



Municipality of Kincardine
Election Procedure Manual
2022 Municipal Election

Procedures and forms approved and authorized by the Clerk of the Municipality of Kincardine for Internet/Telephone Voting for the 2022 Election.

Dated: April 26, 2022

As Clerk of The Corporation of the Municipality of Kincardine, I do hereby certify the following procedures for Internet and Telephone Voting for the 2022 Municipal Election and also certify the forms attached (or similar version, either paper or electronic) as being those permitted to be used during this election process.

Jennifer Lawrie
Clerk

Index

Contents

- Index..... 2**
- Section 1 – Authority 3**
- Section 2 - Disclaimer 4**
- Section 3 – Principles of the Act..... 5**
- Section 4 – Definitions..... 5**
- Section 5 - Secrecy 8**
- Section 6 - Voters’ List..... 9**
- Section 7 - Help and Revision Centre..... 10**
- Section 8 – Notices and Advertisements 11**
- Section 9 – Voter Qualification 12**
- Section 10 – Voting Process 12**
- Section 11 – Voting System Integrity 15**
- Section 12 – Close of Poll and Results 16**
- Section 13 – Recount Procedures 17**
- Section 14 – System Accessibility..... 19**
- Section 15 - Scrutineers 19**
- Section 16 – Corrupt Election Practices, Offences, Penalties and Enforcement .. 20**
- Section 17 – Mail Tampering – Criminal Offence and Prosecution..... 21**
- Section 18 – Destruction of Records..... 22**
- Section 19 – Emergencies 22**
- Section 20 – Appendices 22**
- Appendix A 23**
- Election Forms 23**

This Manual is provided for informational purposes and is subject to change, with updates noted and posted on the website. Please refer to the legislation for specific reference. The forms and notices in this document will be provided in English and French where required by Legislation.

All references to the Clerk, for the purposes of this Manual, shall mean the Returning Officer (RO) for the 2022 Municipal Election. All references to the Clerk’s designate shall mean the delegated duties of the RO.

Section 1 – Authority

The Telephone and Internet Voting Election Procedure for the Municipality of Kincardine has been prepared in accordance with the provisions of Section 42 of The Municipal Elections Act (the Act), 1996, as amended.

The Municipality of Kincardine has chosen to utilize the telephone and internet voting method for the 2022 Municipal Election, as authorized by By-law No. 2021-045 of the Municipality of Kincardine on April 7, 2021, and pursuant to the provisions of Section 42 of the Act.

Section 42(2)(a) of the Act, 1996, as amended, provides that a by-law passed under Section 42(1) of the Act applies to a regular election if the by-law is passed on or before May 1 in the year of the election.

Section 42(3) of the Act provides that, no later than June 1, 2022, the Clerk shall establish procedures and forms for the use of any alternative voting method authorized by by-law and provide same to each candidate.

Section 42(4) of the Act provides 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.

When the Election Procedure Manual for the Municipality of Kincardine does not provide for any matter, an election to which this procedure applies shall be conducted as far as practicable in accordance with the principles of the Act.

Section 11(2) of the Act states that the clerk of the local municipality is responsible for conducting elections within that municipality which includes 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) preparing a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

Section 12 of the Act provides that, with respect to the duties and authority of a municipal clerk:

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
- (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.

- (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.

While Section 13 of the Act provides:

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.
- (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 the Act.

Subsection 42(5) of the Act further states that, when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (proxy votes) apply only if the by-law so specifies. By-law No. 2021-045 does not provide for either advance or proxy votes; therefore, a person cannot give their Voter Information Letter to another eligible elector for the purpose of proxy voting. Acceptance or theft of another person's Voter Information Letter including actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provisions under the Act.

Section 53 of the Act 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 the Act. It provides the authority for 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 Act, prevail over anything in the Act and the regulations. All such arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

Definitions shall be as set out in the Act and as provided for in the Election Procedure Manual.

Section 2 - Disclaimer

The Election Procedure Manual has been prepared to provide general guidance for the 2022 Municipal and School Board Elections in the Municipality of Kincardine including any contest for which the Municipality collects votes on behalf of another Returning Officer for which the election spans municipal boundaries (i.e. School Board Elections).

In the event of any discrepancy in the Election Procedure Manual, the Municipal Elections Act, 1996, as amended, shall take precedence except as provided for in Section 42(4) of the Act.

Amendments may be made to the Election Procedure Manual at the discretion of the Clerk.

Where these procedures do not provide for any matter, the election shall be conducted in a manner that is both practicable and consistent with the principles of the Act, with the same being determined by the Clerk. Cases which are not addressed in these procedures will be recorded, action taken and reflected in an addendum signed by the Clerk to these procedures and circulated to all candidates and posted on the website.

Section 3 – Principles of the Act

Some of the principles that were considered during the development of the procedures were that:

- the secrecy and confidentiality of the individual votes is paramount;
- the election should be fair and non-biased;
- the election should be accessible to the voters;
- the integrity of the process should be maintained throughout the election;
- there be certainty that the results of the election reflect the votes cast; and
- voters and candidates should be treated fairly and consistently within a municipality.

Section 4 – Definitions

1. Act - means the Municipal Elections Act, 1996 S.O. 1996, c. 32., as amended.
2. Advance Voting Period - means the time during the Voting Period in which eligible electors may cast ballots before Voting Day in an election.
3. Auditor - means the person appointed by the Clerk to validate the logic and accuracy of a Voting System used in an election.
4. Ballot - means either an image on an internet-enabled device of a ballot for an election to be voted on, including all choices available to the elector and containing spaces in which the elector can mark his/her selection or when using a telephone or wireless phone, an audio set of instructions which describes all choices available to the elector and instructions to mark their selection by depressing the numbered touch tone keypad.
5. Candidate - means a person who has been nominated under Section 33 of the Municipal Elections Act, 1996, as amended.
6. Certified Candidate - means a candidate whose nomination has been certified by the Clerk under Section 35 of the Municipal Elections Act, 1996, as amended.
7. Clerk - means the Clerk of the Municipality of Kincardine who is responsible for conducting the 2022 Municipal Election under the authority of the Municipal Elections Act, 1996, as amended and reciprocally also known as the Returning

Officer. All references to the Clerk's designate shall mean the delegated duties of the Returning Officer.

8. DataFix - means an Election Management System used to conduct a municipal election including Voter View, an internet-based application designed to provide election officials with an electronic view of their electoral information, including the ability to make corrections to the Voters list as well as to access various voter counts needed for electoral planning, with the capability to provide an electronic copy of all changes to the provincial authority at the end of the electoral event.
9. Election - means the 2022 Municipal and School Board Elections conducted by the Clerk.
10. Election Official (EO) - means the Clerk and/or other persons appointed in writing by the Clerk to carry out election duties in accordance with the Municipal Elections Act, 1996, as amended. An EO can only carry out duties and tasks as assigned in writing by the Clerk and must take the prescribed oath in accordance with Section 15 of the Municipal Elections Act, 1996, as amended.
11. Elector - means an individual eligible to vote in an election for the Municipality.
12. Friend or Support Person - means a person who has been requested by an elector to assist then in the voting process in accordance with the Municipal Elections Act, 1996, as amended.
13. Help and Revision Centre - means a location provided by the Municipality of Kincardine to assist electors, provide guidance and clarification with the telephone and internet voting process or other general election inquiries. The Help and Revision Centre will be located in the Municipal Administration Centre at 1475 Concession 5, RR #5 Kincardine, ON N2Z 2X6.
14. Municipal Administration Centre – means the Municipality of Kincardine Municipal Administration Centre located at 1475 Concession 5, RR #5 Kincardine, ON N2Z 2X6.
15. Municipality – means The Corporation of the Municipality of Kincardine.
16. Nomination Period - means the period between the first day of nominations to Nomination Day. The first day that nominations can be filed for a regular election is Monday, May 2, 2022 during regular office hours. Nomination Day (the deadline to file or withdraw a nomination) for a regular election is Friday, August 19, 2022 and nominations may only be filed between 9:00 a.m. and 2:00 p.m. per Section 33(4) of the Act.
17. Password – means an additional access control word assigned to each authorized user in order to provide additional security for access to the Voting System.
18. Personal Identification Number (PIN) - means a unique multiple digit number, assigned by Simply Voting Inc., randomly generated and sent to every elector on

the Voters List by way of a Voter Information Letter. The PIN will provide security for access to the voting system.

19. Preliminary List of Electors (PLE) - means a list of electors for the municipality compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the Municipality of Kincardine by a date prior to September 1 of an election year under Section 19 of the Municipal Elections Act, 1996, as amended.
20. Proof of Identification - means a piece of identification or personal information which would verify the identity and residence of an individual to the satisfaction of an Election Official as prescribed in O. Reg 304/13 of the Act.
21. Receiving Location – means the location where the Voting System is activated and where election results are reported, which shall be the Municipal Administration Centre.
22. Regular Office Hours – means Monday to Friday, 8:30 a.m. to 4:30 p.m., excluding holidays.
23. Registered Third Party Advertiser – means an individual, corporation, or trade union that is registered under section 88.6 of the Municipal Elections Act, 1996, as amended.
24. Revision Centre – means the locations and times designated by the Clerk where members of the public can apply to make additions, deletions and corrections to the list of electors.
25. Scrutineer - means an individual appointed in writing by a certified candidate to represent them during the voting process pursuant to Section 16 of the Municipal Elections Act, 1996, as amended.
26. Time/Clock - means the time as indicated on the National Research Council Canada Web Clock showing official times for the Eastern Time Zone.
27. Voter Help Desk – means an email address and telephone help line provided by the Municipality to assist electors with the voting process or other general election questions.
28. Voter Information Letter – means a letter mailed directly to an Elector’s address that provides information necessary for the elector to exercise their right to vote.
29. Voters' List - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Sections 19 and 22 of the Municipal Elections Act, 1996, as amended.
30. Voting Day - means the final day during which the vote is to be taken in the election, which shall be Monday, October 24, 2022 with the close of voting to be 8:00 p.m.

31. Voting Period - means the period in which an eligible elector may cast their vote, either via internet or telephone (or similar mobile device). The Voting Period shall span from Monday, October 17, 2022 starting at 9:00 a.m. to Voting Day, Monday, October 24, 2022 at 8:00 p.m.
32. Voting System – means the platform(s) chosen by the Municipality to provide electors with a means of casting their ballot in an election.
33. Website – means the designated municipal website for election information www.kincardine.ca

Section 5 - Secrecy

1. The Clerk shall require all Election Officials and/or other persons working in connection with the Municipal Election to swear or affirm an oath of secrecy committing to upholding the secrecy provisions established in Section 49 of the Act.
2. No person shall interfere or attempt to interfere with an elector while in the process of accessing the telephone or internet voting service or interfere or attempt to interfere in the voting process while using the telephone or internet voting service unless expressly requested and authorized by an elector.
3. In accordance with Section 52(1)(4) of the Act, an Election Official may permit an elector who needs voting assistance to receive such assistance as the Election Official considers necessary.
4. A voter who requires voting assistance at the Help and Revision Centre may ask the Election Official to help. The Election Official shall require the voter making the request to take the “Oral Oath to Vote with Assistance” Form EL 29, as stated on the form.
5. Electors voting at the Voting Place may vote with the assistance of a friend or support person by stating their inability to vote without assistance. Form EL 29, where applicable, shall be completed and the friend or support person shall be required to take the “Oral Oath of Friend of Elector” prior to providing the assistance. Any individual requested by an elector to assist them in voting is required to maintain the secrecy of the vote and, if marking the ballot on behalf of the elector, shall vote according to the instructions and wished of the elector.
6. No person shall be allowed to act as a friend or support person for more than one (1) voter at the Help and Revision Centre unless permitted under Section 44(3) of the Act. Candidates and scrutineers may not act in the capacity of a friend or support person of an elector.
7. Where a voter requires an interpreter, such person provided by the voter shall take the “Oral Oath of Interpreter” Form EL29 as stated on the form and shall translate the oaths as well as any lawful questions put to the voter.

8. No person shall, at a voting place, obtain or attempt to obtain information as to how an elector intends to vote or has voted.
9. No person shall communicate any information that might have been inadvertently obtained at a voting place relating to how an elector intends to vote or has voted.
10. No elector shall reveal how they intend to vote except when obtaining assistance with voting by a friend, support person or an Election Official.
11. No elector shall take a photograph or video recording of their marked ballot.
12. All complaints regarding breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted pursuant to Sections 89 through 94 of the Act.

Section 6 - Voters' List

1. The Preliminary List of Electors (PLE) shall be requested from the Municipal Property Assessment Corporation (MPAC) in an electronic format and be received by the Clerk no later than July 31, 2022 or such date agreed upon by the Clerk and MPAC. The list shall be reviewed by the Clerk and obvious errors shall be corrected as permitted under Section 22 of the Act and the list shall be approved for use as the Voters' List on or before September 1, 2022.
2. The list shall be distributed in electronic format to those who are entitled to copies under the Act. All certified candidates shall be entitled to a copy of the Voters List as of Thursday, September 1, 2022 . They shall sign the "Candidate's Declaration – Proper Use of the Voters' List" Form EL23 stating that the Voters' List shall not be used for any purposes other than the 2022 Municipal and School Board Elections, in accordance with Section 88(10) of the Act. The Clerk, at their sole discretion, may determine which data fields shall be included in the copy of the Voters' List provided to the certified candidates for each electoral category.
3. The list shall be accessible by authorized Election Officials, who will use Datafix VoterView system to facilitate additions and changes during the revision period and perform other functions as required, subject to the security permissions assigned to each Election Official by the Clerk.
4. Additions, corrections and deletions may be made to the Voters List in accordance with the Act at the discretion of the Clerk.
5. 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, as defined under the Act.
6. In accordance with Section 27 (1) of the Act, the Clerk shall produce the Interim List of Changes reflecting changes made up until September 15, 2022, using VoterView, and make available electronically these additions, corrections and deletions to those who are entitled to copies of the Voters' List under the Act.

7. The Voters' List shall be provided by DataFix to Simply Voting Inc. in computer format at a time to be determined by the Clerk, to allow for activation of the Voting System. Once the Voters' List has been loaded into the Voting System it will remain synchronized; any additions, deletions or changes to elector information in VoterView will automatically and instantly be reflected in the Voting System.
8. The Voters' List shall be provided by Simply Voting Inc. to Taylor Demers Mail Processing Inc. in computer format at a time to be determined by the Clerk, to allow for printing of the Voter Information Letters in time for delivery..
9. All certified candidates shall receive usernames and passwords allowing them to access the Voters' List in VoterView, whichever the case may be, for the purposes of viewing which electors have voted during the Voting Period. The Municipality will not produce a physical or electronic excerpt of the Voters' List indicating Electors that have voted; it is expected that Candidates will use this access. This access does not provide information on how an elector has voted, only whether or not they have participated in the election.

Section 7 - Help and Revision Centre

1. The Municipal Administration Centre will be the Help and Revision Centre during regular office hours from September 1, 2022 to October 21, 2022 and until 8:00 p.m. on October 24, 2022. The Clerk may designate other dates, times and locations for the Help and Revision Centre.
2. At the Help and Revision Centre, voter's may be added to the Voters' List and receive assistance and clarification on the election process including access to a telephone and/or the internet in order to vote during the hours designated by the Clerk
3. The Voters List shall be available at the Help and Revision Centre.
4. The Revision Centre shall be responsible for the following:
 - a. Eligible Electors who attend the Revision Centre and are not on the Voters' List will be able to be added to the list by filling out the "Application to Amend Voters' List" Form EL15 and providing proof of identification per O. Reg. 304/13.
 - b. Eligible Electors who are already on the list but wish to correct their information can attend the Revision Centre to do so by filling out the "Application to Amend Voters' List" Form EL15 and providing proof of identification per O. Reg. 304/13
 - c. Persons wishing to remove a deceased person's name from the Voters' List may submit a completed "Application to Amend the Voters' List" Form EL15 to the Revision Centre, which shall be forwarded to the Clerk for review before the final decision to remove the deceased individuals name from the list.

- d. Where a person on the Voters' List has lost their Voter Information Letter or did not receive it in the mail, they can attend the Revision Centre with appropriate identification and to fill out the "Application for Re-issue of a Voter Information Letter (Lost and Unused)" Form EL36 to obtain their VIL with a replacement PIN.
5. The Final List of Changes shall be provided to MPAC by November 23, 2022 by Datafix upon the Clerk's authorization.

Section 8 – Notices and Advertisements

1. The Clerk shall notify voters of the following through the use of newspaper advertisements, Municipal social media platforms, the Municipal website, or any combination of the aforementioned methods, or any other method deemed appropriate by the Clerk:
 - a. a Municipal Election is being held for the Municipality of Kincardine and that the telephone and internet voting method has been selected as the method of voting in 2022 in accordance with By-law No. 2021 - 045, the 2022 Municipal Election – Internet/Telephone Voting By-law, enacted on April 7, 2021;
 - b. dates and times of the Voting Period and Voting Day including the method of voting;
 - c. who is eligible to vote in the Municipal Election;
 - d. locations, dates and times that the Help and Revision Centre and Voting Place (situated at the Municipal Administration Centre) are open;
 - e. how electors can determine if their name is on the Voters' List;
 - f. procedure for being added, deleted or making corrections to the Voters List;
 - g. the offices for which persons may be nominated and the nomination procedure;
 - h. the opportunity to become a registered third-party advertiser and the registration procedure.
2. 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 of the Act.
3. Each person on the Voters List shall be mailed a sealed Voter Information Letter (VIL) by Canada Post Lettermail containing, at a minimum:
 - a. their PIN, as well as the telephone number and the designated internet address (URL) to cast their vote;
 - b. instructions on how and when to vote;
 - c. dates and hours of Telephone and Internet Voting
 - d. location, dates and hours of operation and telephone number of the Help and Revision Centre and information on voting assistance available at the Help Centre;
 - e. a voter eligibility criteria;
 - f. List of certified candidates and offices
 - g. information on illegal and corrupt practices under the Act

4. Where possible and if desirable, cooperative advertising with other municipalities may take place.

Section 9 – Voter Qualification

1. Pursuant to Section 17(2) of the Act, a person is entitled to be an elector at an election held in a local municipality if, on Voting Day, they:
 - a. reside in the local municipality or is the owner or tenant of land there or the spouse of such owner or tenant
 - b. are a Canadian citizen;
 - c. are at least 18 years old; and
 - d. are not prohibited from voting under Section 17(3) of the Act or otherwise by law.

Section 10 – Voting Process

1. A Telephone and Internet Voting method shall be used for the 2022 Municipal Election.
2. The Voting System provided by Simply Voting Inc. shall allow electors to vote using a telephone or the internet. Electors shall be required to access a designated internet address or telephone a designated number in order to cast their ballot. The designated telephone number and designated internet address are contained in the Voter Information Letter.
3. Every elector shall be limited to only one vote through the use of PIN distributed via Canada Post Lettermail in a sealed and personalized Voter Information Letter or issued by an Election Official as necessary. Every elector shall be required to provide their date of birth along with their PIN.
4. Following the voter's selection of all offices on a single composite ballot, the Voting System shall identify the voter's choices and provide the voter with the option of changing or confirming their vote selections prior to submission.
5. The Voting System shall enable the elector to under-vote a contest or contests or decline from voting the ballot in its entirety, if they wish to do so.
6. For the purposes of reporting declined ballots in accordance with Subsection 55(4.1) 2, an under-voted ballot shall be considered as abstention from voting for one or more contests on the ballot or voting for fewer candidates than is permitted within a single contest. Whereas a declined ballot shall be considered a deliberate choice of the Elector to decline the entire ballot by selecting a "declined" option on the ballot. A declined ballot shall not include votes cast for any contest, which is separate and distinct from an under-voted ballot which may or may not include votes for all contest, one contest or no contest on the ballot.
7. The Voting System shall not permit a voter to overvote or to spoil a ballot.

8. If an elector is interrupted before casting their vote, they may re-commence voting later using the same method or the other method.
9. Once the voter credentials are used to complete voting and a ballot is cast, it cannot be used again and further access shall not be granted to the voting system.
10. Voting will commence on Monday, October 17, 2022 at 9:00 a.m. and conclude on Voting Day, Monday, October 24, 2022 at 8:00 p.m.
11. Notwithstanding the closure of remote voting at 8:00 p.m. on the final day, persons present at a Voter Help Centre at 8:00 p.m. will continue to be allowed to access the Voting System and complete the voting process. Persons who have gained access to the Voting System through their own device prior to 8:00 p.m. on October 24, 2022 will be permitted to complete the voting process, provided that they do so by 8:05 p.m.
12. Prior to the activation of the system by Simply Voting Inc., being on Monday October 17, 2022, Simply Voting Inc. shall allow access by the Clerk, the Auditor, or other authorized Election Officials as determined by the Clerk, to the Voting System by secure username and password, for the purposes of viewing a list of all the candidates' names including the sum total of votes cast to ensure that the total votes cast indicates "0" (Zero).
13. Candidates or their scrutineer may be present in the Receiving Location from 8:30 a.m. to 8:59 a.m. on October 17, 2022 to verify and ensure that all candidates' names are listed and the total votes cast are at "0". They shall be required to sign the "Activation of Voting System" Form EL38 to attest to this fact.
14. Should Voter Information Letters be returned to the Municipal Administration Centre, the Election Official will immediately disable the PIN so that the PIN cannot participate in the voting process. The Voter Information Letter shall be marked "unused" and destroyed at the same time as all other Municipal Election material as provided for under Section 88 of the Act.
15. The Clerk in partnership with Simply Voting Inc. shall take appropriate measures to ensure that all Voter Information Letters and their associated PINs are accounted for throughout the election. After the conclusion of the election, Simply Voting Inc. shall supply the Clerk with a report detailing the status of all VILs/PINs during the election.
16. Where an eligible elector has tried to use their PIN and they have determined that it has already been used,
 - a. the elector will attend the Help and Revision Centre with satisfactory identification and have an Election Official confirm that the electors Voter Credentials has been used by an impersonator;

- b. prior to the issuance of a new Voter Information Letter, the elector shall be required to respond and answer all of the questions of the Election Official;
 - c. the Election Official shall document to their satisfaction, questions and answers of the elector and prove to the satisfaction of the Election Official, that they did not vote and require a new PIN. If deemed appropriate the Clerk shall submit the same to the Ontario Provincial Police Services for further investigation and prosecution;
 - d. If the Clerk believes that all questions have been answered truthfully and satisfactorily, they may provide the elector with a new PIN and reset the electors status in the Voting System to allow a second vote upon completion of the "Application for Re Issue of a Voter Information Letter (Used by an Impersonator)" Form EL37. A copy of this form will also be submitted to the Ontario Provincial Police Services 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 Voter Credentials.
 - e. The elector will be directed immediately to cast their ballot at the Help Centre to eliminate any further misuse of the PIN. Should the elector leave without voting the new PIN will be disabled.
 - f. The original ballot that was cast by the unauthorized individual will remain in the Voting System, as ballots are disassociated from the electors' PINs once they are cast.
17. Where an elector's PIN is assigned an incorrect ward and/or school board support information, the elector can attend a Help and Revision Centre and have the proper categories of ward and/or school support applied to the existing PIN before casting their ballot. If the eligible voter has already cast their ballot and exhausted their PIN, they cannot make any further changes to their eligibility or re-cast any part of their ballot.
18. New Voter Information Letters shall not be given out over the phone, by email or by mail without the expressed approval of the process by the Clerk or their designate.
19. A Voter Information Letter shall not be given to any person at the Help and Revision Centre unless satisfactory identification is provided and the individual has completed the required form as required and administered by the Election Official.
20. The names of electors who have voted during the voting period will be provided to the Clerk electronically from Simply Voting Inc.; however, it is not possible to determine how an elector voted.

Section 11 – Voting System Integrity

- 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 receives a Voter Information Letter which contains the voter's unique PIN;
 - b) ensuring that no one except authorized Simply Voting Inc. and Taylor Demers Mail Processing Inc. staff shall have access to a comprehensive list of PINs that matches each voter's name and address;
 - c) providing opportunities for eligible electors to be added to the list or to make amendments to the list, up until the close of voting;
 - d) establishing proper procedures to ensure that no person is added to the Voters' List unless an Election Official is completely satisfied of their identity and qualification as an elector in the Municipality;
 - e) establishing proper procedures to ensure that no replacement PIN is issued unless an Election Official is completely satisfied of the eligible elector's identity;
 - f) ensuring that no replacement PIN is issued by anyone other than an employee of the Municipality who has been appointed in writing by the Clerk to do so; and
 - g) appointing an Auditor to test the Voting System in accordance with sections 2 and 3 below, and providing same with read-only access to the Voting System.
- 2) The Voting System shall be tested thoroughly through a comprehensive logic and accuracy audit prior to the Voting Period. The tests shall include but not be limited to the following:
 - a) Voting System refuses ballots before the start of the Voting Period;
 - b) Voting System is 'zeroed out' at the start of the Voting Period;
 - c) Voting System presents electors with the correct ballot based on their elector information;
 - d) Voting System accepts ballots from un-used eligible PINs;
 - e) Voting System refuses ballots from used PINs;
 - f) Voting System does not allow over-votes on any ballot;
 - g) Voting System acknowledges under-voted ballots and prompts elector if they wish to complete under-voted contests on their ballot;
 - h) For telephone voting specifically, the wording and clarity of the recordings and the input timing is accurate;
 - i) Voting System 'times out' after a period of voter inactivity;
 - j) Voting System accepts ballots from PINs that previously 'timed out' or were abandoned before being submitted;
 - k) Voting System refuses ballots after the end of the Voting Period, except from specifically authorized Voting Kiosks;
 - l) Voting System accurately counts votes for all candidates in each contest.

- 3) The Voting System shall be further tested through an ongoing audit during the Voting Period. The tests shall include but not be limited to the following:
 - a) Voting System refuses ballots before the start of the Voting Period;
 - b) Voting System is 'zeroed out' at the start of the Voting Period;
 - c) Voting System presents electors with the correct ballot based on their elector information;
 - d) Voting System does not allow over-votes on any ballot;
 - e) Voting System acknowledges under-voted ballots and prompts elector if they wish to complete all contests on their ballot;
 - f) Voting System 'times out' after a period of voter inactivity;
 - g) Voting System refuses ballots after the end of the Voting Period, except from specifically authorized Voting Kiosks.
- 4) All Voting Kiosks and associated information technology infrastructure used at Help and Revision Centre will be tested for internet access, network security, proper configuration, and device security.
- 5) All certified candidates are to provide to the Clerk the proper pronunciation of their name for programming into the telephone Voting System no later than August 26, 2022.

Section 12 – Close of Poll and Results

- 1) The Municipality shall keep its public voting access open until October 24, 2022 at 8:00 p.m.
- 2) Any person remaining within a Help and Revision Centre after 8:00 p.m. will still be permitted to vote from Voting Kiosks. Persons who have gained access to the Voting System remotely through their own device prior to 8:00 p.m. on October 24, 2022 will be permitted to complete the voting process, provided that they do so by 8:05 p.m.
- 3) At such a time as all eligible electors within a Help and Revision Centre have voted and after 8:05 p.m. to ensure no remote voters remain logged into the system, the Clerk shall order the close and deactivation of the Telephone and Internet Voting service and shall also order the generation of the results for each contest.
- 4) Following the close of voting, the appointed Auditor or other authorized Election Officials as determined by the Clerk will attempt to vote from both a privately-owned computer and a Voting Kiosk, and confirm that it is not possible to access the voting site.
- 5) As soon as possible after 8:00 p.m. on October 24, 2022 at the Receiving Location, the Clerk shall download unofficial results for each contest from the Voting System.

Only the Clerk, appointed Election Officials, certified candidates or their scrutineer may be present at the Receiving Location, and those present shall sign the unofficial results. The Clerk shall publish the unofficial results on the municipal website.

- 6) Pursuant to Section 55(4) of the Act, the Clerk shall declare the candidate(s), as the case may be, who received the highest number of votes to be elected after the posting of the unofficial results.
- 7) As soon as possible after Voting Day, the Clerk shall declare the official results using the “Declaration of Election Results” Form EL30 and then post the official results at the Municipal Administration Centre and on the municipal website.
- 8) Notice of election results for each School Board shall be provided to the responsible Municipal Office for each of the elections using the “Notice of School Boards Results” Form EL53.

Section 13 – Recount Procedures

1. A recount, under Sections 56, 57 and 58 of the Act, shall be conducted in the same manner as the original count, as per Section 60(1) of the Act, unless ordered otherwise by a judge under Section 60(3) of the Act.
2. Per Section 56 of the Act, a recount will be required when there is a tie vote where both or all candidates cannot be declared elected. The Clerk shall require Simply Voting Inc. to provide a re-tabulation of the votes cast.
3. Pursuant to Subsection 56(2) of the 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 November 8, 2022 at the Receiving Location.
4. Pursuant to Subsection 61(1) of the Act, the following persons will be authorized to attend the recount:
 - a) the Clerk and any other Election Official appointed by the Clerk for the recount procedure;
 - b) Every certified candidate for the office.
 - c) For each person referred to in paragraphs a and b,
 - i. a lawyer, and
 - ii. one scrutineer.
5. At the precise hour designated for the recount, the Clerk shall re-tabulate the results for the contest(s) that are subject to the recount procedure and publish the results of the recount.

6. 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, 1996 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”.

7. 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 candidate or the candidate’s lawyer and/or scrutineer will have an opportunity of examining the paper to be used to inscribe the names of the candidates;
 - b) The Clerk shall print the name of each candidate on a similar size paper and the candidate(s), the candidates’ lawyer and/or scrutineer, without touching the paper, may examine the same. The writing of each name shall be clear and concise, and no ink shall appear within half an inch of the edge of the paper. In addition, all persons present will have an opportunity of examining the box which will be used for conducting the lot;
 - c) Upon completion and 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.
 - d) Once all Candidate’s names are inserted into the box, the top of the box shall be closed. Any individual entitled to be in attendance at the drawing shall be given the opportunity to inspect the box before it is closed. The Clerk shall shake the closed box vigorously. Before opening the box, the Clerk shall select another Election Official member to draw from the box.
 - e) The Clerk shall open the box and hold the box at such a height as to prevent any individual from seeing inside the box before a name is drawn from it.
 - f) At the Clerk’s direction, the individual drawing from the box shall reach in and pull out one (1) piece of paper or the required number of papers for the purpose of determining the successful candidate(s). When a piece of paper is drawn, the individual shall unfold it and show the name on it to all in attendance and say the name aloud.
 - g) The Clerk will proceed to declare this or these candidate(s) elected.

- h) Once completed, the person appointed by the Clerk shall remove the remaining contents from the box and provide an opportunity for all persons present to examine the remaining slips of papers and the box.
- i) The results of the selection by lot will be posted in the Municipal Administration Centre and on the Municipal website by 12 noon on the day following the selection by lot being completed. The Clerk shall notify in writing, those required of the results.

Section 14 – System Accessibility

1. The Clerk shall have regard to the needs of electors and candidates with disabilities.
2. The Clerk shall ensure that the Help and Revision Centre is accessible to electors with disabilities and means by which to make the necessary accommodations.
3. Prior to Voting Day, the Clerk or their designate must prepare a plan for the identification, removal and prevention of barriers that affect electors and candidates with disabilities and make the plan available to the public before Voting Day.
4. Within ninety (90) days after Voting Day, the Clerk shall prepare a report to Council summarizing the identification, removal and prevention of barriers that affected electors and candidates with disabilities. Said report shall also be made available to the public.
5. The Municipality of Kincardine's GG.3.8 Accessibility Standards for Customer Service will continue to be followed throughout the election process.

Section 15 - Scrutineers

1. Scrutineers may be appointed, in writing using the "Appointment of Scrutineer" Form EL27, to represent them as allowed for under Section 16 of the Act. If appointed, scrutineers will be entitled to the following:
 - a. to be present in the Receiving Location, from 8:30 a.m. to 8:59 a.m. on October 17, 2022 prior to the opening of the polling to verify and ensure that all candidates' names are listed and the total votes cast are at "0" (Zero), and to sign the "Activation of Voting System" Form EL38 to attest to this fact;
 - b. to be present at the Voter Help Centre during hours of operation to observe the process;
 - c. to be present in the Receiving Location, at the time when results are announced.
2. Before being admitted to the Help and Revision Centre or the Receiving Location, Scrutineers shall produce satisfactory identification and a properly signed "Appointment of Scrutineer" Form EL27 and take the "Oral Oath of Secrecy" Form EL28.
3. Only a candidate or their scrutineer may be in the Voting Place or the Help and Revision Centre at one time.

4. The “Appointment of Scrutineer” Form EL27 shall be signed by the candidate in person at the Municipal Administration Centre. The candidate shall subsequently provide this signed form to their scrutineer.
5. Scrutineers are prohibited from the following:
 - attempting, directly or indirectly interfere with how an elector votes;
 - attempting to campaign or persuade an elector to vote for a particular candidate;
 - displaying a candidate’s election campaign material in a Voting Place or the Help and Revision Centre;
 - compromising the secrecy of voting;
 - interfering or attempting to interfere with an elector who is voting;
 - obtaining or attempting to obtain, in a voting place, any information about how an elector intends to vote or has voted;
 - communicating any information obtained at a Voting Place about how an elector intends to vote or has voted.
6. Use of mobile communication devices and cameras shall **not be permitted** within the Voting Place, Help and Revision Centre, or the Receiving Centre by any candidate or scrutineer.
7. 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 Help and Revision Centre immediately, their appointment will be revoked and they will not be permitted to re-attend the Help and Revision Centre or during the announcement of results. Scrutineers may also have their appointment revoked if they contravene the rules and guidelines established by the Clerk.

Section 16 – Corrupt Election Practices, Offences, Penalties and Enforcement

1. The Municipal Elections Act, 1996 provides for penalties and enforcement of corrupt practices and other offences during an election process. Penalties can include a fine up to \$25,000, forfeiture of office, ineligibility to run for office in the following election, and/or imprisonment up to 6 months.
2. Although the Municipality of Kincardine will be using an alternative voting method (Internet and Telephone Voting), the principles and integrity of the election process will remain and be enforceable.
3. No person shall solicit a Voter Information Letter from an eligible elector. Valid complaints or knowledge of solicitation shall be immediately reported to the Ontario Provincial Police for investigation of corrupt practices.
4. In addition, under the provisions of Section 90 of the 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.

5. Although many provisions of the Act, also deal with voting places, ballots, 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.
6. As such, the Clerk, while utilizing this alternative form of voting, will abide by the following rules and regulations:
 - a) All complaints submitted in writing about actions which may contravene the provisions of the Act, will be investigated by the Clerk;
 - b) All such valid complaints submitted in writing, once deemed by the Clerk to be substantiated, will be submitted to the Ontario Provincial Police (OPP);
 - c) The Clerk or any Election Official will not attempt to interfere or intervene in the ongoing investigation and prosecution may be called upon to give evidence during proceedings.

Section 17 – Mail Tampering – Criminal Offence and Prosecution

1. The Criminal Code of Canada (CCC) states that tampering with the mail of an individual(s) is a criminal offence and a person found guilty is liable to a term of imprisonment not exceeding ten (10) years.
2. The Municipality of Kincardine has chosen to use the alternative voting method, (internet and telephone voting) and as such rely on the delivery of VIL to eligible electors in order to allow those electors to exercise their right to vote. As such any instance or substantiated account of mail tampering will be taken very seriously and reported to the Ontario Provincial Police.
3. In order to ensure integrity and confidence in the voting process for all electors and candidates, the Clerk, agrees to the following rules and regulations:
 - a) all complaints relating to actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, submitted in writing, will be investigated by the Clerk;
 - b) all such valid complaints, investigated to the extent and knowledge of the Clerk, deemed to be substantiated, will be submitted to the Ontario Provincial Police (OPP);
 - c) the Clerk or any Election Official will not attempt to interfere or intervene in the ongoing investigation and prosecution may be called upon to give evidence during proceedings.

Section 18 – Destruction of Records

1. At no time after Voting Day shall any information surrounding the elector's PINs be made available.
2. Election records shall be destroyed in accordance with Section 88 of the Municipal Election Act, 1996.
3. Upon written request of the Clerk following the passage of 120 days after Voting Day, Simply Voting Inc. shall destroy all ballots associated with the election and provide written confirmation of the same to the Clerk.
4. The Clerk shall retain candidates' financial statements and auditors' report(s) until the members of Council elected at the next regular election have taken office.

Section 19 – Emergencies

1. Pursuant to the Act, Section 53, an emergency shall be declared by the Clerk in the event of any circumstances that in the opinion of the Clerk compromises the integrity and/or execution of the election.
2. In the event of an emergency, the Clerk shall advertise on radio, the Municipal website and social media, and post notices to the extent possible that the election has been delayed or extended as the case may be.
3. Upon declaring an emergency, the Clerk shall make such arrangements as deemed advisable for the conduct of the election. The arrangements made by the Clerk, prevail over anything in the Act and shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.
4. The emergency continues until the Clerk declares that it has ended.
5. Further, the Clerk shall direct Simply Voting Inc. as to the emergency.
6. The Municipality of Kincardine will continue to follow the direction of the Province of Ontario and Grey Bruce Health Unit to help stop the spread of COVID-19. Covid-19 protocol will be evolving as the pandemic continues to unfold.

Section 20 – Appendices

1. The Forms and Notices approved for use by the Municipality for the election process and included as Appendix A to these procedures. Additional forms may be prepared for the 2022 Municipal Elections 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 Act. Nothing in this procedure precludes the Clerk from approving the use of additional forms, subsequent to the finalization of the procedure.

Appendix A

Election Forms

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| Form 1 | Nomination Paper |
| Form 2 | Endorsement of Nomination |
| Form 4 | Financial Statement- Auditor's Report-Candidate |
| Form 5 | Financial Statement – Subsequent Expenses |
| Form 6 | Notice of Extension of Campaign Period |
| Form 7 | Notice of Registration – Third Party |
| Form 8 | Financial Statement – Auditor's Report Third Party |
| Form 9 | Declaration of Identity |
| Form 12 | Candidates Consent to release personal information |
| Form 13 | Withdrawal of Nomination |
| Form 15 | Application to Amend Voter's List |
| Form 16 | Unofficial List of Candidates |
| Form 17 | Notice of Rejection of Nomination |
| Form 18 | Official List of Certified Candidates |
| Form 19 | Official List of Third-Party Advertisers |
| Form 20 | Notice of Additional Nominations |
| Form 21 | Voter's List cover sheet |
| Form 22 | DRAFT Notice of the Posting of the Voters' List |
| Form 23 | DRAFT Declaration of Proper Use of the Voters' List |
| Form 24 | Interim List of Changes |
| Form 25 | Final List of Changes |
| Form 26 | Appointment and Oath of Election Officials |
| Form 27 | Appointment of a Scrutineer |
| Form 28 | Oath of Secrecy |
| Form 29 | Oral Oaths at Help Centre |
| Form 30 | Declaration of Election Results |
| Form 31 | Declaration of Acclamations |
| Form 32 | Notice of Recount |
| Form 33 | Declaration of Recount Results |
| Form 34 | Witness Statements as to destruction of records |
| Form 35 | Notice of Penalties to Candidate |
| Form 36 | Application of Re- Issue of a Voter Information Letter (Lost or Unused) |
| Form 37 | Application of Re-Issue of a Voter Information Letter (Used by an Impersonator) |
| Form 38 | Activation of Simply Voting Inc. System |
| Form 39 | Preliminary Certificate of Maximum Campaign Expenses (upon filing of nomination) |
| Form 40 | Final Certificate of Maximum Campaign Expenses |
| Form 41 | Preliminary Certificate of Maximum Amount of Contributions to Candidate's Own Campaign (upon filing of nomination) |
| Form 42 | Final Certificate of Maximum Amount of Contributions to Candidate's Own Campaign |
| Form 43 | Notice to Candidate of Filing Requirements |
| Form 45 | Preliminary Certificate of Maximum Expenses for Registered Third Party |

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| Form 46 | Final Certificate of Maximum Expenses for Registered Third Party |
| Form 47 | Notice to Registered Third Party of Filing Requirements |
| Form 48 | Notice of Default to Candidate |
| Form 49 | Notice of Default to Registered Third Party |
| Form 50 | Notice of Penalties to Registered Third Party |
| Form 51 | Certificate of Clerk as to Election of Mayor/Deputy Mayor |
| Form 52 | Certificate of Clerk as to Number of Electors |
| Form 53 | Declaration of Number of Votes |