



**TELEPHONE/INTERNET VOTING
ELECTION POLICIES and PROCEDURES
for the 2023 MUNICIPAL BY-ELECTION**

**Approved by the
Clerk / Returning Officer of the
Township of Rideau Lakes
this 7th day of March, 2023**

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, and the *Good Government Act, 2009*.

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1) AUTHORITY

On March 6, 2017, the Council of The Corporation of the Township of Rideau Lakes adopted By-Law Number 2017-18, authorizing the use of an alternative voting method.

The *Municipal Elections Act, 1996*, more specifically Subsection 42(3) and (4), states as follows:

- (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. 2009, c. 33, Sched. 21, s. 8 (22); 2016, c. 15, s. 31 (3).
- (4) The following rules apply with respect to the clerk's duties under clause (3)
 - (a):
 - 1. The clerk shall comply with subsection (3),
 - i. in the case of a regular election, on or before June 1 in the year of the election, and
 - ii. in the case of a by-election, at least 60 days before the first day on which an elector can vote.

Subsection 11(2) of the *Municipal Elections Act, 1996*, states that the Clerk of a local municipality is responsible for conducting elections within that municipality and 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). 1996, c. 32, Sched., s. 11 (2); 2009, c. 33, Sched. 21, s. 8 (7).

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With respect to the duties and authority of a municipal Clerk, Section 12 of the Municipal Elections Act 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. 1996, c. 32, Sched., s. 12 (1).

(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. 1996, c. 32, Sched., s. 12 (2).

(3) Subject to subsection (4), 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. 1996, c. 32, Sched., s. 12 (3); 2002, c. 17, Sched. D, s. 4; 2016, c. 15, s. 10 (1).

12.1 (1) A clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities. 2009, c. 33, Sched. 21, s. 8 (8).

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. 1996, c. 32, Sched., s. 13 (1).

(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. 1996, c. 32, Sched., s. 13 (2).

Subsection 42(4)(2) also 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 42(5) further states 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. As one of the purposes for the use of the alternative voting (being Telephone/Internet Voting) was to eliminate proxies,

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By-Law Number 2017-18 of the Township of Rideau Lakes is silent on these issues, and it is therefore not applicable. Therefore, with respect to proxies, a person cannot give his or her Voter Information Letter to another eligible elector or other individual for the purpose of voting. Acceptance of another's Voter Information Letter, including the *Actual* voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provision under the *Municipal Elections Act*.

The *Municipal Elections Act*, more specifically Section 53, also provides that the Clerk may declare an emergency if he or she is 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.

2) APPROVAL

Therefore, as Clerk of the Township of Rideau Lakes and Returning Officer for the municipal election, I do hereby certify and approve the following procedures for conducting the 2023 Municipal By-Election and also establish that the attached forms are the forms permitted to be used during this election process.

March 7, 2023

Date Approved



Mary Ellen Truelove
Clerk / Returning Officer

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3) DEFINITIONS

- a) **Advance Voting** – means voting conducted between the hours of 10:00 a.m. on May 9, 2023 and ending at 9:59 a.m. on May 15, 2023.
- b) **Ballot** – means either an image on a computer screen 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 pressing the numbered touchtone keypad.
- c) **Candidate** – means a person who has been nominated under Section 33 of the *Municipal Elections Act*.
- d) **Certified Candidate** – means a candidate whose nomination has been certified by the municipal Clerk under Section 35 of the *Municipal Elections Act*.
- e) **Clerk** – means the Clerk of the Township of Rideau Lakes who is responsible for conducting this election under the authority of the *Municipal Elections Act, 1996*, as amended.
- f) **Eligible Elector** – means a person who is entitled to be an elector at an election held in the Township of Rideau Lakes, if on voting day they meet the qualifications outlined in Section 17(2) and 17(3) of the *Municipal Elections Act, 1996*.
- g) **Election Official** – means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the *Municipal Elections Act, 1996*. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk and must take the prescribed oath.
- h) **Interpreter** – means one who translates orally for parties conversing in different languages.
- i) **Municipality** – means The Corporation of the Township of Rideau Lakes.
- j) **Password** – means an additional access control word assigned by Intelivote Systems Inc. to each authorized user to provide additional security for access to the voting system.
- k) **Personal Identification Number (PIN)** – means a unique multiple digit number assigned by Intelivote Systems Inc. to each eligible elector to provide security

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for access to the voting system.

- l) **Preliminary List of Electors** – means a list of electors for the Township of Rideau Lakes compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Township by March 10, 2023 for the By-Election.
- m) **Satisfactory Identification** - means one or more pieces of identification or personal information, which would verify the identity of an individual to the satisfaction of an Election Official.
- n) **Script** - means all information flow and system prompts from the alternate voting system including instructions, informational messages, error messages, and exceptions.
- o) **Scrutineer** - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process.
- p) **Support Person** - means a person who has been requested by an elector to assist them in the voting process.
- q) **Voter Help Centre** - means a location provided by the Township of Rideau Lakes to assist electors with the Telephone/Internet Voting process or other general election inquiries, and to make additions, deletions, and corrections to the Preliminary List of Electors. The Help Centre is located at the Main Municipal Office, 1439 County Road 8, Delta, Ontario.
- r) **Voters' List** - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the *Municipal Elections Act, 1996*, as amended.
- s) **Voting Day** - means the final day on which the vote is to be taken in an election and shall be from 10:00 a.m. to 8:00 p.m. on May 15, 2023.
- t) **Voter Information Letter** - means a sealed envelope containing a Personal Identification Number (PIN) for each person on the Voters' List or who have 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 Help Centre number for assistance; and a list of candidates for office. These envelopes shall be mailed individually to every person on the Voters' List.

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4) APPLICATION

- a) This procedure has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a)(ii) of the *Municipal Elections Act, 1996*, as amended, and applies to the Telephone/Internet Voting being conducted by the Municipality between Tuesday, May 9, 2023 and Monday< May 15, 2023.
- b) 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, 1996, as amended*.
- c) 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, 1996, as amended*, with the same being determined and established by the Clerk.
- d) These procedures may be amended, as deemed necessary and appropriate, by the Clerk of the Municipality. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all Certified Candidates for office for the Municipality and/or school boards.

5) SECRECY

- a) The Clerk shall require all Election Official(s) and/or other persons 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, 1996*.
- b) 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 the elector for assistance.
- c) 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 him or her 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.
- d) No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.

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- e) No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a Support Person or an Election Official.
- f) All electors participating in the voting process 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.
- g) 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, 1996, as amended*.

6) VOTER HELP CENTRE

The Voter Help Centre shall be established at the main Municipal Office, 1439 County Road 8, Delta, Ontario, or as established by the Clerk.

The Voter Help Centre shall be responsible for the following:

- a) Adding eligible voters who attend at the Voter Help Centre and are not on the Voters’ List who complete a declaration form and provide satisfactory identification.
 - i) Their names and required personal information such as property description, mailing address, date of birth, citizenship and school support will be added to the Voters’ List, and they will be assigned and receive (or mailed) a Voter Information Letter containing a (PIN); and
 - ii) They will be able to vote at the Voter Help Centre if they so wish during the established voting period with proof of identity/eligibility.

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7) PRELIMINARY LIST OF ELECTORS / VOTERS' LIST

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 of the Municipality and obvious errors shall be corrected as permitted under Section 22 of the *Municipal Elections Act, 1996, as amended*, and the list shall be approved for use as the Voters' List.

- a) The list shall be reproduced in paper or electronic format on or before April 6, 2023.
- b) Upon written request (Subsections 23(3), (4) and (5) of the Act) all Certified Candidates shall be entitled to one (1) copy or an electronic format and shall sign a statement acknowledging that the Voters' List shall not be used for any commercial purposes or disclosed to others.
- c) The candidates shall receive login ID(s) and password(s) provided by Intelivote Systems Inc., allowing them to view the List of Electors and identify individual electors, through a series of Actions including the ability to identify and track during the election campaign and voting period.
- d) Additions, corrections, and deletions may be made to the list in accordance with the *Municipal Elections Act, 1996, as amended*.
- e) The Clerk and/or Intelivote Systems Inc. shall produce an electronic list of the additions, corrections, and deletions, as stated in paragraph (4) 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 Act and the same shall be the final Voters' List. This list, as required under Section 27 of the *Municipal Elections Act, 1996*, shall be available no later than April 20, 2023 at the Municipal Office, 1439 County Road 8, Delta, Ontario.
- f) The Voters' List, as corrected by the Clerk pursuant to the Municipal Elections Act, 1996, shall be provided to Intelivote Systems Inc. in electronic format in order for Intelivote Systems Inc. to print the Voter Information Letter prior to their regular mailout deadline.

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8) NOTICES

- a) The Clerk of the Municipality shall notify voters of the following through the use of newspaper advertisements:
 - i) That municipal by-elections are being held for the Municipality and that the Municipality has adopted an alternative voting method, being Telephone/Internet Voting;
 - ii) The date(s), time(s) and location(s) for the holding of the vote including advance voting, and the methods of voting for each;
 - iii) The office of the council;
 - iv) The manner in which electors may or may not use voting proxies;
 - v) Who is eligible to vote in the municipal by-election; and
 - vi) 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.

- b) The Clerk shall determine the date(s) of all advertisements including the newspaper(s) and the notices that are to appear in order to comply with the requirements and principles of the *Municipal Elections Act, 1996*, as amended. The Clerk shall determine if additional advertisements beyond those listed under Section 7(1) are warranted.

- c) Each person on the Voters' List shall be mailed, by "first-class" mail, a sealed Voter Information Letter containing:
 - i) Their PIN and the telephone number to call to cast their vote, as well as the designated Internet address (URL) to access to cast their vote using the Internet;
 - ii) Instructions on how to vote;
 - iii) Dates and hours of voting; and
 - iv) The location and telephone number of the Voter Help Centre.

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9) VOTING

- a) A Telephone/Internet Voting method shall be used for the 2023 Municipal By-Election.
 - i) Telephone/Internet Voting:
 - (1) Eligible electors shall be required to telephone a designated number or access a designated Internet address and cast their vote(s).
 - (2) Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail in a sealed and personalized Voter Information Letter.
 - (3) The Intelivote system will allow the eligible elector to vote using a telephone or Internet.
 - (4) Following the voter's selection, the voting system response shall identify the voter's choice and provide the voter with the option of changing or confirming their vote.
 - (5) The voting system shall enable the voter to abstain/skip from voting for an office(s) if they wish to do so.
 - (6) Once the Voter PIN has been used to complete "all" races associated with the election it cannot be used again and further access shall not be granted to the Telephone/Internet Voting service.
 - ii) Voting will commence on May 9, 2023 at 10:00 a.m.
- b) Prior to the alternate voting system Activation, on May 9, 2023 the auditor or other authorized election official will generate the confirmation report that contains all candidate names running for an office (through the alternate voting system by secure ID and password). The report displays in real time the sum total of votes cast for each candidate running for an office. The timing of this report Activity ensures that all totals for all candidates, confirms zero (0) votes before the electronic election begins.

The alternate voting system will be Activated unless any of the counts associated with the candidate names do not indicate a zero (0) total, and unless directed otherwise by an Election Official.

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- c) Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at “0” and shall be permitted to sign a document that attests to this fact.
- d) Intelivote Systems Inc. will make available online, a list to the Clerk and any other appropriate individuals of the Township of Rideau Lakes of all corresponding names of individuals, by order of polling subdivisions/wards if applicable, who have voted during the advance voting, if such an event has taken place. The names of individuals who have submitted a ballot, electronically or otherwise, will be indicated as voted. A list of electors who have voted during this period will be provided or made available to the candidates or their respective scrutineer through the Clerk’s office or by electronic means by Intelivote Systems Inc. at the Clerks discretion. This list shall be provided by Intelivote Systems Inc. in “real time”, or as closely as possible to real time.
- e) If so allowed by the Clerk, Intelivote Systems Inc. will make available during the course of the election, IDs and passwords for candidates and/or their scrutineers, who when using this authorization, can connect into the voting system and review elector list information previously identified by them to discern which electors have participated in the election. This capability does not provide the candidate, or their designate, information on how an elector has voted, only if the voter has participated in the election.
- f) Candidates or their scrutineer may view this information any time during the voting period.
- g) Where a voter qualifies at more than one location in the Municipality, the voter may vote only once and the qualifying address to determine eligibility for voting shall be at 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. However, should an eligible voter receive more than one Voter Information Letter, the eligible elector may only vote once and must return the other document(s) to the Municipal Office. All voters who vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation to possible corrupt practices under the *Municipal Elections Act, 1996*.

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10) VOTER PINs

New or replacement Person Identification Numbers (PIN(s)) shall not be given out over the telephone, e-mail or by mail without the express approval of the Clerk or their designate. A Voter Information Letter containing the PIN shall not be given to any person at the Voter Help Centre or via email unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by the Election Official. A Voter Information Letter containing the PIN, may be provided by email to the elector, at the Clerk's discretion and with written authorization from the elector to send the VIL by email.

a) Used VILs/PINs

- i) Where an eligible voter has tried their PIN and they have determined that it has already been used, the voter can attend at the location determined by the Clerk with satisfactory identification and have an Election Official confirm that the elector's PIN has been used by an impersonator.
- ii) Prior to the issuance of a new Voter Information Letter, the elector shall be required to respond and answer all questions of the Election Official prior to considering or authorizing the re-issuance of a Voter Information Letter. The Election Official shall document, to their satisfaction, questions and answers of the elector and, if deemed appropriate, the Clerk shall submit same to the Ontario Provincial Police for further investigation and prosecution.
- iii) If the Election Official believes that all questions have been answered truthfully and to their satisfaction, the Election Official may provide the elector with a new PIN, or at the discretion of the Election Official the elector will be required to make a declaration as to their statement and to 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 of the elector 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 Personal Identification Number.
- iv) Once the elector has properly answered all questions and, if required, taken the prescribed oath, the elector shall be issued a new Voter Information Letter containing a new PIN.

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b) Corrections to Voter Information Letter

- i) Where an eligible voter has received an incorrect Voter Information Letter in terms of Ward (if applicable), and/or school support, the voter can contact the Voter Help Centre and have the proper category applied to the existing PIN. If the voter has used the PIN to vote, the system will indicate what races the elector has already voted and shall have the category changed to the proper one required and the voter shall re-access the system and vote all races not yet completed.
- ii) The eligible elector shall be able to re-enter the system at any time during the election using the original PIN or the re-categorized PIN until all races have been completed or the elector has finalized their submission.

c) Lost PINs

Verifying and re-issuing a Voter Information Letter and Personal Identification Number to qualified voters:

- 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 (or prove to the satisfaction of the authorized Election Official) that they require a new PIN at the Voter Help Centre in order to receive a new one. The authorized Election Official will disable the Voter's lost 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 shall be issued, by mail until October 14, 2022 and after that date must attend at the Voter Help Centre to obtain the Voter Information Letter and PIN. At the Clerk's discretion and with written authorization from the elector, the Clerk may provide a Voter Information Letter via email to the elector.

d) Returned VILs

- i) Voter Information Letters returned to the Main Municipal Office unopened will be opened and the PIN status will be set so that the PIN cannot participate in the voting process. The opened Voter Information Letters will then be marked "unused" and be maintained in a secure fashion and will be destroyed at the same time as all other Municipal Election material as provided for under Section 88 of the Municipal Elections Act, 1996, as amended.

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- ii) The Election Official will immediately set the PIN status so that the PIN cannot participate in the voting process should a Voter Information Letter be returned to the Municipal Office that has been opened but has not been used for voting purposes. In this circumstance, the Voter Information Letter shall be marked unused and be secured and destroyed as in item 4a above.
- iii) The Election Official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters;
 - (1) That were sent to voters on the voters' list;
 - (2) That were undeliverable and returned from the Post Office;
 - (3) That were returned by a voter or other individual(s) either opened or unopened but unused for voting purposes;
 - (4) That were re-issued to an eligible elector;
 - (5) Whose PIN on the Letters were set to a status that prevented them from being validated in the voting process.

11) VOTER QUALIFICATIONS

A person is entitled to be an elector at an election held in the Municipality if, on Voting Day (May 15, 2023) he or she:

- a) Resides in the Municipality or is the owner or tenant of land there, or the spouse of such an owner or tenant;
- b) Is a Canadian citizen;
- c) Is at least 18 years old; and
- d) Is not prohibited from voting under subsection 17(3) of the *Municipal Elections Act, 1996* or otherwise, by law.

A Form EL15 (Application to Amend Voter's List) will be available on the Township website for download, or direct submission to the municipality. Person's opting to provide direct submission to the Municipality must upload a piece of photo identification in order to make the application complete. Once the 'submit' button is used, the application, including the uploaded identification, is sent to the Deputy Returning Officer for review.

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12) VOTING PROCESS

- a) Eligible Voters may vote by:
- i) Accessing the telephone number provided by using a touch-tone device but not a rotary dial telephone. “Diga-pulse” telephones will be able to access the system using their PIN providing the over-ride button on their telephone to a “touch-tone” mode is completed. Should the preceding be incorrectly completed, the interactive response system will provide an error message requesting that the eligible elector obtain assistance from an Election Official, or by,
 - ii) Accessing the Internet address provided by using a dial modem access or a high-speed connection.
 - iii) Eligible Voters may attend the Voter Help Centre, located at the Main Municipal Office, 1439 County Road 8, Delta, Ontario, during the following hours:
 - (1) For Advance Voting, Monday, to Friday, between the hours of 10:00 a.m. to 4:30 p.m. on May 9, 2023 and May 10 to May 14, 2023 between the hours of 8:30 a.m. to 4:30 p.m.
 - (2) For Voting Day, between the hours of 10:00 a.m. to 8:00 p.m. on May 15, 2023, and use the touch-tone telephone or Internet access provided. Any telephone provided at the Voter Help Centre shall delete any display options on the telephone.
 - iv) Attending at the 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 touch tone telephone or Internet access provided. In the absence of a support person, the voter may request the assistance of the Election Official, who may provide assistance only after the appropriate oath, if required, has been taken.
 - v) Attending the Voter Help Centre during hours identified in paragraph (c) with an interpreter, taking the appropriate oral oath(s) and voting using the touch- tone telephone or Internet access provided.

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13) SCRUTINEERS

- a) Scrutineers may be appointed, in writing by the candidate, as stated under Section 16 of the Municipal Elections Act, 1996, as amended. If appointed, scrutineers will be entitled to the following:
 - i) Upon request and after producing the properly signed “Appointment of Scrutineer” form and prescribing to the oath(s) of secrecy, they will be provided access to the Intelivote system showing voter sequence number and/or voter name that correspond to the list of voters, allowing them to determine all electors that have submitted a ballot. Scrutineers may log onto the system any time after the election has started and voters have cast ballots and determine who has voted.
 - ii) Upon request and after producing the properly signed “Appointment of Scrutineer” form including prescribing to the oath(s) of secrecy, they may attend the Voter Help Centre during hours of operation to observe the process. Scrutineers who do not follow the instructions of the Election Official(s), or who attempt to interfere, influence and to determine how an elector is voting will be requested to leave the Voter Help Centre immediately and their appointment will be revoked and will not be permitted to re-attend at the Voter Help Centre.
 - iii) To be present at the time and place where results are received by the Clerk, including signing the results report indicating the final results and votes cast.

- b) Use of a mobile device, computer, laptop, or tablet shall **NOT BE PERMITTED** within the Voter Help Centre by any candidate or scrutineer.

14) SYSTEM

- a) The integrity of the voting process shall be the responsibility of the Clerk of the Municipality and shall be preserved by:
 - i) Ensuring that every eligible elector on the Voters’ List is mailed, using first class mail, a sealed Voter Information Letter which contains the voter’s unique PIN;
 - ii) Ensuring that no one except Intelivote Systems Inc. maintains a list of PINs that matches each voter’s name and address; and

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- iii) Providing an opportunity for eligible electors who do not appear on the Voters' List to be added to the list or to make amendments to the list, up to and including Election Day, May 15, 2023 at 8:00 p.m.

- b) The voting system shall be tested on several occasions by the Auditor. The test(s) shall include, but not be limited to the following:
 - i) Checking the wording of the script;
 - ii) Checking the Voter Help Centre and Voter Help Centre telephones and Internet access;
 - iii) Checking Script and input timing;
 - iv) Attempting to use a PIN more than once;
 - v) Balancing a predetermined number of votes with those cast;
 - vi) Matching PINs to names and addresses;
 - vii) Checking the system which is used for Activating PINs through the Voter Help process; and
 - viii) Deliberately entering the wrong information.

- c) All certified candidates are to verify to the Clerk the proper pronunciation of their name, in English no later than April 12, 2023.

15) CORRUPT ELECTION PRACTICES - PROVINCIAL OFFENCE AND PROSECUTION

- a) Sections 89, 90, 91, 92, 93, 94, 94.1 and 94.2 of the *Municipal Elections Act* provides for penalties and enforcement of corrupt practices and other offences during an election process.

- b) Although the Township of Rideau Lakes 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.

- c) Section 89 of the Municipal Elections Act, 1996, states: A person is guilty of an offence if he or she:
 - i) votes without being entitled to do so;
 - ii) votes more times than this Act allows;

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- iii) votes in a voting place in which he or she is not entitled to vote;
 - iv) induces or procures a person to vote when that person is not entitled to do so;
 - v) having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
 - vi) 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;
 - vii) before or during an election, publishes a false statement of a candidate's withdrawal;
 - viii) furnishes false or misleading information to a person whom this Act authorizes to obtain information;
 - ix) without authority, supplies a ballot to anyone;
 - x) 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;
 - xi) takes a ballot away from the voting place;
 - xii) 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;
 - xiii) attempts to do something described in clauses (a) to (l).
- d) In addition, under the provisions of Section 90 of the Municipal Elections Act, 1996, 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, to be disqualified from voting at an election until the next regular election has taken place after the election to which the offence relates.
- e) No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Ontario Provincial Police for investigation of corrupt practices.
- f) Although many provisions of the Municipal Elections Act, 1996, 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.
- g) As such, the Municipal Clerk of the Township of Rideau Lakes in this alternative form of voting, has agreed to the following rules and regulations:

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- i) That all complaints about Actions which may contravene the provisions of the Municipal Elections Act, 1996, either verbally or written, will be investigated by the Clerk;
- ii) 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;
- iii) The local Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to their office for further investigation;
- iv) 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.
- v) The Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

16) MAIL TAMPERING – CRIMINAL OFFENCE AND PROSECUTION

- a) The Municipality 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.
- b) 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.
- c) As such and in order to ensure the integrity and confidence of the voting process for all electors and the candidates, the Municipal Clerk of the Municipality in this alternative form of voting has agreed to the following rules and regulations:
 - i) 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;
 - ii) 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;

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- iii) The local Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to their office for further investigation;
- iv) 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.
- v) The Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

17) RESULTS

- a) The Municipality shall keep its public internet and telephone voting open until 8:00 p.m. Monday, May 15, 2023, and its Voter Help Centre access opened until the Clerk confirms that all eligible voters in the Voter Help Centre at 8:00 p.m. have completed voting.
- b) The Clerk of the Municipality, as soon as practicable after 8:00 p.m. on May 15, 2023, providing that all eligible electors within the Voter Help Centre 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 candidate. The final results of each candidate shall be available as soon as practical after 8:00 p.m. on May 15, 2023 at the Municipal Office located at 1439 County Road 8, Delta Ontario.
- c) The Clerk shall report the "unofficial" results when received from Intelivote Systems Inc. as soon as practicable after 8:00 p.m., May 15, 2023, at Election Headquarters located at the Municipal Office at 1439 County Road 8, Delta Ontario.
- d) Pursuant to Subsection 55(4) the Clerk shall, as soon as practicable after 8:00 p.m., May 15, 2023 at the Municipal Office located at 1439 County Road 8, Delta Ontario:
 - i) Declare the candidate or candidates, 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 question.

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18) RECOUNT PROCEDURES

- a) In the case of a tie vote, as provided under Section 56 of the Municipal Elections Act, as amended, the Clerk of the Municipality shall request from Intelivote Systems Inc. a re-tabulation of the votes cast.
- b) Pursuant to Subsection 56(2) of the Municipal Elections Act, 1996, the recount shall be held within fifteen (15) days after the Clerk's declaration of the results of the election.
- c) Pursuant to Subsection 61(1) of the Municipal Elections Act, 1996, as amended, the following persons will be authorized to attend the recount:
 - i) The Clerk and any other election official appointed for the recount.
 - ii) Every certified candidate for the office.
 - iii) The applicant, in the case of a recount ordered under section 58.
 - iv) For each person referred to in paragraphs 2 and 3,
 - (1) a lawyer, and
 - (2) one scrutineer for each recount station established by the Clerk.
- d) At the precise hour of 12:00 noon on May 23, 2023, the Clerk shall request Intelivote Systems Inc. to re-tabulate the results for the office(s) that are subject to the recount procedure and that the results be segregated by wards (if applicable), and polling subdivisions. Intelivote Systems Inc. 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.
- e) Upon receipt of the final results of the recount, 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”.
- f) In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:

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- i) The Clerk shall determine the texture and quality of the paper used for this process and each individual present will have an opportunity of examining the paper to be used to inscribe the names of the candidates;
 - ii) The Clerk shall inscribe the name of each candidate(s) on a similar size paper and each individual present, without touching the paper, examine the same. In addition, all persons present will have an opportunity of examining the box which will be used for conducting the lot;
 - iii) Upon acceptance of all the candidates that the process 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.
- g) 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 (or designate) to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
- h) The Municipal lawyer (or designate) shall hand directly to the Clerk the selected and required number of papers and the Clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.
- i) Once completed, the Municipal lawyer (or designate) 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.

19) AFTER VOTING DAY

- a) At no time after Voting Day shall any information regarding the voter, PINs and ballots come together to allow anyone to know how an elector has voted.
- b) All election materials shall be destroyed in accordance with the principles of Section 88 of the *Municipal Elections Act, 1996*.

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20) EMERGENCIES

Pursuant to the Section 53 of the *Municipal Elections Act, 1996*, the Clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act. An emergency shall be declared in the event of a flood, fire or power failure in the Municipality; acute illness or accident of the Clerk/Returning Officer or Assistant Returning Officer which prevents her/him from conducting the election pursuant to the *Municipal Elections Act, 1996*.

On declaring an emergency, the Clerk shall make such arrangements as he or she considers advisable for the conduct of the election.

In the event of an emergency, the Clerk/Returning Officer shall advertise and post notices to the extent possible, that the election has been delayed.

If there is a voting system disruption on Voting Day that prevents voters from accessing the voting system, voting will remain open until 10:00 p.m. If the electronic voters list cannot be accessed to strike voters from the list at paper balloting polls, those using paper ballots must take the prescribed oath that they have not previously voted during the 2023 voting period.

In the event of a disruption, Intelivote Systems Inc. under direction from the Clerk/Returning Officer shall stop the Intelivote system from accepting telephone calls and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.

In the event the Clerk/Returning Officer or Assistant Returning Officer 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.

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21) ACCESSIBILITY

The Clerk shall have regard for the needs of candidates and electors with disabilities or in need of accommodation.

The Clerk shall ensure the Voter Help Centre is accessible to candidates and electors with disabilities.

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

Election officials will be available for assistance Monday to Friday, 8:30am to 4:30pm during the Voting Period and on Voting Day from 10:00am to 8:00pm at the designated Voter Help Centre.

The Municipality has an Accessibility Policy (By-Law Number 2009-59). The Municipal Election for the Municipality will be conducted having regard to the policies as established.

22) AMENDMENT 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.

23) ATTACHMENTS – FORMS

Additional forms have been prepared for the 2023 Municipal By-Election and will be utilized when necessary or desirable for conducting the election under the direction of the Clerk, as per Section 12 (1) of the *Municipal Elections Act, 1996*.