

VOTE



Online, Anytime
October 15 to October 24, 2022



2022 Newmarket Municipal Election Election Procedures

Approved by the Town Clerk / Returning Officer of the Town of Newmarket on May 31, 2022.

Procedures Version History:

Version	Date Finalized	Sections Updated
1	May 31, 2022	Original Copy
2	October 15, 2022	16, 18, 19, and 21

Table of Contents

	Page Number
1. Authority and Application	3
2. Definitions	4
3. Secrecy	6
4. Candidate Nominations - Filing nomination papers	7
5. Municipal Freedom of Information and Protection of Privacy Act	15
6. Town Clerk and Election Officials	15
7. Certification of Candidate Nomination Papers	16
8. Third Party Advertiser Registrations	16
9. Voter Qualifications	16
10. Voters' List	17
11. Voter Assistance Centres (VAC's)	18
12. Notices	19
13. Security	19
14. Scrutineers	20
15. Internet Voting Procedures	20
16. Paper Ballot Voting Procedures	22
17. Disruption of Voting	25
18. End of Voting Period - October 24, 2022 at Voter Assistance Centres	26
19. Tabulation and Results Display	26
20. After the final Voting Day (October 24, 2022)	27
21. Recount Procedures	27
22. Accessibility	27
23. Mail Tampering – Criminal Offence and Prosecution	28
25. Emergencies	29
26. Forms	30

1. Authority and Application

- 1.1 The Municipal Elections Act (MEA), 1996, S.O., 1996, c.32, as amended (the “Act”) in subsection 42(3) requires that the Clerk establish procedures for Alternative Voting methods authorized by by-law. On March 29, 2021, the Council of the Town of Newmarket voted to continue the use of online voting for the 2022 Municipal Election with a limited paper option.
- 1.2 Section 12 of the MEA also gives the Clerk as Returning Officer the authority to provide for any matter or procedure for which there is otherwise no provision in an Act or regulation, but which is, in the Clerk’s opinion, necessary or desirable for conducting the Municipal Election.
- 1.3 These procedures apply to the 2022 Municipal Election in accordance with subsection 42(3) of the Act.
- 1.4 Where these procedures do not provide for any matter related to the election to which these procedures apply, the matter will be conducted in accordance with the principles of the Act. These principles are generally recognized to include the following:
 - 1.4.1 The secrecy and confidentiality of individual votes is paramount;
 - 1.4.2 The election should be fair and non-biased;
 - 1.4.3 The election should be accessible to the voters;
 - 1.4.4 The integrity of the process should be maintained throughout the election;
 - 1.4.5 There is to be certainty that the results of the election reflect the votes cast;
 - 1.4.6 Voters and Candidates should be treated fairly and consistently; and,
 - 1.4.7 The proper majority vote governs by ensuring that valid votes be counted and invalid votes be rejected so far as is reasonably possible.
- 1.5 These procedures are subject to change and may be amended as required up to October 24, 2022. The most up to date version of these procedures will be available on the Town’s website.
- 1.6 These procedures are subject to change in the case of an emergency as prescribed in section 53 of the Act.

2. Definitions

“**Act**” means the Municipal Elections Act, S.O., 1996, c.32, as amended from time to time.

“**Alternative Voting**” means voting online using an internet-connected device (e.g. smartphone, tablet, computer).

“**Ballot**” means an image of a Ballot on a computer screen of a Computing Device, including all the choices available to an elector and the spaces in which an elector marks a vote; or when voting using a paper ballot, a printed sheet of paper which describes all choices available to the electors and instruction to mark their selection using the marker provided for that purpose.

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

“**Certified Candidate**” means a Candidate whose nomination has been certified by the Clerk under section 35 of the Act.

“**Clerk**” means the Clerk of the Town of Newmarket who is responsible for conducting the 2022 Municipal Election under the authority of the Act.

“**Computing Device**” means an electronic device that may access the internet, including, but not limited to: a computer, laptop, tablet, or mobile device.

“**Election Official**” means the Clerk or person(s) appointed in writing by the Clerk to carry out election duties under the Act. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk, and must take the prescribed oath.

“**Eligible Voter**” means a person qualified to vote pursuant to the Act.

“**In-Person Voting**” means voting that occurs at a Voter Assistance Centre established by the Town which uses Town-controlled Computing Devices.

“**Internet Voting System**” means the technology and software that records, processes, stores, and counts the ballots cast in an online environment. “**Internet Voting System**”, and “**Online Voting System**” shall have the same meaning.

“**Paper Ballot Voting System**” means the technology and processes that records, processes and counts paper ballots cast in an in-person voting environment.

“**Internet Voting System Provider**” means the vendor chosen by the Town to provide the technology and software that records, processes, stores, and counts

the Ballots cast in an online environment. For the 2022 Town of Newmarket Municipal Election, the Internet Voting System Provider is Voatz, Inc.

“Paper Ballot Voting System Provider” means the vendor chosen by the Town to provide the technology that records, processes and counts paper ballots cast in an in-person voting environment. For the 2022 Town of Newmarket Municipal Election, the Paper Ballot Voting System Provider is Election Systems & Software (ES&S).

“Paper Ballot Voting Place” means the Town Office, 395 Mulock Dr., Newmarket, Ontario.

“Normal Business Hours” means the time between 8:30 am and 4:30 pm Monday through to and including Friday, and excludes statutory holidays.

“Personal Identification” means the identification required under the Act to provide proof of identity and residence of an individual to the satisfaction of an Election Official.

“Personal Identification Number (PIN)” means a unique number or alphanumeric number assigned by the Internet Voting System Provider to each Eligible Voter to provide secure access to the voting system.

“Preliminary List of Electors” means a list of Eligible Voters for The Town of Newmarket compiled by the Municipal Property Assessment Corporation (MPAC) and provided to The Town of Newmarket between July 31 and September 1 of an election year, or as agreed upon by MPAC and the Clerk.

“Script” means information, and system prompts from the Internet Voting System including but not limited to: instructions, informational messages, error messages, and exceptions.

“Scrutineer” means an individual, appointed in writing by a Certified Candidate, to represent him or her during the voting process.

“Support Person” means an individual who has been requested by an Eligible Voter to assist him or her in the voting process.

“Tabulator” means an optical scan vote tabulator. For the 2022 municipal election the Town will be using Election Systems & Software (ES&S) DS200 tabulator as the main component of the automated paper ballot tabulation system.

“Town” means the Corporation of the Town of Newmarket.

“Voter Assistance Centre” means a location designated by the Clerk to process In-Person Voting, assist electors with the voting process, and provide a location for electors to have themselves added to the Voters’ List, or revise their existing information on the Voters’ List.

“Voters’ List” means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of section 22 of the Act.

“Voting Day” means the fourth Monday in October of an election year. Voting Day for the 2022 Municipal Election is October 24, 2022.

“Voting Period” means the time between the first day for Eligible Voters to cast their Ballots (October 15th at 10:00 a.m.) and 8:00 pm on October 24, 2022.

“Voter Instruction Letter” means a document addressed to an Eligible Voter that contains a Personal Identification Number (PIN) and a URL for voting, a list of Voter Assistance Centre locations and hours of operation, and a list of Candidates. Letters may be mailed directly, or hand-delivered as required.

3. Secrecy

- 3.1 The Clerk shall require all Election Officials working in the Municipal Election to swear or affirm an oath of secrecy in accordance with section 49 of the Act.
- 3.2 No person shall interfere or attempt to interfere with an Eligible Voter while he or she is in the process of accessing the Internet or Paper Ballot Voting System, or interfere or attempt to interfere an Eligible Voter while he or she is voting using the Internet or Paper Ballot Voting System, unless the Eligible Voter expressly makes a request for assistance.
- 3.3 No person shall obtain or attempt to obtain information about how an Eligible Voter intends to vote or has voted. Any individual requested by an Eligible Voter to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the Eligible Voter, and shall vote according to the instructions and wishes of the Eligible Voter.
- 3.4 No person shall communicate, using any medium, any information that might have been inadvertently obtained about how an Eligible Voter intends to vote or has voted.
- 3.5 No Eligible Voter shall reveal how he or she intends to vote except when obtaining assistance in voting from either a Support Person or an Election Official.

- 3.6 All Eligible Voters voting at the Voter Assistance Centres 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.
- 3.7 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 through 94 of the Act.

4. Candidate Nominations - Filing nomination papers

- 4.1 Nomination papers may be filed at the Town Clerk’s Office from Monday, May 2, 2022 to Friday, August 19, 2022 (Nomination Day) at 2:00 p.m. by appointment only, for the following offices:

Mayor – 1 to be elected

Deputy Mayor and Regional Councillor - 1 to be elected

Ward 1 Councillor - 1 to be elected

Ward 2 Councillor - 1 to be elected

Ward 3 Councillor - 1 to be elected

Ward 4 Councillor - 1 to be elected

Ward 5 Councillor - 1 to be elected

Ward 6 Councillor - 1 to be elected

Ward 7 Councillor - 1 to be elected

York Region District School Board Trustee - 1 to be elected

York Catholic District School Board Trustee - 1 to be elected

Conseil scolaire Viamonde** - 1 to be elected

Conseil scolaire catholique MonAvenir** - 1 to be elected

Note:

*Nomination papers for this office are filed with the Clerk for the City of Vaughan.

** Nomination papers for this office are filed with the Clerk for the City of Vaugahn.

- 4.2 If a candidate withdraws their candidacy from the Mayor race and files for the Deputy Mayor and Regional Councillor race:
 - 4.2.1 The candidate shall submit a new nomination paper with the Town Clerk (once the new nomination paper for Deputy Mayor and Regional Councillor is filed the original nomination paper for Mayor is deemed to be withdrawn);
 - 4.2.2 The candidate shall complete a new declaration form, which would replace the previous one;

- 4.2.3 The endorsement signatures from the first nomination paper would still be valid for the second nomination;
 - 4.2.4 The candidate would be refunded \$100 for the nomination filing fee;
 - 4.2.5 The candidate's campaign is deemed to have started the day he/she filed their original nomination paper;
 - 4.2.6 Any campaign contributions or expenses that occurred prior to the candidate filing the second nomination paper are transferred to the candidate's Deputy Mayor and Regional Councillor campaign; and,
 - 4.2.7 The candidate is required to file one financial statement covering the candidate's campaign finances from the day he/she first filed the original nomination paper until January 3, 2023.
- 4.3 If a candidate withdraws their candidacy from the Mayor race and files for the Ward Councillor race:
- 4.3.1 The candidate shall submit a new nomination paper with the Town Clerk (once the new nomination paper for Ward Councillor is filed the original nomination paper for Mayor is deemed to be withdrawn);
 - 4.3.2 The candidate shall complete a new declaration form, which would replace the previous one;
 - 4.3.3 The endorsement signatures from the first nomination paper would still be valid for the second nomination;
 - 4.3.4 The candidate would be refunded \$100 for the nomination filing fee;
 - 4.3.5 Any campaign contributions or expenses that occurred prior to the candidate filing the second nomination paper are **not** transferred to the candidate's Ward Councillor campaign; and,
 - 4.3.6 The candidate is required to file **two** financial statements (one for the Mayor race; and one for the Ward Councillor race).

- 4.5 If a candidate withdraws their candidacy from a Mayor race and files for any School Board Trustee race:
- 4.5.1 The candidate shall submit a new nomination paper with the Town Clerk (once the new nomination paper for the School Board Trustee race is filed the original nomination paper for Mayor is deemed to be withdrawn);
 - 4.5.2 The candidate shall complete a new declaration form, which would replace the previous one;
 - 4.5.3 The candidate is **not required** to provide endorsement signatures;
 - 4.5.4 The candidate would be refunded \$100 for the nomination filing fee;
 - 4.5.5 Any campaign contributions or expenses that occurred prior to the candidate filing the second nomination paper are **not** transferred to the candidate's School Board Trustee campaign; and,
 - 4.5.6 The candidate is required to file **two** financial statements (one for the Mayor race; and one for the School Board Trustee race).
- 4.6 If a candidate withdraws their candidacy from the Deputy Mayor and Regional Councillor race and files for the Mayor race:
- 4.6.1 The candidate shall submit a new nomination paper with the Town Clerk (once the new nomination paper for Mayor is filed the original nomination paper for Deputy Mayor and Regional Councillor is deemed to be withdrawn);
 - 4.6.2 The candidate shall complete a new declaration form, which would replace the previous one;
 - 4.6.3 The endorsement signatures from the first nomination paper would still be valid for the second nomination;
 - 4.6.4 The \$100 nomination filing fee originally paid is transferred to the candidate's second nomination and the candidate is required to pay an additional \$100 to make up the \$200 filing fee for Mayor;
 - 4.6.5 The candidate's campaign is deemed to have started the day they filed their original nomination paper;

- 4.6.6 Any campaign contributions or expenses that occurred prior to the candidate filing the second nomination paper are transferred to the candidate's Mayor campaign; and,
- 4.6.7 The candidate is required to file one financial statement covering the candidate's campaign finances from the day he/she first filed the original nomination paper until January 3, 2023.
- 4.7 If a candidate withdraws their candidacy from the Deputy Mayor and Regional Councillor race and files for the Ward Councillor race:
 - 4.7.1 The candidate shall submit a new nomination paper with the Town Clerk (once the new nomination paper for Ward Councillor is filed the original nomination paper for Deputy Mayor and Regional Councillor is deemed to be withdrawn);
 - 4.7.2 The candidate shall complete a new declaration form, which would replace the previous one;
 - 4.7.3 The endorsement signatures from the first nomination paper would still be valid for the second nomination;
 - 4.7.4 The nomination filing fee paid originally is transferred to the candidate's second nomination;
 - 4.7.5 Any campaign contributions or expenses that occurred prior to the candidate filing the second nomination paper are **not** transferred to the candidate's Ward Councillor campaign; and,
 - 4.7.6 The candidate is required to file **two** financial statements (one for the Deputy Mayor and Regional Councillor race; and one for the Ward Councillor race).
- 4.9 If a candidate withdraws their candidacy from a Deputy Mayor and Regional Councillor race and files for any School Board Trustee race:
 - 4.9.1 The candidate shall submit a new nomination paper with the Town Clerk (once the new nomination paper for the School Board Trustee race is filed the original nomination paper for Deputy Mayor and Regional Councillor is deemed to be withdrawn);

- 4.9.2 The candidate shall complete a new declaration form, which would replace the previous one;
- 4.9.3 The candidate is **not required** to provide endorsement signatures;
- 4.9.4 The nomination filing fee paid originally is transferred to the candidate's second nomination;
- 4.9.5 Any campaign contributions or expenses that occurred prior to the candidate filing the second nomination paper are **not** transferred to the candidate's School Board Trustee campaign; and,
- 4.9.6 The candidate is required to file **two** financial statements (one for the Deputy Mayor and Regional Councillor race; and one for the School Board Trustee race).
- 4.10 If a candidate withdraws their candidacy from the Ward Councillor race and files for the Mayor race:
 - 4.10.1 The candidate shall submit a new nomination paper with the Town Clerk (once the new nomination paper for Mayor is filed the original nomination paper for Ward Councillor is deemed to be withdrawn);
 - 4.10.2 The candidate shall complete a new declaration form, which would replace the previous one;
 - 4.10.3 The endorsement signatures from the first nomination paper would still be valid for the second nomination;
 - 4.10.4 The \$100 nomination filing fee originally paid is transferred to the candidate's second nomination and the candidate is required to pay an additional \$100 to make up the \$200 filing fee for Mayor;
 - 4.10.5 Any campaign contributions or expenses that occurred prior to the candidate filing the second nomination paper are **not** transferred to the candidate's Mayor campaign; and,
 - 4.10.6 The candidate is required to file **two** financial statements (one for the Ward Councillor race; and one for the Mayor race).
- 4.11 If a candidate withdraws their candidacy from the Ward Councillor race and files for the Deputy Mayor and Regional Councillor race:

- 4.11.1 The candidate shall submit a new nomination paper with the Town Clerk (once the new nomination paper for Deputy Mayor and Regional Councillor is filed the original nomination paper for Ward Councillor is deemed to be withdrawn);
 - 4.11.2 The candidate shall complete a new declaration form, which would replace the previous one;
 - 4.11.3 The endorsement signatures from the first nomination paper would still be valid for the second nomination;
 - 4.11.4 The nomination filing fee paid originally is transferred to the candidate's second nomination;
 - 4.11.5 Any campaign contributions or expenses that occurred prior to the candidate filing the second nomination paper are **not** transferred to the candidate's Deputy Mayor and Regional Councillor campaign; and,
 - 4.11.6 The candidate is required to file **two** financial statements (one for the Ward Councillor race; and one for the Deputy Mayor and Regional Councillor race).
- 4.12 If a candidate withdraws their candidacy from one Ward Councillor race and files for another Ward Councillor race:
- 4.12.1 The candidate shall submit a new nomination paper with the Town Clerk (once the new nomination paper for the new Ward Councillor race is filed the original nomination paper for previous Ward Councillor is deemed to be withdrawn);
 - 4.12.2 The candidate shall complete a new declaration form, which would replace the previous one;
 - 4.12.3 The endorsement signatures from the first nomination paper would still be valid for the second nomination;
 - 4.12.4 The nomination filing fee paid originally is transferred to the candidate's second nomination;
 - 4.12.5 Any campaign contributions or expenses that occurred prior to the candidate filing the second nomination paper are **not** transferred to the candidate's second Ward Councillor campaign; and,

- 4.12.6 The candidate is required to file **two** financial statements (one for the first Ward Councillor race; and one for the second Ward Councillor race).
- 4.14 If a candidate withdraws their candidacy from a Ward Councillor race and files for a School Board Trustee race:
 - 4.14.1 The candidate shall submit a new nomination paper with the Town Clerk (once the new nomination paper for the School Board Trustee race is filed the original nomination paper for Ward Councillor race is deemed to be withdrawn);
 - 4.14.2 The candidate shall complete a new declaration form, which would replace the previous one;
 - 4.14.3 The candidate is **not required** to provide endorsement signatures;
 - 4.14.4 The nomination filing fee paid originally is transferred to the candidate's second nomination;
 - 4.14.5 Any campaign contributions or expenses that occurred prior to the candidate filing the second nomination paper are **not** transferred to the candidate's School Board Trustee campaign; and,
 - 4.14.6 The candidate is required to file **two** financial statements (one for the Ward Councillor race; and one for the School Board Trustee race).
- 4.15 If a candidate withdraws their candidacy from a School Board Trustee race and files for the Mayor race:
 - 4.15.1 The candidate shall submit a new nomination paper with the Town Clerk (once the new nomination paper for the Mayor race is filed the original nomination paper for School Board Trustee race is deemed to be withdrawn);
 - 4.15.2 The candidate shall complete a new declaration form, which would replace the previous one;
 - 4.15.3 The candidate is **now required** to provide a minimum of 25 **endorsement** signatures;
 - 4.15.4 The \$100 nomination filing fee originally paid is transferred to the candidate's second nomination and the candidate is

required to pay an additional \$100 to make up the \$200 filing fee for Mayor;

- 4.15.5 Any campaign contributions or expenses that occurred prior to the candidate filing the second nomination paper are **not** transferred to the candidate's Mayor campaign; and,
 - 4.15.6 The candidate is required to file **two** financial statements (one for the School Board Trustee race; and one for the Mayor race).
- 4.16 If a candidate withdraws their candidacy from a School Board Trustee race and files for the Deputy Mayor and Regional Councillor race:
- 4.16.1 The candidate shall submit a new nomination paper with the Town Clerk (once the new nomination paper for the Deputy Mayor and Regional Councillor race is filed the original nomination paper for School Board Trustee race is deemed to be withdrawn);
 - 4.16.2 The candidate shall complete a new declaration form, which would replace the previous one;
 - 4.16.3 The candidate is **now required** to provide a minimum of 25 **endorsement** signatures;
 - 4.16.4 The nomination filing fee paid originally is transferred to the candidate's second nomination;
 - 4.16.5 Any campaign contributions or expenses that occurred prior to the candidate filing the second nomination paper are **not** transferred to the candidate's Deputy Mayor and Regional Councillor campaign; and,
 - 4.16.6 The candidate is required to file **two** financial statements (one for the School Board Trustee race; and one for the Deputy Mayor and Regional Councillor race).
- 4.17 If a candidate withdraws their candidacy from a School Board Trustee race and files for a Ward Councillor race:
- 4.17.1 The candidate shall submit a new nomination paper with the Town Clerk (once the new nomination paper for the Ward Councillor race is filed the original nomination paper for School Board Trustee race is deemed to be withdrawn);

- 4.17.2 The candidate shall complete a new declaration form, which would replace the previous one;
 - 4.17.3 The candidate is **now required** to provide a minimum of 25 **endorsement** signatures;
 - 4.17.4 The nomination filing fee paid originally is transferred to the candidate's second nomination;
 - 4.17.5 Any campaign contributions or expenses that occurred prior to the candidate filing the second nomination paper are **not** transferred to the candidate's Ward Councillor campaign; and,
 - 4.17.6 The candidate is required to file **two** financial statements (one for the School Board Trustee race; and one for the Ward Councillor race).
- 4.18 If, after Nomination Day (i.e., August 19, 2022), a Candidate advises the Clerk, in writing, that he or she no longer wishes to seek candidacy for an office that he or she was previously nominated for, the Clerk shall:
- 4.18.1 Publicize the Candidate's intent to no longer seek office on the Town's website; and,
 - 4.18.2 Undertake any other action(s) or publication(s) the Clerk, in their sole discretion, deems necessary.

5. Municipal Freedom of Information and Protection of Privacy Act

- 5.1 Upon filing, nomination and endorsement papers become part of the public record and shall be disclosed to members of the public upon request.
- 5.2 Upon receiving nomination papers, Candidate information is posted to the Town's election website.

6. Town Clerk and Election Officials

- 6.1 The Clerk shall retain Candidate financial statements, third party advertiser financial statements, and auditor's report as required by the Act.

7. Certification of Candidate Nomination Papers

- 7.1 On Nomination Day, Friday, August 19, 2022, after 2:00 pm the Clerk shall examine each nomination paper filed with the Town Clerk and, if satisfied the person is qualified to be nominated and that the nomination complies with the Act, the Clerk shall certify the nomination paper. If not satisfied, the Clerk shall reject the nomination and shall notify the person who sought to be nominated and all other Candidates for that office.
- 7.2 The Clerk shall certify nomination papers that are complete and verify that the:
 - 7.2.1 Address provided on the form is a qualified Town of Newmarket address;
 - 7.2.2 Declaration of qualification is signed;
 - 7.2.3 Nomination fee has been paid; and,
 - 7.2.4 Endorsements for candidates running for an office on municipal Council are complete, and that there are a minimum of 25 complete endorsements.
- 7.3 The Clerk's decision to certify or reject a nomination is final.

8. Third Party Advertiser Registrations

- 8.1 In accordance with section 88.6 of the Act, eligible third party advertisers may file a notice of registration with the Clerk in the prescribed form and with a declaration of qualification.
- 8.2 Registrations can be filed starting with the opening of the nomination period on May 2, 2022 until the Friday before Voting Day, during Normal Business Hours, which is October 21, 2022 until 4:30 pm.

9. Voter Qualifications

- 9.1 A person is entitled to be a voter in the Town if, on Voting Day, he or she:
 - 9.1.1 Resides in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant;
 - 9.1.2 Is a Canadian citizen;

- 9.1.3 Is at least 18 years old; and,
- 9.1.4 Is not prohibited from voting under subsection 17(3) of the Act or otherwise, by law.
- 9.2 Where an Eligible Voter qualifies at more than one location in Newmarket, the voter may vote only once. If located in Newmarket the place of residence of the Eligible Voter shall be the qualifying address as defined under the Municipal Elections Act, 1996.

10. Voters' List

- 10.1 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 Town Clerk, or their designate, 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.
- 10.2 The Voters' List shall then be reproduced in electronic format after September 1, 2022, and distributed to those who are entitled to copies under subsections 23(3), (4), and (5) of the Act.
- 10.3 The Voters' List shall be available in an electronic format to accommodate the administration in the voting process at the Voter Assistance Centre(s).
- 10.4 Additions, corrections and deletions may be made to the Voters' List by Election Officials in accordance with the Act.
- 10.5 The Clerk and/or the Internet Voting System Provider shall produce an electronic list of the additions, corrections and deletions, in accordance with subsection .3 of these procedures, 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.
- 10.6 The Voters' List, as corrected by the Clerk pursuant to section 22 of the Act shall be provided to the Internet Voting System Provider in a format agreed upon between the Clerk and the Internet Voting System Provider in order for the Voter Instruction Letters to be distributed.
- 10.7 Voter Instruction Letters shall be distributed by mail or hand-delivered as required, to all Eligible Voters to enable them to use the Internet Voting System.
- 10.8 The Town will establish dates and times for when persons can verify that:

- 10.8.1 They are an Eligible Voter; and,
- 10.8.2 Ensure that they are on the Voters' List.
- 10.9 If a person is an Eligible Voter and is not on the Voters' List or their information requires revision, the person shall provide an Election Official with the appropriate Personal Identification, and complete the appropriate form(s). Following this process, the Eligible Voter's name will be added to the Voters' List and he or she will be receive a Voter Instruction Letter. At the discretion of the Election Official the Voter Instruction Letter may be mailed, may be delivered in-person, or may be provided at the time the revision is carried out.
- 10.10 If a person is not an Eligible Voter he or she will not be added to the Voters' List.

11. Voter Assistance Centres (VAC's)

- 11.1 Eligible Voters who attend a Voter Assistance Centre and are not on the Voters' List can be added to the List by completing the appropriate form(s) and providing the appropriate Personal Identification, and:
 - 11.1.1 Their names will be added to the Voters' List and they will receive a Voter Instruction Letter; and,
 - 11.1.2 They will be able to vote at a Voter Assistance Centre, if they choose to, during the Voting Period.
- 11.2 Voter Instruction Letters will be re-issued to Eligible Voters as follows:
 - 11.2.1 Where an Eligible Voter on the Voters' List, who has not yet voted, has lost their Voter Instruction Letter or did not receive it in the mail, or does not have access to it, he or she can attend a Voter Assistance Centre in order to receive a new one.
 - 11.2.2 By issuing a new Voter Instruction Letter, the Eligible Voter's lost Voting PIN will be disabled.

12. Notices

- 12.1 All advertisements relating to notices or information required pursuant to the Act will be published on the Town's website, and/or in such other media, as the Clerk deems necessary.
- 12.2 The Clerk shall determine the date(s) of all advertisements including in which newspaper(s) the notices are to appear in order to comply with the requirements and principles of the Act.
- 12.3 The Town will also utilize a variety of social media tools to publicize and promote the Municipal Election.
- 12.4 The Clerk reserves the right to publish additional advertisements and notices, as deemed appropriate.
- 12.5 Where possible, cooperative advertising may take place and costs will be approved and shared by the participating municipalities.
- 12.6 In the fall of 2022, the Clerk will send a Voter Instruction Letter to each person whose name appears on the Voters' List.

13. Security

- 13.1 An Eligible Voter may only vote once in the Town during the 2022 Municipal Election, regardless of the number of properties he/she may own and/or lease or the number of voting methods available to them.
- 13.2 A predefined security protocol is adhered to during the entire Municipal Election period. This protocol ensures access control to the status of the election is only available to the Clerk and persons authorized by the Clerk.
- 13.3 The Internet Voting System is subject to strict logic and accuracy testing using a predefined set of Ballots which are cast with a known outcome. This is then compared to the actual vote counts to ensure complete confidence in the accuracy of the voting system. The thorough logic and accuracy phase allows Election Officials and auditors to review the full voting process prior to the opening of the voting.
- 13.4 At the completion of the logic and accuracy testing, the entire voting system is locked down prior to the start of the Voting Period. No system, code or configuration changes can occur during the lock down or once voting has started.

- 13.5 The voting system is hosted by the Internet Voting System Provider within their own data centres' environment which undergoes continuous and rigorous penetration prevention testing.
- 13.6 The Internet Voting System prevents the casting of multiple Ballots via the internet. Once a PIN is used to cast a Ballot, it is flagged by the system and the voter is immediately struck off of a real-time electronic Voters' List. This ensures that an Eligible Voter cannot obtain another Ballot online or by telephone or by attending a Voter Assistance Centre.
- 13.7 At the time a Ballot is cast, the Internet Voting System records the action in their database, an audit record of the Ballot is created. The system will also capture unique identifiers, such as IP addresses, which are never connected to personally identifiable information, and are used for the sole purpose of monitoring for suspicious activities.

14. Scrutineers

- 14.1 Scrutineers may be appointed, in writing by the Candidate. If appointed, Scrutineers will be entitled to the following:
 - 14.1.1 Upon request and after producing the properly signed appointment of Scrutineer form and prescribing to the oath(s) of secrecy, they may attend a Voter Assistance Centre(s) or the Town Office (395 Mulock Dr) in the case of paper ballot voting by appointment, during hours of operation to observe the process. Scrutineers who do not follow the instructions of the Clerk or Election Official, or who attempt to interfere, influence or determine how an elector is voting, will be requested to leave the Voter Assistance Centre or Town Office immediately. Their appointment will be revoked and they will not be permitted to re-attend a Voter Assistance Centre(s) or Town Hall voting place.
 - 14.1.2 To be present at the time and place where the zero tally results will be displayed prior to the opening of voting.
- 14.2 Use of a cellular telephone or any other electronic device shall **not be permitted** within a Voter Assistance Centre or Town Office paper ballot voting place by any Candidate or Scrutineer.

15. Internet Voting Procedures

- 15.1 Eligible Voters shall only cast Ballots once during the Voting Period.
 - 15.1.1 Voting will begin at 10:00 AM on October 15, 2022 and end at 8:00 PM on October 24, 2022.

- 15.1.2 Eligible Voters will be given 20 minutes to submit their Ballot, prior to the close of voting at 8:00 PM on October 24, 2022, regardless of the time they log in to the Internet Voting System.
- 15.1.3 Notwithstanding the closure of voting at 8:00 PM on October 24, 2022, the Internet Voting System will remain open for Eligible Voters who are at a Town-operated Voter Assistance Centre (i.e., the Magna Centre or Ray Twinney Recreation Complex) at 8:00 PM on October 24, to access the voting system and to be able to complete the voting process. Eligible Voters who have gained access to the Internet Voting System through their own device prior to 8:00 PM on October 24, 2022 will be permitted to complete the voting process, provided that they do so within the allotted 20 minute timeframe.
- 15.1.4 Once an Eligible Voter successfully submits their Ballot using their unique Voting PIN, the PIN cannot be used again to submit another Ballot using the Internet Voting System or Paper Ballot Voting System.
- 15.2 Eligible Voters may cast their Ballot via the internet by accessing the URL identified on their Voter Instruction Letter. Eligible Voters will be required to use their Voting PIN and another unique identifier, such as their birthdate to access their Ballot.
- 15.3 Eligible Voters may access the internet remotely or by attending a Voter Assistance Centre.
- 15.4 Upon accessing the Internet Voting System, Eligible Voters will:
 - 15.4.1 Read and accept the mandatory “Declaration of Qualification and Acknowledgement of Offences Statement”;
 - 15.4.2 Enter their Voting PIN and required credentials; and,
 - 15.4.3 Complete the captcha challenge.
- 15.5 When voting using the internet, Eligible Voters will be prompted to move from one voting screen to the next until all offices have been voted, with only one office appearing per voting screen.
- 15.6 The Internet Voting System will allow an Eligible Voter to review their selected Candidates prior to casting their Ballot.

- 15.7 Once an Eligible Voter, who is voting using the internet, has cast their Ballot, the Internet Voting System will confirm that their vote has been successfully submitted into the system.
- 15.8 Once the Internet Voting System receives a successfully submitted Ballot the Eligible Voter's name will be struck off of the real-time electronic Voters' List to indicate that they have cast their Ballot.
- 15.9 Once an Eligible Voter presses the final button (i.e., "Submit Ballot" button) in the Internet Voting System and their Ballot is received, the system prevents any modification to the Ballot through strict security and access controls. The confirmed cast Ballot screen does not show which Candidates the voter selected, and the Ballot selections are not stored or cached on the voter's computer. Once a voter submits their Ballot, they will not be able to re-access or view their selections. No voter data, session ID or selections are stored on the voter's computer or device.
- 15.10 If the Eligible Voter wishes to decline the entire Ballot the Internet Voting System will allow the elector to do so.
- 15.11 The Internet Voting System will not allow an Eligible Voter to over-vote for any office, this means that an Eligible Voter can only select a maximum of one candidate for each office.
- 15.12 An Eligible Voter will be able to leave an office or all offices blank, and the system will advise the Eligible Voter that the system did not identify votes on the Ballot.
 - 15.13.1 A blank race or an entirely blank Ballot is separate and distinct from an Eligible Voter who selects the "decline to vote" option.
- 15.13 Should any contest (race) on the ballot have a candidate that has been acclaimed (as certified by the Town Clerk after Nomination Day) the ballot will indicate that the position is acclaimed and the voter will be prompted to move to the next contest on the ballot.
- 15.14 An Eligible Voter will have the option of completing an online voting survey once they have submitted their Ballot.

16. Paper Ballot Voting Procedures

- 16.1 Eligible Voters shall only cast Ballots once during the Voting Period.

- 16.1.1 Voting will begin at 10:00 AM on October 15, 2022 and end at 8:00 PM on October 24, 2022.
- 16.1.2 Once an Eligible Voter successfully submits their Ballot using the tabulator, it cannot be used again to submit another Ballot using the Internet Voting System or the Paper Ballot Voting System.
- 16.1.3 Paper ballot voting will only be available at Newmarket Municipal Offices, 395 Mulock Dr, by appointment only. Appointments must be made in advance.
- 16.2 Eligible voters wishing to vote by paper ballot during the 10-day Voting Period must first make an appointment with Election Staff by telephone 905-953-5152, or by email at elections@newmarket.ca. The first day to book an appointment time to cast a paper ballot during the 10-day Voting Period shall be Wednesday, October 12th, 2022 at 8:30 a.m.
- 16.3 After booking an appointment in advance, eligible voters choosing to vote by paper ballot will be required to visit the Town Office (395 Mulock Dr) in person at the time of their scheduled appointment and present their Voter Instruction Letter and/or acceptable identification to Elections Staff to access their ballot.
- 16.4 At the Town Office voting place, an elector will use a marker supplied by the voting place staff to make their selections on a paper ballot. A space suitable for the marking of the ballot shall appear to the right of each candidate's name.
- 16.5 For the 2022 municipal election the Town will be using Election Systems & Software (ES&S) DS200 tabulator (shown below) as the main component of the automated paper ballot tabulation system.



The tabulator stores and tallies the results, and then prints cumulative totals of all votes cast after the close of the voting place. The tabulator is also equipped with a multi-sheet detector that prevents the device from accepting more than one ballot at a time.

The tabulator will also be pre-programmed to accept or reject ballots under certain conditions or to alert the Designated Election Official operating the tabulator to request further instruction from the elector.

- 16.6 Detailed Paper Ballot / Optical Scan Vote Tabulator Procedures are found in *Appendix 3: Paper Ballot Optical Scan Vote Tabulator Procedures*. The Tabulator will be turned on October 15 prior to the start of voting and will remain on until the close of voting on October 24.
- 16.7 Paper ballot voting will be by appointment, walk-ins will be accepted at the discretion of the Designated Election Official. The Designated Election Official will verify the identity of a voter, provide one ballot, and direct the voter to a private voting place. The Election Official will record the voter in real-time on the electronic Voters' List to indicate that they have voted by paper. Once an Eligible Voter, who is voting using the paper ballot system, has completed their Ballot, the voter shall place their ballot in the secrecy folder provided and give the secrecy folder containing the ballot to the Designated Election Official. The Designated Election Official will feed the ballot into the tabulator and the tabulator display will confirm that their vote has been successfully submitted or if the voter needs to correct an error on their ballot.

- 16.8 The Election Official will direct and assist voters who indicate they require the use of the accessible ballot marking machine, as required.
- 16.9 If the Eligible Voter wishes to decline the entire Ballot Election Official will mark the paper ballot with “DECLINED” and keep it separately in an envelope. Declined ballots will be counted and reported on with the election results..
- 16.10 The Paper Ballot Voting System will not allow an Eligible Voter to over-vote for any office, this means that an Eligible Voter can only select a maximum of one candidate for each office.
- 16.11 An Eligible Voter will be able to leave an office or all offices blank.
 - 16.11.1 A blank race or an entirely blank Ballot is separate and distinct from an Eligible Voter who selects the “decline to vote” option.
- 16.12 Should any office on the ballot have a candidate that has been acclaimed (as certified by the Town Clerk after Nomination Day) the ballot will indicate that the position is acclaimed. The voter may then move to the next contest on the ballot to place their mark for that office.
- 16.13 Between electors, and where feasible, the Designated Election Official will sanitize the voting stations and visually check to ensure there is no campaign and / or inappropriate material in the voting stations.
- 16.14 Immediately prior to the opening of voting, the Designated Election Official will verify a zero tally on the tabulator and ensure the paper ballot box is empty.
- 16.15 At the beginning of each day, the Designated Election Official will verify the VoterView count, tabulator count, ballots printed count, special circumstances, and count sheet balance. The Designated Election Official will also file the previous day’s Count sheet.
- 16.16 At the end of each voting day, the Designated Election Official complete the Daily Reconciliation Check sheet.

17. Disruption of Voting

- 17.1 If, before 8:00 PM on October 24, 2022 and before an Eligible Voter receives a message that their Ballot was successfully cast, there is a disruption of service or the system times out, the Eligible Voter may re-enter the Internet Voting system and continue the voting process. When

the Eligible Voter re-enters the system, the elector will be required to re-enter their selection(s) for all offices.

17.2 If an Eligible Voter is unsure if their vote was submitted, an Election Official will review the status of the Eligible Voter to determine whether a vote was submitted or not, and:

17.2.1 If submitted, the Election Official will confirm with the Eligible Voter that their ballot was successfully submitted; or,

17.2.2 If the Eligible Voter's status is "not voted", the voter will be advised that the vote was not submitted and that the Eligible Voter should be able to re-enter the system and restart the voting process.

18. End of Voting Period - October 24, 2022 at Voter Assistance Centres

18.1 At 8:00 PM on October 24, 2022, an Election Official will announce that the Voter Assistance Centre is closed and lock the doors of the Centre. Election Officials will allow any Eligible Voters who are in, or lined up outside, the Voter Assistance Centre at the time of the announcement to complete the voting process.

18.2 Election Officials shall, after permitting the last Eligible Voter to complete the voting process, close the Internet Voting System.

19. Tabulation and Results Display

19.1 On October 24, 2022, following the close of the Voting Period and Voter Assistance Centres, in accordance with these procedures, the Clerk or designated Election Official, along with the Internet Voting System Provider and Paper Ballot Voting System Provider will undertake the secure steps to tally the results of the election. The results will be displayed and updated as results are tallied on a screen in the Council Chambers and on the Town's website. The results released on October 24, 2022 are the unofficial results.

19.2 The Clerk will make an official declaration of election results as soon as possible after Voting Day.

19.3 The total number of declined ballots shall be reported at the conclusion of the election.

20. After the final Voting Day (October 24, 2022)

- 20.1 At no time after the final Voting Day shall any information regarding the voter, PINs and Ballots come together to allow anyone to know how a voter has voted.
- 20.2 All election materials shall be retained and, after the appropriate retention period, destroyed in accordance with the principles of section 88 of the Act.
- 20.3 Election materials shall not be destroyed by the Internet Voting System Provider or the Paper Ballot Voting System Provider before receiving written confirmation from the Clerk.

21. Recount Procedures

- 21.1 A recount shall be held in accordance with the Recount Procedure for the 2022 Newmarket Municipal Election (see: *Appendix 11: Recount Procedure*).

22. Accessibility

- 22.1 The Internet Voting System is compliant with WCAG 2.0 Level AA guidelines, which meet requirements of the Accessibility for Ontarians with Disabilities Act.
- 22.2 The Clerk shall have regard for the needs of Candidates and electors with disabilities.
- 22.3 The Clerk shall ensure the Voter Assistance Centres are accessible to Candidates and electors with disabilities.
- 22.4 The Clerk shall prepare a Report to be submitted to the Council 90 days after Voting Day about identification, removal, and prevention of barriers that affect electors and Candidates with disabilities.
- 22.5 Election Officials will be available for assistance during the Voting Period and on Voting Day.
- 22.6 The Town has an Accessibility Policy. The Municipal Election for the Town will be conducted with having regard to the policies as established.

- 22.7 The Clerk has approved the use of the 2022 Newmarket Municipal Election Accessibility Plan (Appendix 15).

23. Mail Tampering – Criminal Offence and Prosecution

- 23.1 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 10 years.
- 23.2 Since the Town will be using an Alternative Voting method, that being Internet Voting as the primary voting method, and the notification of the voting process and how voters can access the voting system in order to exercise their right to vote will be completed through the mail, mail tampering is a criminal offence under the Criminal Code of Canada.

24. Voter Instruction Letters

- 24.1 Voter Instruction Letters returned to the Municipal Office will be marked “returned mail” and will be maintained in a secure fashion and destroyed at the same time as all other Municipal Election material as provided for under Section 88 of the Municipal Elections Act, 1996.
- 24.2 Should a Voter Instruction Letter be returned to the Municipal Offices that has been opened but has not been used for voting purposes, the Election Official shall disable the Voting PIN so that the Voting PIN cannot be used in the voting process. In this circumstance, the Voter Instruction Letter shall be marked “unused” and be secured and destroyed as with subsection 24.1 above.
- 24.3 Where an Eligible Voter has tried to use their Voting PIN and they have determined that it has already been used, the voter can attend the Municipal Offices or a Voter Assistance Centre with the acceptable identification and complete an oral declaration to state that they have not already voted in this election.
- 24.3.1 Unless, in the Clerk’s opinion, there are extenuating circumstances (e.g., evidence of fraud) requiring the removal of the original Ballot cast, the original Ballot will remain in the ballot box, as Ballots shall not be removed once they are submitted.
- 24.4 Where an Eligible Voter’s Voter Instruction Letter contains the incorrect school support, the voter can contact the Election Helpline and have the school support corrected. The eligible elector must contact the Helpline to have their information updated before submitting their ballot. If the Eligible

Voter has already submitted their ballot, they cannot make any further changes to their eligibility or re-cast any part of their ballot.

25. Emergencies

- 25.1 In accordance with section 53 of the Act, the Clerk may declare an emergency if he/she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act.
- 25.2 Upon declaring an emergency, the Clerk is authorized to make any arrangements he/she considers advisable for the conduct of the election.
- 25.3 The arrangements made 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.
- 25.4 If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.
- 25.5 The emergency continues until the Clerk declares that it has ended.
- 25.6 Given the options available to Eligible Voters to vote from any device with an internet connection, any event that results in one or both Voter Assistance Centres becoming unavailable for use on the final Voting Day (i.e., October 24, 2022) shall not be sufficient to cause the Clerk to declare an emergency, delay the vote, open a new Voter Assistance Centre, or extend the voting hours.
- 25.7 In the event of an emergency, the Clerk shall, if possible, advertise this event on the Town's website and through any other media the Clerk deems appropriate, and post notices to the extent possible, that the election has been delayed.
- 25.8 In the event of an emergency, the Internet Voting System Provider under direction from the Clerk, may stop the Internet Voting System from accepting connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.
- 25.9 In the event the Clerk 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.

26. Forms

26.1 Forms may be prepared for the 2022 Municipal Election and will be utilized when necessary or desirable for conducting the municipal election under the direction of the Clerk, as per subsections 12(1) and 12(2) of the Act.

27. Appendix: Supplemental Procedures

The following supplemental procedures are available as appendices to this document and are available on the Town's election website: newmarketvotes.ca and to candidates through the Candidate Portal.

- 1) Campaign Financial Statements Submission Policy
- 2) On-line Voting Procedure
- 3) Paper Ballot Optical Scan Voting Procedure
- 4) Special Voting Locations Procedure
- 5) At Home Assisted Voting Procedure
- 6) Application to Amend the Voters' List Procedure
- 7) Pandemic Procedure
- 8) Election Complaint Procedure and Election Complaint Form
- 9) Canada Post Service Disruption Procedure
- 10) Personation Procedure and Personation Form
- 11) Recount Procedures
- 12) Voter Assistance Centre Power Failure Procedure
- 13) First Aid at Voter Assistance Centre Procedure
- 14) Election Closing Procedures
- 15) 2022 Newmarket Election Accessibility Plan