

## Appendix 2: Online Voting Procedures

In accordance with Section 42 of the *Municipal Elections Act, 1996*

### 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, an election to which these procedures apply shall be conducted in accordance with the principles of the *Municipal Elections Act, 1996*. These principles are generally recognized to include the following:
  - a) the secrecy and confidentiality of individual votes is paramount;
  - b) the election should be fair and non-biased;
  - c) the election should be accessible to the electors;
  - d) the integrity of the process should be maintained throughout the election;
  - e) there be certainty that the results of the election reflect the votes cast; and
  - f) electors and candidates should be treated fairly and consistently.
- 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. Designated Election Officials**

The Town Clerk of the Town of Newmarket is the Returning Officer, and the Deputy Clerk is the Assistant Returning Officer. The Returning Officer and Assistant Returning Officer shall appoint Designated Election Officials for the purposes of implementing these procedures and may designate their titles and duties. Such appointments shall be in writing. The Returning Officer or Assistant Returning Officer may continue to exercise the delegated power and duties notwithstanding the delegation to a Designated Election Official. The Designated Election Officials primarily responsible for implementing these procedures include the Managing Deputy Returning Officer and the Deputy Returning Officer.

## **3. Online Voting**

An Internet Voting method shall be used for the 2022 Town of Newmarket Municipal & School Board Elections. Voting will commence on October 15<sup>th</sup> at 10:00 a.m. and run continuously until October 24<sup>th</sup> at 8:00 p.m.

- (a) Eligible voters shall be required to access a designated internet address and cast their vote.
- (b) Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail, hand-delivered or emailed as required, in a sealed and personalized Voter Information Letter.
- (c) The Voatz internet voting system will allow the eligible voter to vote using an internet-connected device.
- (d) Following the voter's selection, the voting system response shall identify the voter's choice and provide the voter with the option of changing or confirming their vote.
- (e) The voting system shall enable the voter to decline from voting if they wish to do so.

(f) Once the PIN has been used to complete all assigned races associated with the election it cannot be used again, and further access shall not be granted to the Internet Voting service to vote again.

3.1 Prior to the Voatz system activation, being on October 15<sup>th</sup> at 10:00 a.m., the Returning Officer or other authorized election official will generate the confirmation report that contains all candidate names running for an office (through the Voatz System by secure ID and password). The report displays in real time the sum total of votes cast for each candidate running for an office. The timing of this report activity ensures that all totals for all candidates, confirms zero (0) votes before the electronic election begins.

The Voatz System will be activated unless any of the counts associated with the candidate names do not indicate a zero total, and unless directed otherwise by an election official.

3.2 Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at zero (0) and shall be permitted to sign a document that attests to this fact.

3.3 Voatz System will make available online through DataFix's VoterView a list to the Clerk and any other appropriate individuals of the Town of Newmarket, of all voters' list individuals by order of wards, who have voted during the voting period if such an event has taken place. The names of individuals who have voted will be marked as voted. A list of voters who have voted will be provided or made available to the candidates or their respective scrutineer either through the Clerk's office or by electronic means by the DataFix's VoterView System at the Clerk's discretion. This list shall be provided by the Voatz System in real time or as closely as possible to real time.

3.4 The DataFix's VoterView System Candidate Portal will be available to candidates during the course of the election. Candidates may review voter's list information using this portal and see updates on which electors have voted. This capability does not provide the candidate or their designate information on how a voter has voted, only if they have voted in the election. A voter who has voted in at least one race during an election is considered a participant.

3.5 Candidates or their scrutineers may view this information any time after the start time of the election.

3.6 Where a voter is associated with multiple properties within the Town of Newmarket, the voter may vote only once, and the qualifying address to determine eligibility for voting shall be the place of residence of the voter. 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. Should a voter receive more than one Voter Information Letter, the voter may only vote once and must return the other Document(s) to the Municipal Office. All voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation as to possible corrupt practices under the Municipal Elections Act, 1996.

- 3.7 Should a Voter Information Letter be returned to the Municipal Administration Office unopened, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. The Voter Information Letters will then be marked "unused" and be retained in a secure means and subsequently destroyed at the same time as all other Municipal Election material as provided for under Section 88(2) of the Municipal Elections Act, 1996.
- 3.8 Should a Voter Information Letter be returned to the Municipal Administration Office that has been opened but has not been used for voting purposes, the PIN status will be disabled by an election official in a manner that prevents the PIN from being successfully validated in the voting process. In this circumstance, the Voter Information Letter shall be marked unused and be retained and destroyed as in item 3.7 above.
- 3.9 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 voters on the voters' list;
  - (b) that were undeliverable and returned from the Post Office;
  - (c) that were returned by a voter or other individual(s) either opened or unopened but unused for voting purposes;
  - (d) that were re-issued to an eligible elector;
  - (e) whose PIN on the Letters were set to a status that prevented them from being validated in the voting process.
- 3.10 PIN Validation
- (a) Where an eligible voter has attempted to validate his or her PIN and they have determined that the PIN has already been used, the voter can attend the location determined by the Clerk, bringing satisfactory identification

and have an election official confirm that the PIN has been used by an impersonator.

- (b) Prior to authorizing the re-issuance of a new Voter Information Letter, which contains a new PIN, the voter shall be required to respond and answer any and all questions from the election official. The election official shall document, to his or her satisfaction, questions and answers of the voter and, if deemed appropriate, the Clerk shall submit the same to the Ontario Provincial Police 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 authorize the provision of a new Voter Information Letter which contains a new PIN or, at the discretion of the election official the elector will be required to make a declaration as to his or her statement and take an oath which shall be given by the election official. A copy of this declaration shall also be submitted to the Ontario Provincial Police should further questioning 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 voter's assigned PIN.
- (d) Once the voter has properly answered all questions and if required, taken the prescribed oath, a new Voter Information Letter containing a new PIN can be issued.

### 3.11 Incorrect PIN:

- (a) Where an eligible voter has received an incorrect Voter PIN in terms of ward and school support association, the voter can contact a Voter Assistance Centre(s) and have the proper information applied to the existing PIN. The voter may re-access the system and vote for all races not yet completed.
- (b) The eligible voter shall be able to re-enter the system at any time during the election using the existing PIN or the re-categorized PIN until voting for all races has been completed.

3.12 New PIN(s) shall not be given out over the telephone or by mail without the expressed approval of the Clerk or their designate. A Voter Information Letter containing a PIN shall not be given to any person at the Voter Assistance Centre(s) unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by an election official.

### 3.13 Step-by-Step Online Voting Process (Screenshots)

#### Step 1



**Town Of Newmarket Municipal Election**  
October 15 10:00 am ET until Oct 24 at 8:00 pm, 2022

1 Verification 2 Declaration 3 Ballot 4 Review 5 Success

## Voting: Identity Verification

Please enter your information exactly as it appears in your email.

*\* indicates a required field*

Voter PIN\*

Date of Birth\*  
Day  Month  Year

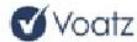
This reCAPTCHA is for testing purposes only. Please report to the site admin if you are seeing this.

I'm not a robot   
reCAPTCHA  
[Privacy](#) - [Terms](#)

**VERIFY**

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Step 2:



FAQ

CONTACT SUPPORT



### Town Of Newmarket Municipal Election

October 15 10:00 am ET until Oct 24 at 8:00 pm, 2022

1 Verification

**2 Declaration**

3 Ballot

4 Review

5 Success

#### Declaration of Qualification & Acknowledgment of Offences Statement

In accordance with the Municipal Elections Act, you are eligible to vote in the 2022 Municipal Election if, by October 14, 2022, you:

- are a Canadian Citizen; and,
- are at least 18 years old; and,
- live in (city or town name) or are the owner or tenant of property in (city or town name) or the spouse of such owner or tenant; and,
- are not otherwise prohibited from voting under any legislation.

By accepting this statement, you confirm that you are only entitled to vote once for the Offices of Mayor, Regional Councillor, Ward Councillor, and District School Board Trustee in the (city or town name) 2022 Municipal Election. In accordance with Section 89 of the Municipal Elections Act, a person is guilty of an offence, and is liable, upon conviction, to a financial penalty and possible imprisonment if they:

- vote in the 2022 Municipal Election without being entitled to do so;
- vote more than once in the 2022 Municipal Election;
- induce or procure a person to vote in the 2022 Municipal Election when that person is not entitled to do so;
- provide false or misleading information to the ("City" or "Town") Clerk/Returning Officer and/or designate;
- supply their voting information to anyone for the purpose of allowing them to vote without the authority of the ("City" or "Town") Clerk and/or designate;
- take, open or otherwise deal with voting information without having authority to do so;
- directly or indirectly,
- offer, give, lend, promise or agree to give or lend any valuable consideration, in connection with the exercise or non-exercise of an eligible voters' vote;
- advance, pay or cause to be paid money intending that it be used to commit an offence or knowing that it will be used to repay money used in that way;
- give, procure or promise or agree to procure an office or employment in connection with the exercise or non-exercise of an eligible voters' vote;
- apply for, accept or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of an eligible voters' vote; and
- attempt to do any of the above.

I have read and understand the information above, and hereby affirm that I am on the Voters' List, I am eligible to vote in the 2022 Municipal Election and I have not already voted in this election. I make this declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Please select one of the options below:

I Agree

I Agree, but Decline to Vote in this election

EXIT

PROCEED

Step 3:



**Town Of Newmarket Municipal Election**  
October 15 10:00 am ET until Oct 24 at 8:00 pm, 2022

✓ Verification — ✓ Declaration — **3 Ballot** — 4 Review — 5 Success

### Ballot

Instructions: Make your selections for each of the questions below. Once you are finished, review your selections before you submit.

1 of 3. Mayor (Vote for One (1) Only)

0 of 1 Selected

FOX, Terry	<input type="radio"/>
HADFIELD, Chris	<input type="radio"/>
MACDONALD, John A.	<input type="radio"/>

clear selection

NEXT

Step 4:



**Town Of Newmarket Municipal Election**  
October 15 10:00 am ET until Oct 24 at 8:00 pm, 2022

✓ Verification | ✓ Declaration | ✓ Ballot | **4 Review** | 5 Success

### Review Ballot

**Mayor (Vote for One (1) Only)**  
*You may vote for up to 1 more.*

NO SELECTIONS RECORDED [change](#)

**Deputy Mayor and Regional Councillor (Vote for One (1) Only)**  
*You may vote for up to 1 more.*

NO SELECTIONS RECORDED [change](#)

**Councillor Ward 5 (Vote for One (1) Only)**  
*You may vote for up to 1 more.*

NO SELECTIONS RECORDED [change](#)

**School Board Trustee (Vote for One (1) Only)**  
*You may vote for up to 1 more.*

NO SELECTIONS RECORDED [change](#)

Please review your selection(s).  
If you wish to make any changes select the change button.

**SUBMIT**

Step 5:

The screenshot displays the Voatz voting interface for the Town of Newmarket Municipal Election. At the top, the Voatz logo is on the left, and 'FAQ' and 'CONTACT SUPPORT' buttons are on the right. The main header area includes the Newmarket logo and the election title 'Town Of Newmarket Municipal Election' with the dates 'October 15 10:00 am ET until Oct 24 at 8:00 pm, 2022'. Below this is a progress bar with five steps: 'Verification', 'Declaration', 'Ballot', 'Review', and 'Success'. The 'Success' step is highlighted with a blue circle and the number '5'. The main content area features the heading 'Your ballot has been successfully submitted.' followed by the text 'The following is your Confirmation ID, which verifies your ballot has been successfully submitted.' Below this, the Confirmation ID 'MLJA1UCBORMW' is displayed in a white box with a blue border. At the bottom of the content area, there are two buttons: 'PRINT PAGE' and 'CONTINUE'. The footer of the page contains the copyright notice '© 2022 Voatz™, Inc. All Rights Reserved.'

Step 6:

The screenshot shows a web interface for a Voatz election. At the top, the Voatz logo is on the left, and two buttons labeled 'FAQ' and 'CONTACT SUPPORT' are on the right. Below this is a header bar for the 'Town Of Newmarket Municipal Election' with the dates 'October 15 10:00 am ET until Oct 24 at 8:00 pm, 2022'. The main content area has a white background and contains the following text:

**Your session has ended.**

You are invited to participate in a 3-5 minute online survey (through an external website) about your online voting experience today. Your responses will assist the Town of Newmarket with planning future elections. Participation is voluntary and all responses are confidential. Please click this link: <https://link.externalsite.ca>

[return to the welcome screen](#)