

TOWN OF HANOVER
2022 MUNICIPAL ELECTION
INTERNET / TELEPHONE VOTING PROCEDURE

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V05.18.2022

Internet/Telephone Voting Procedure

Authority (s.42)

A by-law authorizing internet/telephone voting must be passed on or before May 1 in the year before the year of the election.

On September 20, 2021, By-law No. 3176-21 was passed authorizing the use of internet/telephone voting methods for municipal elections.

In keeping with s.42 (5) voting proxies will not be used or permitted with this method of voting. In addition, the Voting Period provides for voting in advance of Voting Day commencing Friday, October 14, 2022, at 10:00 am and concluding on Monday, October 24, 2022 at 8:00 pm

Service Provider

The service provider for internet/telephone voting is Scytl Canada Inc. and was authorized by By-law No. 3176-21.

System Integrity

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, as amended, is sent a sealed Voter Information Letter containing the voter's unique PIN, by first class mail;
- b) ensuring that no one except the Clerk, or designate, can access PINs maintained by Scytl Canada Inc. that match each voter's name and address; and
- c) providing an opportunity for eligible electors to be added to the Voters' List or to make amendments to the list, up to and including Election Day, October 24, 2022, at 8:00 pm

System Checks

Logic and accuracy testing of the voting system will take place in advance of the poll at a date to be determined by the Returning Officer and shall include, but not be limited to, the following:

- a) checking the wording of the script and text on the website;
- b) checking Voting Place internet and telephone voting stations;
- c) attempting to use a PIN more than once;
- d) balancing a predetermined number of test votes with those cast;
- e) matching PINs to names and addresses;
- f) deliberately keying in the wrong information; and
- g) attempting to under vote and over vote with a test account to ensure that the system has been programmed properly

Secrecy

All election officials shall take an oath of secrecy and be appointed by the Clerk as per the "Appointment and Oath - Election Officials" Form EL11.

All complaints regarding any and/or all breaches of secrecy shall be documented by the election official as well as questions and answers of the complainant and, if deemed appropriate, the Clerk shall submit same to the Police for further investigation and prosecution.

Preparation of Voter Information Letters

The Voter Information Letters will be prepared utilizing the Voters' List as amended.

Voter Information Letters shall be delivered to Canada Post and distributed by first class mail to all eligible voters on or about October 5, 2022 to enable them to use the Telephone / Internet Voting service.

The Voter Information Letter will contain:

- a) the elector's voter credentials and the telephone number to call to cast his or her vote and the designated internet address (URL) to access to cast his or her vote using the Internet;
- b) instructions on how to vote;
- c) dates and hours of voting;
- d) the location and telephone number of the Help Centres;
- e) voter eligibility criteria;
- f) office and candidate information; and
- g) information on illegal and corrupt practices under the Act.

A person cannot give their Voter Information Letter to another eligible elector for the purpose of voting. Acceptance of another person'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 Act, specifically s.89 and s.90.

Public Information Sessions

A public information session will be held for the purpose of explaining the method of voting and responding to questions from candidates and the electorate. The session will be advertised and noted on the website. The public information sessions may be conducted electronically should in-person meeting restrictions be in effect.

Help Centre

Eligible voters who attend at the Help Centre and are not on the Voters' List will be able to be added to the list by filling out an "Application to Amend Voters' List" Form EL15 and providing proof of identity and residence as prescribed in O. Reg. 304/13. Their names will be added to the Voters' List and they will be assigned and delivered a Voter Information Letter containing voter credentials.

Eligible voters who attend at the Help Centre will be able to request a "replacement" Voter Information Letter under certain circumstances:

- i) Where a person on the Voters' List has lost/not received his or her Voter Information Letter and the PIN has not been used, he or she can attend the Help Centre and prove to the satisfaction of the authorized election official that they require a new PIN. The authorized election official will disable the elector's assigned PIN. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an election official, an oath on "Application for Re-Issue of a Voter Information Letter - Lost and Unused" Form EL53 shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued.
- ii) Where a person on the Voters' List has attempted to vote and their PIN has already been used, he or she can attend the Help Centre and prove to the satisfaction of the authorized election official that they did not vote the PIN and require a new PIN. Prior to issuing a new PIN, the election official shall advise the elector that once the new PIN has been assigned, the elector must vote immediately at the Help Centre. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an election official, an "Application for Re-Issue of a Voter Information Letter - Used by an Impostor" Form EL53A shall be taken by the elector and a new Voter Information Letter containing a new PIN shall be issued. The elector will be directed immediately to the Help Centre where internet access is available to eliminate any further misuse of the PIN.

Candidates – Access to "Strike Off" List

Candidates that request it will receive an electronic list daily showing the names of those electors that have cast a ballot.

Voting

Voting will commence on Friday, October 14, 2022 at 10:00 am and continue through to October 24, 2022 at 8:00 pm.

During the Voting Period, two Help Centres will be provided with access to the internet.

Prior to the activation of the system by the Clerk, on Friday, October 14, 2022 (10:00 am), the Deputy Returning Officer and those candidates/scrutineers in attendance shall confirm that all candidates' names are listed and that no votes have been cast. The system will not be activated until confirmation that all the counts associated with each of the candidates' names indicate a "0" total.

Eligible electors may telephone a designated toll-free number to cast their vote by using a cellular or land line, touch-tone telephone but **not a rotary dial telephone**.

Alternatively, eligible electors will be able to access a designated internet address and cast their vote. Every eligible elector shall be limited to one ballot for all races and questions, for which they are entitled to vote, through the use of voter credentials distributed by first class mail in a sealed and personalized Voter Information Letter. The voting system will allow the eligible elector to vote using a telephone or the internet.

Prior to voting, electors will be required to confirm that they are an eligible voter, complete a security prompt and key in their voter credentials.

Once a voter has made a selection for each race or question, the voting system shall indicate the voter's choice and shall allow the voter to either confirm their selection, and cast their vote, or return to the race to change their selection. If the selection of a particular race is not confirmed the vote is not cast.

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.

The names of electors who have voted during the voting period will be provided to the Clerk electronically through the Scytl Voting Management System. **It is not possible to determine how an elector has voted.**

Electors Requiring Assistance (s.52(1)4)

The election official may permit an elector who needs assistance in voting to have such assistance as the election official considers necessary and in accordance with the Election Accessibility Policy.

Oral Oath to Vote with Assistance

A voter who requires such assistance to vote at a Help Centre may ask the Election Official for assistance. The Election Official shall require the voter making the request to take the Oral Oath to vote with assistance on the "Oral Oath of Friend or Interpreter" Form EL27.

Oral Oath of Friend of Elector

In lieu of the Election official providing assistance, the voter may request that a friend accompany the voter at a Help Centre and assist the voter. Any friend assisting shall be required to take the Oral Oath of Friend of Elector on the "Oral Oath of Friend or Interpreter" Form EL27. No person shall be allowed to act as a friend of more than one voter at a Help Centre. **Candidates and Scrutineers may not act in the capacity of a friend of elector.**

Oral Oath of Interpreter

Where a voter requires an interpreter, such person provided by the voter, shall take the Oral Oath of Interpreter on the "Oral Oath of Friend or Interpreter" Form EL27, and shall translate the oaths as well as any lawful questions put to the voter.

Duplicate Voter Information Letters

Should an eligible voter receive more than one Voter Information Letter, the eligible voter may only vote **once** and must return the other Voter Information Letter to the Municipal Office and complete an "Application to Amend Voters' List" Form EL15 to remove the duplicate name. All electors who vote more than once or who improperly use the Voter Information Letter shall be reported to the Police for further investigation as to possible corrupt practices under the Act.

Voter Information Letters returned to the Help Centre shall have the voter credentials immediately disabled in the system so that voter credentials cannot be used in the

voting process. The opened Voter Information Letters will then be maintained in a secure fashion and destroyed in the same manner as all other municipal election material as provided for under s.88 of the Act.

The Clerk and the Election official shall ensure a complete audit trail is maintained of all Voter Information Letters:

- a) that were sent to eligible voters;
- b) that were returned from the Post Office;
- c) that were returned by an elector or other individual either opened or unopened but unused for voting purposes;
- d) that were set to a status that prevented them from being used to vote;
- e) that were re-issued to an eligible elector; and
- f) that were assigned by an Election official to eligible electors that have completed "Application to Amend Voters' List" Form EL15.

PIN Procedures

Where an eligible voter has tried their PIN and has been unsuccessful in accessing the voting system, the Election official will determine its status, and once verified shall advise the voter that the PIN is valid and has not been used. The Election official may suggest the voter try the voter credentials again using an alternate method (telephone vs. internet) or attend at the Help Centre to obtain assistance in voting.

Where an eligible voter has tried their PIN and they have determined that it has already been used, the voter can present themselves at the Help Centre with proof of identity and residence as prescribed in O. Reg. 304/13 and have an Election Official confirm that the elector's PIN has been used.

Where an eligible voter has received an incorrect Voter PIN in terms of school support, and has not voted in that race, the voter can contact the Help Centre and have the proper category applied to the existing PIN. The elector will be required to provide appropriate confirmation of eligibility and to complete "Application to Amend Voters' List" Form EL15.

New voter credentials shall not be given out over the telephone. The voter must attend the Help Centre with proof of identify and residence as prescribed in O. Reg. 304/13 and complete the appropriate form.

Exceptions will be considered at the sole discretion of the Returning Officer when satisfied that extenuating circumstances require special accommodation. Such situations shall be documented by the Returning Officer with measures to ensure security and privacy of the elector, and integrity of the voting process.

Voting Procedures

Voting

- 1.0 A Telephone/Internet Voting Method shall be used for the 2022 Municipal Election.
 - 1.1 Telephone/Internet Voting:
 - 1.1.1 Eligible electors shall be required to telephone a designated number or access a designated internet address and cast their vote(s);
 - 1.1.2 Every eligible voter shall be **limited to only one vote** through their Voter Credentials distributed by first class mail in a sealed and personalized Voter Information Letter and entering a Secondary Voter Credential.
 - 1.1.3 The Scytl Voting Management System will allow the eligible voter to vote using a telephone or the internet;
 - 1.1.4 Following the voter's selection, the voting system shall identify the voter's choice and provide the voter with the option of changing or confirming their vote;
 - 1.1.5 The voting system shall enable the voter to confirm their vote for an office(s), decline to vote for an office(s) or spoil their ballot for a race if they wish to do so;
 - 1.1.6 Once the Voter Credentials have 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;
 - 1.1.7 Voting will commence at 10:00 am on October 14, 2022.
- 2.0 Prior to the activation of the system by Scytl Canada Inc., being October 14, 2022 at 10:00 am, Scytl Canada Inc. shall allow access by the Clerk, the Auditor, or other authorized Election Official, to the voting system by Satisfactory Identification (ID) and password, for the purposes of providing, a list of all Candidates' names including the sum total of votes cast to ensure that all totals for all candidates indicate "0" zero. The system will not be activated until confirmation that all the counts associated with each of the Candidate(s) names indicate a zero total.

- 3.0** 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.
- 4.0** Scytl Canada Inc. will make available a list to the Clerk, and any other appropriate individuals of the Town of Hanover, of all corresponding names of individuals by order of polling subdivisions, who have voted during the Voting Period, if such an event has taken place. The names of individuals who have voted 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 by electronic means at the Clerk’s discretion. This list shall be provided by DataFix in “real time” or as closely as possible to real time.
- 5.0** If so allowed by the Clerk, Scytl Canada Inc. may make available during the course of the election, IDs and passwords for Candidates and/or their Scrutineers, who when using this authorization, can then connect into the voting system and review elector list information 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.
- 6.0** Candidates or their Scrutineer may view voter status any time after the start date of the election by use of their assigned password.
- 7.0** Where a voter qualifies at more than one location in the Town of Hanover, 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 Help Centre. All voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Hanover Police Service for further investigation as to possible corrupt practices under the Municipal Elections Act, 1996, as amended.
- 8.0** The Clerk and the Election Official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:
- a) that were sent to eligible voters;
 - b) that were returned from the Post Office;
 - c) that were returned by an elector or other individual(s) either opened or unopened but unused for voting purposes;
 - d) that were set to a status that prevented them from being voted;
 - e) that were re-issued to an eligible elector; and
 - f) that were assigned by Election Officials to eligible electors that have completed Form EL15.

- 9.0**
- a) Where an eligible voter has tried his or her Voter Credentials 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 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 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 the same to the Hanover Police Service for further investigation and prosecution.
 - c) If the Election Official believes that all questions have been answered truthfully and to his or her satisfaction, the Election Official may provide the elector with a new Voter Information Letter, or at the discretion of the Election Official, the elector will be required to make a declaration as to his or her 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 Hanover Police Service 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.
 - d) 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.
- 10.0**
- a) Where an eligible voter has received an incorrect Voter Information Letter in terms of school support, the voter can contact the Help Centre and have the proper category applied and the voter shall re-access the system and vote on all races.
 - b) The eligible elector shall be able to re-enter the system at any time during the election using the original Voter Credentials until all races have been completed.
- 11.0** New Voter Information Letters shall not be given out over the telephone, by email or by mail without the expressed approval of the process by the Clerk or their designates. A Voter Information Letter shall not be given to any person at the Help Centre unless Satisfactory Identification is provided and the individual has completed the required form as required and administered by the Election Official.

Scrutineers

Rights and Prohibitions

Each scrutineer shall be responsible for their conduct, rights and prohibitions as set out on the applicable appointment form.

Appointment by Candidate and Qualification

A candidate may appoint scrutineers to represent him/her at the Municipal Office, the opening and testing of the voting system, and during the receipt of voting results, including during a recount.

The appointment shall be made using the “Appointment of Scrutineer by Candidate” Form EL12A. The forms to appoint scrutineers must be signed by the candidate in person at the Municipal Office. The candidate shall provide this signed form to their scrutineer.

Number per Candidate

Not more than one (1) scrutineer representing each candidate may be permitted at one time during the closing of the voting system. Only one candidate or their appointed scrutineer may be present at a Help Centre at one time. The scrutineer/candidate must take an “Oral Oath of Secrecy” Form EL12B at the Help Centre.

Evidence of Appointment

A person appointed as a scrutineer, before being admitted to the Help Centre, shall show their applicable appointment form and provide proof of identity and residence as prescribed in O. Reg. 304/13 to the Election official.

Count Procedures

The Clerk, at 8:00 pm on October 24, 2022, shall arrange for the close and deactivation of the voting system at the Municipal Office.

Notwithstanding the above, the Clerk shall keep the Help Centre access opened until confirmation is received that all eligible voters in the Help Centre at 8:00 pm have completed voting.

The Clerk shall then produce the results report. Those present, including the Clerk, Election official, candidates (or their scrutineers), shall sign the report indicating the results and votes cast. Candidates and scrutineers will be required to provide proof of identity prior to entry and electronic devices will be remitted to ensure results are not publicly available prior to 8:15 pm. Entry will not be permitted before 7:45 pm.

Anyone who is creating a disturbance will be removed as directed by the Clerk.

Notice of Results

The unofficial results of each candidate shall be made available by the Clerk no earlier than 8:15 pm on Monday, October 24, 2022 Voting Day, at the Municipal Office, 341 10th Street, Hanover, and the Clerk shall post the same **Unofficial Results** on the municipality's website.

As soon as possible after Voting Day, the Clerk shall declare the **Official Results** using "Declaration of Election Candidate(s)" Form EL32 and post the results at the Municipal Office and on the municipal website.

Notice shall be provided to the County of Grey using Declaration of Election Candidate(s)" Form EL32 with regard to the final number of electors and elected persons to the positions of Mayor and Deputy Mayor who will be serving as County Councillors.

Notice of election results for each school board race shall be provided to the responsible Municipal Office for each of the elections using Declaration of Election Candidate(s)" Form EL32.

Recount

A recount under sections 56, 57, or 58 shall be conducted in the same manner as the original count as per s.60 (1) unless ordered otherwise by a judge under s.60 (3).

A recount is required when:

- there is a tie vote where both or all candidates cannot be declared elected (Automatic);
- by resolution of Council (for Council offices);
- by resolution of local board (for offices on a local board);
- by order of the Minister (for questions submitted by the Minister); or
- by order of the Superior Court of Justice.

Costs of Recount (s.7(3), 7(4))

The costs incurred by the Clerk to conduct a recount are to be paid by the Municipality. Any expenses incurred by a candidate will be the responsibility of the candidate, e.g., legal counsel in attendance on behalf of the candidate.

The Clerk shall submit a signed certificate verifying the costs to the appropriate local board, upper tier municipality or Minister who shall in turn be responsible for paying the costs as soon as possible.

Who Conducts Recount (s.56)

The Clerk conducts all recounts for elections for which he or she is responsible except recounts conducted by the Superior Court of Justice upon appeal.

Tied Vote Recount (s.56)

Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, the Clerk must hold a recount **within 15 days after the declaration** required by s.55(4)a)b) of the results of the election.

If required, ScytI Canada Inc. shall provide any documentation to support the integrity, security and accuracy of the electronic voting system.

Council, Local/School Board or Minister Request for Recount (s.57)

Within 30 days after the Clerk's declaration of the results under s.55(4), a Council, local/school board may pass a resolution or, the Minister may make an order requiring a recount.

The Clerk shall conduct the recount within 15 days **after the resolution is passed or the order is made**. The incoming council or local board is no longer able to make a decision on a recount.

Application to Superior Court of Justice (s.58)

A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount.

The application must be commenced within 30 days after the Clerk's official declaration of the results under s.55(4). The court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount. The recount is to be held within 15 days after the Clerk receives a copy of the order.

Votes for Candidates to be included in a Recount (s.56, 59)

The votes to be included in the recount are as follows:

- In a recount for a tied vote, the votes cast for candidates who are tied.
- In a recount being conducted under the authority of a council or local board resolution, the votes cast for candidates named in the resolution (all or specified candidates).
- In a recount being conducted under the authority of a court order, the votes cast for candidates named in the order (all or specified candidates).

The Clerk may include the votes for any other candidate for the same office. The practical application of this provision would be for the Clerk to include any candidate whose vote total was, in the Clerk's opinion, close enough to possibly be affected by the recount.

Persons entitled to be Present at a Recount (s.61)

- the Clerk and any other election official appointed for the recount;
- every certified candidate for the office involved;
- the applicant, if any, who applied for the recount under s.58;
- legal counsel for any of the above; and
- each certified candidate for the office involved or an applicant may appoint a scrutineer for the recount.

Notification of Recount (s.56, 57, 58 and [O. Reg. 101/97](#))

The Clerk shall give notice of the recount date, time and place on "Notice of Recount" Form EL39 to the following:

- all certified candidates for the office which is the subject of the recount;
- where a resolution is involved, the Council or local/school board which passed the resolution;
- the Minister when an order has been made;
- the applicant in the case of a court order; and
- notice of recount will be given by registered mail or personal service.

Process at Recount (s.61, 62)

Once the recount process has commenced, it must continue to completion. Upon completion of the recount, the Clerk will announce the results of the recount.

Persons authorized to attend the recount may also be at the announcement of the results of the recount.

Unless an application has been made for a judicial recount, the Clerk, on the 16th day after the recount is completed, will declare the successful candidate or candidates elected or will declare the result of the vote.

Continuing Tie Vote – After Recount Procedures

Pursuant to s.62(3) in a case of a tied vote following the recount, the Clerk shall determine the result by conducting a lot as follows:

The Clerk shall write the name of each candidate on equal-sized pieces of paper. They are then put in a container as determined by the Clerk. The Clerk shall announce prior to the draw that “the candidate to be elected shall be the candidate whose name is written on the first piece of paper I draw out of the container.” The paper is pulled from the container and the candidate elected is announced.

Declaration by Clerk and Notice of Final Certified Results – s.62(4)

Unless an application has been made for a judicial recount, the Clerk on the 16th day after the recount is completed will declare the successful candidate or candidates elected by posting the “Recount Results” Form EL40 at the Municipal Office and on the website. Such Declaration shall be sent to everyone previously given notice of the recount.