October 24, 2022.

9.8. The AccuVote tabulator and Memory Card will be the same as that used for the Advance Poll, October 1, 2022, Fire Station #2. This will ensure that Elector's Special Ballot Ballots cannot be identified. A separate Ballot Box will be used for the On Demand Special Ballot Ballots to ensure the Advance Vote Ballot Box remains with the seals intact.

9.9. In the event a Ballot is accidentally torn when the sealed Ballot Secrecy Envelope is opened, the Clerk or Election Official shall mark a new Ballot for counting and place the damaged Ballot, with a note, in the Not Counted Envelope.

9.10. After the completion of the count of the Ballots, which are in addition to the Advance Poll, October 1, 2022 Fire Station #2, that balance with the number on the AccuVote tabulator, the statement of results for the Ballots shall be completed, signed by the Clerk and Election Official and, if desired, initialed by any Scrutineer present for the count.

9.11. A separate duplicate Deputy Returning Officer Statement of Ballot Account for the On Demand Special Ballot will be completed and placed in the Ballot following the close of poll procedures utilized at Advance Voting and the Ballot Box will be clearly marked "On Demand Special Ballot Ballots Processed".

9.12. Once all Ballots have been counted, the Ballot Box will be sealed and returned to the secured/locked Clerk's Department vault for storage.

10. Security of the Ballots/Special Ballot Kit Prior to Voting

10.1. Ballots will be pre-printed using an external provider and all Ballots will be under the locked security in custody of the Clerk, keyed separately from the remainder of Town Hall for security purposes. All Ballots and Special Ballot Kits will be secured/locked in the Clerk's Department Vault. Ballots for the On Demand Special Ballot Kits will be identical to Ballots used at all polling stations and will be part of the overall controlled Ballot inventory.

10.2. The Clerk, in conjunction with Canada Post, will provide an On Demand Special Ballot Kit to each person identified on the Special Ballot Registration Form as of 2:00 p.m. on September 26, 2022 or it can be picked up at the Town of Pelham Municipal Office if prearranged.

10.3. On Demand Special Ballot Kits that are required after the pre-registration deadline will be considered on a case-by-case basis by contacting the Clerk directly. Every effort to accommodate requests will be made, including no-contact porch drop methods of personal delivery by the Clerk. Porch drop deliveries must provide for the Clerk witnessing retrieval of the Ballot kit. No Ballot envelope will be left unattended. If there is no one present at the dwelling to accept the porch drop at the agreed upon time, the Ballot will not be delivered and separate arrangements must be made. This will be noted in the Clerk's office records.

11. Security of Ballot During/After Voting

11.1. Upon receiving the prepaid Return Voting Envelope by mail, in-person or from the Ballot Return Station(s), the Envelope will be opened and upon being verified, the sealed Ballot Secrecy Envelope will be stored in a secured and fireproof location in the Clerk's Office.

11.2. Unissued, reserve Ballots will be remain in the custody of the Clerk.

11.3. At 6:00 p.m. on Voting Day, the sealed Ballot Secrecy Envelopes will be moved by the Clerk or Election Official to Miclette Room, the envelopes will be opened, and the Ballots tabulated.

11.4. An Election Official will remain in the Miclette Room from 6:00 p.m. until all vote are tabulated and the final results tape is run.

11.5. After the count, the duplicate original Statement of Results (including Advance Poll, October 1, 2022 Station #2 and On Demand Special Ballot Ballots) will be placed in the Ballot Box with the Ballots, which will be sealed and initialed by the Clerk or Designate and then secured/locked in the Clerk's Department vault together with all Ballot Boxes utilized in the Municipal and School Board Election.

12. Scrutineers

12.1. Each Candidate may appoint, on the prescribed form, Scrutineers to be present to observe the election process and the counting of Ballots in the Miclette Room. Scrutineers will be permitted entry at 5:45 p.m. and will remain in the Miclette Room in accordance with public health guidelines.

12.2. At the Miclette Room, a Scrutineer representing a Candidate may be present at the Ballot opening/counting table to oversee the count, upon submission of his/her written appointment. The Scrutineer will be required to take the oral oath of secrecy. Only one Scrutineer per Candidate may be present at one time at the table.

12.3. All Scrutineers must comply with the procedures that are set out on their appointment form and any applicable public health procedures as they relate to the COVID-19 pandemic.

13. Emergencies

In the event of any condition of an emergency or any circumstance that will undermine the integrity of the election, the Clerk has the discretion to declare an emergency and make any arrangements she deems necessary for the conduct of the election.

14. Amendment to this Document

14.1. The Clerk, at any time, has the right to amend this document to facilitate the vote, the count, the tabulation of the votes and the security of the process.

14.2. The Clerk's ruling on any interpretation of the document is final.