



**City of Greater Sudbury
2022 Municipal and School Board Election
Voting and Vote Counting Procedures**

Finalized
April 6, 2022

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1.0 General Information

1.1 Overview

The right to vote is a fundamental democratic right that is protected by the *Canadian Charter of Rights and Freedoms*. As described by Elections Canada, participation, fairness, and transparency are three fundamental principles associated with Elections which can be described as follows:

- **Participation** means that all electors can exercise their right to be involved in the electoral process, fully and freely.
- **Fairness** means that all Candidates are treated exactly the same and impartially.
- **Transparency** means that everyone knows the rules and can see that they are being followed.

Ensuring the integrity of the vote and the voting process is paramount to the conduct of the 2022 Municipal and School Board Election and to the protection of these fundamental rights and principles. In making decisions relating to the 2022 Municipal and School Board Election, the City of Greater Sudbury is guided by the *Municipal Elections Act, 1996* and by the following principles:

- The secrecy and confidentiality of individual votes is paramount.
- The Election should be fair and non-biased.
- The Election should be accessible to the voters.
- The integrity of the process should be maintained throughout the Election.
- There be certainty that the results of the Election reflect the votes cast; and
- Voters and Candidates should be treated fairly and consistently.

1.2 Preamble and Authority

The 2022 Municipal and School Board Election shall be conducted by the Clerk of the City of Greater Sudbury (the "Clerk") in accordance with the provisions of the *Municipal Elections Act* (the Act), its applicable Regulations and these procedures.

Paragraph 42(1)(a)(b) of the Act permits the Council of a local municipality to pass by-laws *authorizing the use of voting and vote counting equipment such as voting machines or voting recorders, and the use of alternative voting methods that do not require electors to attend at a voting place to vote for municipal Elections.*

The City of Greater Sudbury has passed the following Election related by-laws, all of which can be found on the City of Greater Sudbury Election website:

- a) [City of Greater Sudbury By-law 2022-62](#): A By-law of the City of Greater Sudbury to Adopt a Use of Municipal Resources During an Election Campaign Period Policy.
- b) [City of Greater Sudbury By-law 2021-179](#): A By-law of the City of Greater Sudbury to Authorize Various Matters under the Municipal Elections Act, 1996, as Amended, for the 2022 Municipal and School Board Election.

The Act gives the authority to the City Clerk as Returning Officer, to establish procedures and forms for voting and vote-counting equipment within the municipality. The Act further gives authority to the City Clerk to provide for any matter or procedure that is not provided for in the Act.

Subsection 42(4) of the Act provides that *the procedures and forms established by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.*

The definitions and procedures provided herein apply to the entirety of the 2022 Municipal and School Board Election period, including the voting period which will run from Friday, October 14, 2022, to Monday, October 24, 2022.

1.3 Notice

Election materials and information provided to Candidates and voters shall comply with the City of Greater Sudbury Notice By-law 2012-204 and the City of Greater Sudbury French Language Services Policy. The Clerk will give notice to Candidates and voters as described in the *Act*.

1.4 Voter Qualifications

As per Section 17(2) of the *Act*, a person is entitled to be a voter if, on voting day, the voter:

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

1.5 Voting Opportunities

1.5.1 Electronic Voting

City of Greater Sudbury voters will have the opportunity to cast their Electronic Ballot online at any time throughout the entire voting period beginning at 10:00 a.m. Friday, October 14, 2022, to 8:00 p.m. Monday, October 24, 2022, (Election Day).

1.5.2 Paper Ballot Voting

In accordance with the provisions set out in Section 45 of the *Act*, the Clerk has established voting locations throughout the City of Greater Sudbury for in-person, Paper Ballot voting. The City of Greater Sudbury does not use voting subdivisions and Voters may vote at any Voting Location of their choice throughout the City on Election Day.

On Election Day, Monday, October 24, 2022, Voting Locations will be open from 10:00 a.m. to 8:00 p.m. for in-person Paper Ballot voting. As in previous Elections, voting will be held at retirement homes or institutions that meet the criteria provided in subsection 45(7) of the *Act*, at times to be determined by the Clerk.

All Voting Locations have been evaluated and reviewed by the Election Team based on several criteria including, but not limited to accessibility, proximity to community gathering locations, physical size, availability of parking, ease of access from streets or roadways, and proximity to bus stop or route(s). Most Voters are within 5-10 driving minutes of their nearest Voting Location and in rural areas are within 15 driving minutes of that location.

1.6 Voters Requiring Assistance

For Voters who are unable to attend a physical in-person Paper Ballot Voting Location on Election Day, who require assistance to mark their Paper Ballot or who do not have access to the internet or a device on which to cast their Electronic Ballot there are options available to them to ensure that they are able to vote should they wish to do so.

1.6.1 Proxy Voting

Council passed By-law [2021-179](#), a By-law of the City of Greater Sudbury to Authorize Various Matters under the *Municipal Elections Act, 1996*, as Amended, for the 2022 Municipal and School Board Election, which authorizes proxy voting during the 2022 Municipal and School Board Election. Under the provisions of this by-law proxy voting shall not apply to Electronic Voting. Proxy voting will only be available to a voter attending in-person at a Paper Ballot Voting Location on Election Day.

A Voter who is not able to attend an in-person Voting Location on Election Day and/or does not have access to the internet or a device on which to cast their Electronic Ballot during the voting period may appoint another person as a voting proxy (a "Proxy") to cast a Paper Ballot on their behalf in person at a Paper Ballot Voting Location on Election Day.

The following rules apply to proxy voting:

- The elector acting as a Proxy must also be an eligible voter in the City of Greater Sudbury.
- Appointment of Voting Proxy forms are available on the City of Greater Sudbury's Election website.
- *No person shall appoint more than one Proxy and no person shall act as a Proxy for more than one person, unless the relationship between the Proxy and the persons for whom they are voting are their spouse, sibling, parent, child, grandparent, and/or grandchild.*
- Proxies can only be appointed *after the time for the withdrawal of nominations has expired for all offices for which the Election is being conducted.* The earliest day for appointment will be August 19, 2022.
- To appoint a Proxy, the voter must complete the Appointment of Voting Proxy Form after August 19, 2022. The appointed voter must present the completed form at Clerk's Services to be commissioned and certified.
- The elector appointed as Proxy must provide a certified copy or original piece of identification (as prescribed) for both the person appointing the Proxy and for the person who is appointed to act as a Proxy.
- Only forms that have been stamped and certified by the Clerk or their designate will be accepted by voting location Election Officials.
- Prior to casting a Paper Ballot, a person acting as a proxy on behalf of another voter must take the prescribed oath.

The person appointed as the Proxy is still entitled to vote in his/her own right.

1.6.2 Marking a Paper Ballot

Should a voter require assistance in marking their Ballot at a Paper Ballot Voting Location on Election Day, a Voter may request the assistance of a designated Election Official.

Alternatively, a Voter may choose to have a relative or friend assist them in marking their Ballot. In which case the person chosen by the Voter to assist them will be required to take an oral oath or affirmation to be administered by an Election Official prior to going behind the voting booth with the Voter.

1.7 Appointment of Election Officials

The Clerk is responsible for determining the resources required for the effective and efficient conduct of the Municipal and School Board Election and as such will appoint Election Officials as deemed necessary for the purposes of these procedures and may designate such titles and duties as appropriate. The number of Election staff and their duties will vary based on the characteristics of each Voting Location.

Every Election Official appointed by the Clerk will be required to take a General Appointment and Oath of an Election Official related to their duties and responsibilities.

1.8 Candidates/Scrutineers

Candidates may appoint Scrutineers to represent them and observe the following processes on their behalf by completing the Appointment of Scrutineer Form:

- Voting at Paper Ballot voting locations on Election Day.
- Central Counting and Tabulation of votes at Election Headquarters following the close of voting on Election Day.
- Recounts.

The Appointment of Scrutineer Form is available to all registered Candidates on the City of Greater Sudbury's Election website, and through the Candidate's portal.

To be granted access to a voting location or Election Headquarters, Scrutineers must show their written appointment to an Election Official upon arrival at either location. Only one Scrutineer or the Candidate themselves may be present at the voting location at any time. If there is a Scrutineer present and the certified Candidate or another Scrutineer appointed by the Candidate enters the voting location or attends the Central Count Location, the first Scrutineer or Candidate must leave as each Candidate is only entitled to one representative.

The following rules apply to both the Candidate and Scrutineer in attendance at a voting location or Election Headquarters:

- Decorum will be maintained at all times. Election Officials at voting locations are responsible for the conduct of the voting location and no Candidate or Scrutineer shall interfere with an Election Official in the discharge of their duties. Anyone who interferes with or disrupts the Election or who fails to follow the instructions of the Election Officials will be required to leave. The decision of the Election Officials in this regard is final.
- During the fifteen (15) minutes prior to the opening of the voting location, each Scrutineer who is entitled to be present, may visually inspect papers, forms, documents, and other equipment relating to the vote, but shall not delay the timely opening of the voting location.
- Scrutineers and Candidates are not permitted to sit at or use chairs or tables provided for Election Officials.

- Scrutineers or Candidates shall not attempt to influence, directly or indirectly, how a voter votes.
- Candidates and Scrutineers are there to observe the process and should not interact with voters at any time inside or outside of a voting location. If it is brought to the attention of an Election Official that a Candidate or Scrutineer is interacting with voters inside or outside of the voting location, they will be asked to leave.
- Scrutineers and Candidates shall not enter or go near a voting booth while occupied by a voter, nor do any other thing to attempt to see how a voter marks a Ballot, nor shall they ask the voter how they voted.
- In accordance with the *Act*, and City of Greater Sudbury By-law 2021-111 all campaign material and literature are prohibited inside and within 50 metres of the exterior main entrance of the Electronic Voting location or the front facade of the building which contains the voting location, whichever distance is greater and at any other location deemed by the Clerk to be a part of the voting location as authorized in section 48(2) of the *Act*.
- Campaign related material, including but not limited to signs, buttons, posters, literature, clothing etc. are prohibited from being brought into, worn, or displayed by Scrutineers or Candidates in voting locations.
- If a Scrutineer objects to a person voting, the Election Official will note the objection and require the voter to take a prescribed oath prior to the issuance of a Ballot.
- Candidate or their Scrutineers, are entitled to be present to observe the closing procedures.
- Candidates or their Scrutineers must arrive no later than 7:45 p.m. and remain in the voting location until its closing to be granted access to view the closing procedures.
- Should a Candidate or Scrutineer arrive after the doors to the Voting Location have been locked, they will not be granted access to view the closing procedures.
- Once the Voting Location has been closed, the Election Official will sign and seal the Ballot Box in the presence of Scrutineers and prepare the Ballot Box and all other Voting Location materials for transport back to Election Headquarters for the Counting of the vote.
- The Candidate or Scrutineer present at the close of the Voting Location will be permitted to sign the seal on the Ballot Box once it has been sealed and signed by the Election Official.
- Candidates or their Scrutineers are entitled to attend Election Headquarters following the close of Voting Locations on Election Day to observe the Counting of the vote.
- Only one of either the Scrutineer or certified Candidate may attend the Counting of the vote.
- Candidates and Scrutineers will be required to attend Election Headquarters no later than 8:45 p.m. should they wish to observe the Counting of the vote and will be required to provide their credentials to the Election Official present before being granted access to the Counting area.
- Candidates and Scrutineers are entitled to observe the Counting of the vote from the designated area.
- Candidates and Scrutineers are permitted to object to a Ballot or to the Counting of votes in a Ballot under subsection 54(3).
- Candidates and Scrutineers are permitted to sign the statement of results of the Election prepared by the Clerk or their designate under clause 55(1)(a).
- Candidates and Scrutineers are entitled to place their own seal on the Ballot Box after the Counting of the votes, when the Clerk or their designate seals the Ballot Box under

clause 55(1)(c), so that Ballots cannot be deposited or withdrawn without breaking the seal.

1.9 Results

As per Section 55 of the *Act*, *the Clerk shall as soon as possible after voting day, declare the Candidate or Candidates, as the case may be, who received the highest number of votes to be elected, the number of declined and Rejected Ballots and will declare the result of any vote on a by-law or ballot question.*

In the event of a tied vote, the provisions of the *Act* will be followed.

1.10 Recounts

As per the *Act*, if a Recount of votes is required, the votes for both Electronic and Paper Ballots will be Counted in the same manner as the votes were Counted on Election Day. See *Appendix D, City of Greater Sudbury 2022 Municipal and School Board Election Recount Procedures.*

The process for any Recounts and the procedure for the conduct of a Recount can be found in the City of Greater Sudbury's 2022 Municipal and School Board Election Recount Procedures.

1.11 Records

At the completion of the final count, the Clerk will retain all Election materials in a secure manner and destroy those records as per the provisions of the *Act*.

Candidates are responsible for the security and protection of online, electronic, and paper versions of the Voters' List, interim list of changes to the Voters' List and all other information containing personal voter information. The aforementioned information will not be used for any purpose by the Candidate other than for and during the 2022 Municipal and School Board Election and will be destroyed by the Candidate immediately following Election Day.

1.12 Corrupt Election Practices

Sections 89 and 90 of the *Act* provide for penalties and enforcement of corrupt practices and other offences during an Election process.

All complaints about activities which may contravene the provisions of the *Act* should be addressed to the Clerk who will forward the complaint to the Greater Sudbury Police Services where appropriate to do so.

1.13 Emergencies

As per Section 53 of the *Act*, *the Clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the Election being conducted in accordance with the Act.* On declaring an emergency, the Clerk shall make such arrangements as deemed advisable for the conduct of the Election. The arrangements made by the Clerk, if they are consistent with the principles of this *Act*, prevail over anything in this *Act* and the regulations made under it.

If required, the Clerk may consider alternate options for the following:

- Reporting results.
- Notification of voters.
- Election Officials.
- Voting period (delay of Voting Day, extension of voting hours or day(s)); and

- Alternate voting locations or alternate facility.

The Clerk may make any directions that they think necessary or desirable with respect:

- To the voting procedures to be used.
- To the taking of the votes.
- For the Counting of the votes; and
- Where required, for a Recount under Sections 56 to 64 of the *Act*.

The emergency continues until the Clerk declares that it has ended. If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness. The Clerk shall provide notice of such emergency to the best of their ability and in keeping with the circumstance. If any part of the voting for an office is not completed due to an emergency, the Clerk will not release the results until the voting for that office is completed.

1.14 Amendment of Procedures

Where the Clerk deems it necessary to provide clarification, interpretation, or adjustment on any of the procedures described herein, the Clerk shall post the amended procedures to the City of Greater Sudbury Election website.

2.0 Voters' List

2.1 General

The Municipal Property Assessment Corporation (MPAC) is responsible for supplying the City of Greater Sudbury with the Voters' List for Municipal and School Board Elections.

The Voters' List for the 2022 Municipal and School Board Election will be a live web-based list and will be hosted by DataFix.

When a Voter casts an Electronic Ballot or an in-person Paper Ballot, their name will be automatically struck off the Voters' List and the Voter will be shown as having voted. The date and time the Voter is struck off the list will be recorded. The manner in which a Voter casts their Ballot (Electronic or Paper) will also be recorded. A Voter is only entitled to vote once in an Election and once they have cast their Ballot in their chosen method the Voter will be marked as having voted and will be ineligible to cast another Ballot.

2.2 Revisions

If a person qualifies as a Voter and their name has been omitted from the Preliminary Voters' List or their information is incorrectly shown, they must file an Application to Amend Voters' List in the form specified by the Clerk, during the period from Thursday, September 1, 2022, to Monday, October 24, 2022 (Election Day).

The voter will be required to make an application in person to update or correct their information on the Voters' List.

The process for the submission and acceptance of changes to voter information through the Online Voter Services will be determined by the Clerk. Voters appearing in-person to have themselves added or their information amended on the Voters' List will be required to attest to their identity and the Election Official will confirm that the person who is making an Application to Amend the Voters' List meets the requirements for Voters as described in the *Act*. Where applicable, a replacement Voter Information Letter may be issued.

2.3 Distribution to Candidates

In accordance with Section 88(11) of the *Act*, the Voters' List is to be used only for the purposes of the Election and must not be publicly posted or otherwise made available. The Voters' List will be made available to certified Candidates or their designated Official Agent electronically through the DataFix Candidate Access Portal.

The Preliminary List of Electors, showing the names, addresses, Ward, and School Board support of all persons entitled to vote in the 2022 Municipal and School Board Election in the City of Greater Sudbury, will be provided electronically to all certified Candidates or their Official Agent through the DataFix Candidate Access Portal, on the date prescribed by the legislation.

Throughout the voting period, the Voters' List will continue to be made available to Candidates and will be updated daily.

Immediately following Election Day, Candidates are required to destroy any copies of the Voters' List and any data containing voter information that is in their possession. The Voters' List and information must be destroyed in a secure manner that protects the privacy of the citizens named on the Voters' List.

3.0 Voter Information Letters (VIL)

3.1 Distribution to Eligible Voters

During the third (3rd) week of September, each eligible Voter whose name appears on the Voters' List as of the close of business, Friday, September 16, 2022, will receive, by regular mail, a Voter Information Letter (VIL) which contains information for both Electronic and Paper Ballot voting. The letter will include instructions regarding the process for both Electronic and Paper Ballot voting and will include a list of the in-person Paper Ballot Voting Locations.

Any eligible Voter who is added to the Voters' List after Friday, September 16, 2022, will be provided with a Voter Information Letter by the Clerk or their designate following their addition to the Voters' List.

3.2 Return and Replacement of Voter Information Letters

Voter Information Letters returned to the Clerk's Department unopened will be securely stored and will remain unopened. If the Clerk or their designate is satisfied that a Voter Information Letter that has been returned can be delivered safely to the Voter, and the Voter has not already voted, then the Clerk or their designate may authorize the release of the returned Voter Information Letter to the voter.

Once a Voter has voted, they are no longer eligible to receive a replacement Voter Information Letter.

All returned Voter Information Letters that are in the possession of Election Officials at the end of the voting period will be destroyed at the same time as all other Election material as provided for in the *Act*.

The Clerk will ensure a complete audit trail of all Voter Information Letters.

- That were sent to eligible voters.
- That were returned from the Post Office.

- That were returned by a voter or other person(s) either opened or unopened but unused for voting purposes.
- That were re-issued to an eligible voter.
- The total number of Voter Information Letters that were assigned to eligible voters.

3.3 Duplicate Voter Information Letters

An eligible voter may only vote once. Should an eligible voter receive more than one Voter Information Letter they must return any additional Voter Information Letters to the municipal office and file an Application to Amend Voters' List to remove the duplicate name. Any 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*.

Duplicate Voter Information Letters returned to the Clerk shall have the PIN immediately disabled in the system so that the PIN cannot be used in the voting process. The opened Voter Information Letters will then be maintained in a secure fashion and destroyed following the election in the same manner as all other municipal Election material, as provided for under s.88 of the *Act*.

4.0 Ballots

4.1 General Provisions

Electronic and paper Ballots which contain the names of all certified Candidates for municipal and School Board office will be used. Candidate names will appear on the Ballot exactly as the name appears on the Nomination Paper Form 1 as outlined in the provisions of the *Act* included below. In accordance with the rules set out in subsection 41(2) of the *Act*, the following rules apply to all Ballots:

- (a) *Only the names of certified Candidates shall appear on the ballot.*
- (b) *The Candidates' names shall appear on the ballot in alphabetical order, based on their surnames and in the case of identical surnames, their forenames.*
- (c) *If the Candidate wishes and the Clerk agrees, another name that the Candidate also uses may appear on the ballot instead of or in addition to his or her legal name.*
- (d) *No reference to a Candidates' occupation, degree, title, honour, or decoration shall appear on the ballot.*
- (e) *If the surnames of two or more Candidates for an office are identical, or in the Clerk's opinion, so similar as to cause possible confusion, the Clerk shall differentiate the Candidates on the ballots as the Clerk considers to be appropriate in the circumstances.*
- (f) *A space for marking the ballot shall appear to the right of each Candidate's name or, in the case of a by-law or question to the right of each answer; and*
- (g) *All ballots for the same office or relating to the same by-law or question shall be identical or as nearly alike as possible.*

The Clerk shall make such changes to some or all of the ballots as they consider necessary or desirable to allow voters with visual impairments to vote without assistance.

When an acclamation has occurred for an office, the Ballot area for that office will indicate that an acclamation has taken place on both Electronic and Paper Ballots. This will be done for the sole purpose of assisting Voters. No vote Count will be taken for the acclaimed office.

4.2 Electronic Ballots

During the Voting Period, Voters will have the opportunity to cast their Ballot online at any time. Once Voters have input their voting credentials and completed the necessary declarations to enter the voting system, their designated Ballot which contains the names of all certified Candidates for municipal and School Board office, and any referendum questions will appear onscreen. Voters will move through the system and the Ballot races as they appear on the screen by marking the Ballot in the designated space to the right of each Candidate's name.

4.3 Paper Ballots

Composite Paper Ballots, which contain the names of all certified Candidates for municipal and School Board office, and any referendum questions, will be used at all Election Day in-person Paper Ballot Voting Locations. Ballots will be printed at all Voting Locations on-site using ballot on demand printing technology. A designated space will appear to the right of each Candidate's name for the purposes of marking the Ballot.

5.0 Voting Systems

5.1 Service Providers

As determined through a Request for Proposal process, Scytl has been selected to provide the Electronic Voting portion using their Invote Gov system which includes the Electronic Voting system, results reporting module and monitoring dashboard. To deliver the Paper Ballot portion of the 2022 Municipal and School Board Election, Scytl has partnered with Clear Ballot, who will provide the services and equipment for the Paper Ballot/Tabulator Count portion of the 2022 Municipal and School Board Election. The Paper Ballot Portion of the Election also includes Ballot on Demand generation and production, Ballot on Demand printing and Vote Tabulation software and equipment.

5.2 Tabulator Programming

High speed, high-capacity Vote Tabulators will be used at Election Headquarters for the Central Tabulation of all Paper Ballots cast on Election Day at in-person Paper Ballot Voting Locations.

Vote Tabulator Target Cards will be produced every Voting Location to be paired with the Ballot stacks for each location. As Ballots will be Tabulated in stacks of approximately 200, multiple Target Cards may be required for each Voting Location.

The Tabulator systems will be programmed to produce a record of the number of votes cast for each Candidate, and Ballot question for each location, and will be programmed to report for reach individual Voting Location. Tabulators will be programmed to support the vote anywhere model of voting implemented by the City of Greater Sudbury.

The Ballot Scenario Chart (*Appendix B*) illustrates various Ballot scenarios and the processes to be followed for each during the 2022 Municipal and School Board Election.

5.3 Electronic Voting System Programming

The Scytl Invote Gov platform will be used by voters wishing to cast an Electronic Ballot. The system will be programmed to open at 10:00 a.m. on Friday, October 14, 2022, and close at 8:00 p.m. on Monday, October 24, 2022.

The system will be programmed to provide access to the Electronic Voting platform to voters who enter the correct credentials as provided on their Voter Information Letter along with their password (date of birth).

Once the voting has concluded and the system has been closed, the process will be initiated for the generation of the Electronic Ballot results.

5.4 Testing

Prior to the commencement of voting, the Clerk will ensure that Electronic Voting platform and all equipment has been tested. The equipment service provider will perform standardized technical and diagnostic testing on the Electronic Voting system and on each piece of equipment being used in Greater Sudbury to ensure that votes are marked and recorded accurately and that both voting systems are secure.

All printouts, reports and all other records of the testing phases will be retained for verification purpose as outlined in Section 88 of the *Act*. The Clerk shall also retain an Auditor to conduct logic and accuracy testing of all Election equipment and systems using general accepted methodology.

Testing for all Election components will be completed before Friday, October 14, 2022.

5.5 Security and Integrity

5.5.1 Electronic Voting

The Scytl Invote Gov system provides a layered and comprehensive set of security controls for the end-to-end Electronic Voting process including, end to end encryption, digital signatures, and certificates, mixing and anonymized decryption, end to end verifiability (individual and universal, counted as recorded).

These security features align with international best practices in the field of Electronic Voting and the recommendations set out by Elections Ontario.

5.5.2 Tabulators

Following the conclusion of the testing phases, Vote Tabulators and any equipment or documents related to the Tabulators will be locked down and stored in a secure location at Tom Davies Square until the commencement of the Count on Election Day.

Only those Election Officials with the authority to do so may handle and manage the opening of the Tabulators and Target Cards associated with the individual Voting Locations prior to the opening of the Central Tabulation process.

6.0 Voting Procedures

6.1 Electronic Voting

The Electronic Voting site will be hosted by the City of Greater Sudbury's Electronic Voting service provider and registered voters will be provided with the web address link to access the site and their Voter ID and PIN in their Voter Information Letters.

6.1.1 Opening of the Electronic Voting System

Prior to the activation of the system by the Clerk, on 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. The Deputy Returning Officer will initiate a "Zero Count" Report. The Zero Count Report can only be generated prior to the start of the voting process.

6.1.2 Electronic Voting Process

An eligible Voter will access the Electronic Voting system via the web address provided in their VIL. Once the Voter has entered the site, they will be required to input their PIN number as it appears on their VIL, and any other additional criteria as determined by the Clerk.

If the information matches the information on the Voters' List the Voter will continue through the system to cast their Ballot. If the information does not match the information on the Voters' List the Voter will be required to contact the City of Greater Sudbury's Electronic Voting helpline.

The PINs provided to each Voter in their VIL are unique to each Voter. If for any reason the Voter is unable to use this information or has lost this information before they are able to cast their Electronic Ballot, they will be required to contact the City of Greater Sudbury's Electronic Voting helpline to have their credentials disabled. Following which the Voter will be issued new credentials should it be appropriate to do so.

Once the Voter has successfully logged into the Electronic Voting System, the Voter will see on the screen the personalized Ballot contents for all races that correspond to their Ward and School Board.

To move through the Electronic Voting system, the voter will be required to select the appropriate number of Candidates in the race before them or choose not to vote to continue to the next race.

Once the Voter has moved through all of the races assigned to them and has completed their selections, a confirmation screen will display the Voter's choices.

The Voter will then have the opportunity confirm their selections and will have the ability to go back through the system to make any changes to their selections prior to casting their final Ballot.

The system will alert Voters if they have cast an Under-Voted Ballot and the Voter will have the opportunity to go back through the system to confirm their selections. If the Voter does not wish to make any changes to their Under-Voted Ballot the system will accept the Ballot. The system will not accept an Over-Voted Ballot.

Once the Voter confirms their selections and casts their Ballot, the vote is then individually protected using a specific cryptographic protocol and is safely stored in the Electronic Ballot Box.

Once the Ballot is cast, the voting credentials (PIN) is disabled and no further access to the system will be granted. The Voter is struck off the Voters' List and will obtain a special "counted-as-cast" receipt that tells the Voter that their Ballot was recorded by the system.

6.1.3 Disruption of Voting

When a Voter is timed out by default or if the session is interrupted or terminated (intentionally or not) before the final Ballot is cast then no information is stored in the voting client or in the server and no votes are recorded or cast. This practice guarantees the Voter's privacy at all times. Therefore, the voter whose session has been disrupted has to authenticate again and state the voting process from the beginning. The Electronic Voting system will time out after 15 minutes when there has not been any activity between the voter and the Electronic Voting system.

6.1.4 Replacement of PIN Procedures

Voters who have tried their PIN and have been unsuccessful in accessing the Electronic Voting system, will be directed to contact the Electronic Voting helpline. The Election Official will determine its status

The Voter shall present themselves in person with proof of identity and residence and if appropriate, the Election Official will reissue a new PIN to the voter.

6.2 In-Person Paper Ballots

Vote anywhere Paper Ballots will be used on Election Day, Monday, October 24, 2022, at all in-person Voting Locations.

In accordance with Section 52(1) of the *Act*, the following procedure shall be followed when a person enters a voting place and requests a Ballot:

1. Subject to paragraph 3, the deputy returning officer shall give the person a ballot only if,
 - i. *the deputy returning officer is satisfied that the person is entitled to vote at the voting place; and*
 - ii. *the person presents the prescribed proof of identity and residence or completes an application in the prescribed form, including a statutory declaration that he or she is the elector shown on the Voters' List.*

The Election Official responsible for registering and striking Voters off the Voters' List shall:

- Confirm that the Voter's identification meets the requirements as outlined in Regulation 304/13 (see *Appendix C* for ID requirements).
- Ask for their Voter Information Letter to assist in speeding up registration process, and scan the barcode at the top of the VIL.
- Verify that the person's name appears on the Voters' List.
- Determine and verify the Voters' Ward and School Board support designation
- Ask each Voter before they receive a Ballot, "Have you voted yet in this Election?"
- If the Voter has not voted, print the Ballot, and retrieve it from the ballot on demand printer.
- Briefly explain the voting procedure.
- Initial the top of the Ballot; and
- Provide the Ballot to the Voter in a secrecy sleeve.

Upon receiving the Ballot, the Voter shall:

- Proceed to the voting booth; and
- Vote by marking the designated voting space(s).

After marking the Ballot, the Voter shall:

- Insert the Ballot into the secrecy sleeve to conceal the vote.

- Deposit the Ballot into the Ballot Box provided; and
- Place secrecy sleeve in the designated area and exit the Voting Location.

7.0 Vote Counting and Tabulation Procedures

7.1 Electronic Ballots

The Clerk, at 8:00 p.m. on Monday, October 24, 2022, shall arrange for the close and deactivation of the Electronic Voting system. The Electronic Voting system will allow a set period for Voters who have logged in prior to 8:00 p.m. to finish casting their Ballot.

Once the Electronic Voting platform has been closed and the Voting Period has ended, the process of “verifiable mixing” will begin to shuffle the Ballots and break and possible correlation between the Voters and stored Ballots. After the mixing process, the anonymized Ballots are decrypted and tallied.

The Clerk shall then produce the Vote Count Report. Those present, including the Clerk, Election Officials, 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 only publicly available when the Clerk deems them appropriate for release. Entry will not be permitted to the Central Count location or counting rooms before 7:45 p.m. Anyone who is creating a disturbance will be removed as directed by the Clerk.

7.2 Paper Ballots

7.2.1 Vote Tabulator Setup Procedure

The designated Election Official will, in the presence of all Candidates and/or Scrutineers present at the time, ensure that there are no votes stored in the Tabulator system and print all logs and information from the dashboard necessary to confirm this.

The designated Election Official will produce the confirmation log and will include the log confirming the zero totals for the Tabulator/Voting location with the tabulated Ballots and Target Cards for the specified Voting Location and tabulator.

If the totals are not zero for all Candidates, the designated Election Official will immediately notify the Clerk or their designate and the Tabulator system will be reset, and the Zero Count Report will be run again.

7.2.2 Vote Tabulator Failure

If a Vote Tabulator at the Central Count location fails to operate the affected Tabulator will be closed, the appropriate Election Official will be notified, and the alternate Tabulator will be used. The second Tabulator will be opened according to the procedures noted above.

7.2.3 Central Tabulation Process

Ballots will be counted by Voting Location. Each Voting Location will be run one at a time through the Tabulator until all the Ballots have been processed for that location. Ballots will be fed through the Tabulator in batches of approximately 200 Ballots, with their respective Target Cards. The target card will be run through the system prior to the Ballot to ensure that it is programmed and will be read correctly. Once the Target Card has been confirmed the Target Card will be placed on the bottom tray of the scanner and the ballots will be placed on top. Once the Target Card and Ballots are in place they will be run through the Tabulator.

Once the Ballots have been processed, they will be returned to the Ballot Box for the specified Voting Location. If any Ballots require adjudication the adjudication process will be followed as outlined in these procedures.

The final vote Count for the Voting Location will not be established until any required adjudication processes have been completed. If any Ballots are required to be adjudicated, the Ballot Box for the location will remain unsealed until all the Ballots have been adjudicated and Tabulated. Once all the Ballots for the specific Voting Location have been Tabulated and any required adjudication processes have been completed, the Tabulator will be closed, and any required reports will be generated and signed by the appropriate Election Officials. All reports and logs will be placed in an envelope and affixed to the Ballot Box for that location. Once all of the Ballots for the location have been Tabulated and returned to the Ballot Box, it will be sealed and initialed by the appropriate Election Official.

8.0 Paper Ballot Adjudication Process

If a Ballot is rejected by the Tabulator for any reason, the Ballot will be flagged for adjudication in the Clear Ballot dashboard. Once all the Ballots for the location have been Tabulated, the Ballot adjudicator will review the log for the specific location and review any Ballots that have been flagged for adjudication.

The ballot adjudicator will review the flagged Ballots and will make the determination to either reject the Ballot or allow the Ballot to be accepted.

8.1 Rejected Ballots

If a Ballot has been flagged as a Rejected Ballot and the Election Official can clearly discern the intent of the voter and there are no other issues with the Ballot to prevent it from being cast, the Ballot adjudicator will allow for the ballot to be counted. If the intent of the Voter cannot be discerned without question and the ballot cannot be cast, the ballot adjudicator will reject the Ballot it will be marked as such in the ballot adjudication system and logged into the audit and reports.

If the Ballot is rejected by the adjudicator and is unable to be counted, the Ballot will be reported as a Rejected Ballot. No votes on the Rejected Ballot will be counted.

8.2 Resolution of Ballots

If the ballot adjudicator determines that it is appropriate to accept the Ballot and can clearly discern the intent of the Voter. The ballot adjudicator will accept and allow the Ballot to be voted.

All actions taken in the ballot adjudication process are recorded, time stamped, and user stamped with the reason for the acceptance or denial and will be printed and included with the Ballot Boxes for each individual Voting Location that has been subject to the adjudication process.

Definitions

Acceptable Mark - refers to a completed mark which the Vote Tabulator can identify as a vote for the Candidate or by-law or question and which has been made by a Voter in the space provided on the Ballot to the right of the name of any Candidate or to the right of either yes or no on any by-law and question.

Act - refers to the *Municipal Elections Act, 1996, S.O. 1996. c. 32*, as amended.

Area - refers to a contiguous geographic area represented by one or more district school trustees from the Rainbow District School Board (English Public Trustee), the Sudbury District Catholic School Board (English Separate Trustee) le Conseil Scolaire publique du Grand Nord de l'Ontario (French Public Trustee) or le Conseil Scolaire catholique du Nouvel-Ontario. The geographic area comprising the area may cover an entire a municipality, may be a portion of the municipality, or may include one or more municipalities or unorganized geographic townships or a combination of both.

Auditors - refers to the Auditor retained by the City of Greater Sudbury to conduct or supervise testing of the Election equipment (hardware) and software.

Ballot - refers to a Paper or Electronic Ballot, which includes the names of all Candidates for all offices being contested in the Election in relation to a specific Ward and School Board and any referendum questions.

Ballot Adjudicator – refers to the Election Official responsible for reviewing any flagged ballots for inclusion or rejection from the final count.

Ballot Adjudication – refers to the process by which a Paper Ballot is reviewed by an Election Official if it is flagged for review by the Clear Ballot system and a determination is made whether to allow the ballot to be voted or reject it from the Count.

Ballot Box - refers to the secure container in which Voters will deposit their Ballots once they have completed the voting process.

Ballot on Demand – refers to the process by which ballots are printed on site at in-person Paper Ballot Voting Locations and the systems involved in the printing and configuration of them.

Ballot Style - refers to one of any number of specific Ballot configurations based on a Voter's school support and Ward.

Blank Ballot - refers to a Ballot without marks in any of the designated voting spaces. See also *Appendix B*.

Candidate - refers to a person who has filed a nomination paper which has been certified by the Clerk.

Central Count – refers to the process of tabulating Paper Ballots at a centralized location to be determined by the Clerk. May also be referred to as Central Tabulation.

Central Count Location – refers to the location where Paper Ballots will be returned to following the close of in-person Paper Ballot Voting Locations to be Tabulated following the close of voting on Election Day.

City - refers to the City of Greater Sudbury.

Clerk - refers to the person appointed by the Council of the City as City Clerk, who is also the Returning Officer for the Municipal and School Board Election.

Count - refers to the process of totalling votes.

Declined Ballot - refers to a Paper Ballot that has been returned by a Voter who does not wish to vote. See also *Appendix B*.

Decrypt - refers to the act of deciphering or decoding the data that has been encrypted.

Election - refers to an Election conducted by the City of Greater Sudbury to fill the offices of Mayor and Ward Councillors, District School Board Trustees as approved by way of by-law, held under the authority of the *Act*.

Election Day - refers to the final day on which the vote is to be taken in an Election and shall be Monday, October 24, 2022, with the close of voting to be at 8:00 p.m.

Election Headquarters - refers to Tom Davies Square, 200 Brady Street, Sudbury, Ontario.

Election Official - refers to a person who has been delegated or assigned duties and/or responsibilities by the Clerk related to the conduct of the Municipal and School Board Election.

Electronic Ballot Box- refers to the internet-based Ballot Box containing the internet-based Electronic Ballot images cast by Voters in the Municipal and School Board Election, which includes the number of votes cast for each Candidate on the Ballot.

Electronic Voting - refers to the process by which a Voter casts their Ballot using the internet. To vote using the internet, a Voter must access the official Election website using the required security credentials, and website address as provided in their Voter Information Letter. May also be referred to as “Internet Voting”.

Electronic Voting Helpline - refers to a telephone helpline to assist Voters with all inquiries associated with Electronic Voting.

Encrypt - refers to the act of ciphering data using a secret code to be unintelligible to unauthorized persons.

Election Results Report - refers to the printed record that is generated by the Vote Tabulator for each Voting Location and represents the number of votes cast for each Candidate and to each by-law and question(s) on the Ballot and the total number of Rejected and Ballots processed throughout the day.

Internet Voting - refers to the process by which a Voter casts their Ballot using the internet. To vote using the internet, a Voter must access the official Election website using the required

security credentials, and website address as provided in their Voter Information Letter. Also referred to as “Electronic Voting”.

Logic and Accuracy Testing - refers to the examination of a voting system and its components (in a simulated use environment) by the Auditor retained by the Clerk to validate performance of the Electronic Voting system, Vote Tabulators, Target Cards and Ballots in accordance with procurement requirements, and validate that the delivered system is, in fact, a qualified system.

Marked Ballot - refers to an electronic mark for the Candidate and which has been made by a Voter in the space provided on the Electronic Ballot to the right of the name of any Candidate.

Nursing and Retirement Home Voting Location - refers to a Voting Location established by the Clerk to attend to those persons within the City referred to in Section 45 of the *Act* and for which the Clerk has fixed the hours for conducting the vote of those electors, as provided for in Section 46(3) of the *Act*.

Over-Voted Ballot - refers to a Ballot on which a Voter has voted for more Candidates for an office than are to be elected to that office. See also *Appendix B*

Password - refers to an additional access control word assigned to each authorized user to provide additional security for access to the voting system.

Personal Identification Pin (PIN) - refers to a unique multiple digit number assigned to each Voter to provide security for access to the voting system.

Proof of Identification - refers to proof of identity and residence as prescribed in O. Reg. 304/13 of the *Act*. See also *Appendix D*

Recount - refers to an additional Count of Ballots following voting day held in accordance with Sections 56 to 64, inclusive, of the *Act* and the *City of Greater Sudbury 2022 Municipal and School Board Election Recount Procedures (Appendix D)*.

Rejected Ballot - refers to a Ballot that is rejected by the Vote Tabulator and flagged for review for any reason (damaged, defective, spoiled, whether intentional or not). See also *Appendix B*.

Results Tape - refers to the printed record generated from a Vote Tabulator at the close of voting, on Voting Day, which shows the number of votes cast for each Candidate for each of the offices contested in the Election, and where there is a vote on a by-law or question, the number of votes for and against each by-law or question.

School Board – refers to any one or a combination of the four local boards Rainbow District School Board (English Public Trustee), the Sudbury District Catholic School Board (English Separate Trustee) le Conseil Scolaire publique du Grand Nord de l’Ontario (French Public Trustee) or le Conseil Scolaire catholique du Nouvel-Ontario, responsible for the provision and maintenance of schools.

Spoiled Ballot - refers to a Ballot which appears to have been purposefully damaged or defaced to prevent the reading of the Ballot by the Vote Tabulator. For the purposes of these procedures, is categorized as a “Rejected Ballot”. See also *Appendix B*.

Scrutineer - refers to a person, appointed in writing by a certified Candidate, to represent them during the Election.

Tabulation - refers to the same meaning as Count.

Target Cards – refers to the card that will be used to assist in the management, organization and tracking of the ballots for voting locations. The card will be used to create a box ID that contains the ballot images of the ballots that were scanned for the location.

Under-Voted Ballot - refers to a Ballot on which the Voter has voted for fewer than the total number of Election contests listed on the Ballot or has voted for fewer than the number of positions to be filled for a single office. See also *Appendix B*.

Vote Count Report- refers to the record that is generated by the Electronic Voting system which represents the number of votes cast for each Candidate on the Ballot and the total number of Under-Votes and Blank Ballots processed throughout the Voting Period.

Voted Ballot - refers to a Ballot on which a Voter has indicated their choice, and which has been successfully received by the Electronic Voting system / Tabulator and securely stored in the Electronic/ Paper Ballot Box.

Voter - refers to a person who meets the qualifications as determined under the *Act* and appears on the Voters' List or is added thereto.

Voter Information Letter - refers to the letter containing Election information, sent through regular mail by the Clerk to all eligible voters in the City of Greater Sudbury.

Voters' List - refers to a document distributed by the Clerk, which lists the names and voting entitlement of eligible electors in the City as provided by the Municipal Property Assessment Corporation in accordance with the provisions of the *Act*.

Voting Period - refers to the period from Friday, October 14, 2022, to Monday, October 24, 2022, for the conduct of a vote held under the authority of Section 43 of the *Act*.

Voting Location - refers to the physical location established to conduct voting, and the area within where qualified Voters cast Ballots. As per section 48(3) of the *Act*, the Voting Location includes any place in the immediate vicinity of the voting location as designated by the Clerk.

Vote Tabulator - refers to an apparatus that digitally scans the Ballot to produce an image of the Ballot to read the votes and tabulate the number of votes cast for each Candidate or by-law or ballot question.

Ward - refers to geographic area represented by a member of the City of Greater Sudbury Council.

Zero Count Report - refers to the report generated from the Electronic Voting system or Vote Tabulator. The Zero Count Report is run after completion of the Logic and Accuracy Testing and prior to the official start of the Voting Period. The Zero Count Report ensures that no votes are stored in the Electronic Ballot Box/Tabulator prior to the start of the Voting Period.

Zero Totals Tape - refers to the record generated from the Vote Tabulator before the acceptance of any Ballot at the commencement of the Central Tabulation process at Election Headquarters following the close of voting on Election Day indicating that there are no votes cast for any Candidate, by-law, or question.

Ballot Scenarios

All Ballots accepted by the Electronic Voting system and stored in the Electronic Ballot Box will be included in the Vote Count Report.

Type of Ballot	Definition	Process
Blank	Refers to a Ballot without marks in any of the designated voting spaces.	<ul style="list-style-type: none"> • The Electronic Voting system is programmed to provide a warning message to the voter if they have not made an electronic mark for any of the races in the Election. • When voting online, the voter is provided the option of returning to the ballot to make their selection(s). • The voter may choose to cast a blank electronic or paper Ballot. • No votes will be recorded for any of the races on a blank Ballot.
Declined	Refers to a paper Ballot that has been returned by a voter who does not wish to vote.	<ul style="list-style-type: none"> • The Election Official will quietly ask the voter if it is their intent not to cast a vote for any office. <ul style="list-style-type: none"> (i) If the voter indicates that they do not wish to vote; the Ballot will be marked as “declined” and placed in the declined Ballot envelope; or (ii) If the voter chooses to vote they will be instructed to go behind the voting booth and mark their Ballot as per the voting instructions. • Ballots which have not been processed and accepted by the Tabulator will not be included in the vote Count totals.
Elector Error	The voter inadvertently makes an error while marking his or her paper Ballot and has requested a new Ballot.	<ul style="list-style-type: none"> • The voter will advise the Election Official that they would like a replacement Ballot • The voter will be issued a replacement Ballot and the original Ballot shall be marked as “cancelled” and put into the cancelled Ballot envelope.

Type of Ballot	Definition	Process
Over-voted	Refers to a Ballot on which a voter has voted for more Candidates for an office than are to be elected to that office	<p>Paper Ballots</p> <ul style="list-style-type: none"> • A Vote Tabulator will not Count a vote for any Candidate in an over-voted race. <p>Electronic Ballots</p> <ul style="list-style-type: none"> • The voting platform is programmed to prevent an Over-Voted Ballot from being made and will not allow an Over-Voted Ballot to be cast. • The voter will be alerted of their overvote and will have the opportunity to correct the error.
Rejected	Refers to a Ballot that is rejected by the Vote Tabulator for any reason.	<ul style="list-style-type: none"> • If the Ballot is rejected by the Vote Tabulator the Ballot will be flagged for adjudication and the Ballot adjudication processes will be followed as outlined in these procedures. • Any Ballots that are not able to be properly processed or adjudicated will not be included in the vote Count totals. <p>Following the Election, the Clerk will report on the number of Rejected Ballots.</p>

Type of Ballot	Definition	Process
Under-voted	Refers to a Ballot on which the voter has voted for fewer than the total number of Election contests listed on the Ballot or has voted for fewer than the number of positions to be filled for a single office.	<p>Electronic Ballots</p> <ul style="list-style-type: none"> • In a race where there is only one selection to be made (i.e., Mayor or Ward Councillor), the Electronic Voting system will not Count a vote for any Candidate from an under-voted race. • Voters will receive a warning message that the Ballot is under-voted but will not be prevented from casting an Under-Voted Ballot. • In a race where there is more than one selection to be made (i.e., School Board Trustee) the Electronic Voting system will only Count the vote for the selections that have been made. <p>Paper Ballots</p> <ul style="list-style-type: none"> • All Under-Voted Ballots will automatically be processed by the Vote Tabulator.

Acceptable Forms of Identification

An original piece of identification must be presented that shows the voter's name and qualifying City of Greater Sudbury address (where you currently live or own property). There is no longer a requirement to show identification with a signature.

You must present one or more of the following documents as outlined in Ontario Regulation 304/13 as follows:

1. An Ontario driver's licence
2. An Ontario Health Card (photo card)
3. An Ontario Photo Card
4. An Ontario motor vehicle permit (vehicle portion)
5. A cancelled personalized cheque
6. A mortgage statement, lease or rental agreement relating to property in Ontario
7. An insurance policy or insurance statement
8. A loan agreement or other financial agreement with a financial institution
9. A document issued or certified by a court in Ontario
10. Any other document from the government of Canada, Ontario, or a municipality in Ontario or from an agency or such a government
11. Any document from a Band Council in Ontario established under the *Indian Act* (Canada)
12. An income tax assessment notice
13. A Child Tax Benefit Statement
14. A Statement of Employment Insurance Benefits Paid T4E
15. A Statement of Old Age Security T4A (OAS)
16. A Statement of Canada Pension Plan Benefits T4A (P)
17. A Canada Pension Plan Statement of Contributions
18. A Statement of Direct Deposit for Ontario Works
19. A Statement of Direct Deposit for Ontario Disability Support Program
20. A Workplace Safety and Insurance Board Statement of Benefits T5007
21. A property tax assessment
22. A credit card statement, bank account statement, or RRSP, RRIF, RHOSP or T5 statement
23. A CNIB Card or a card from another registered charitable organization that provides services to persons with disabilities
24. A hospital card or record
25. A document showing campus residence, issued by the office or officials responsible for student residence at a post-secondary institution
26. A document showing residence at a long-term care home under the *Long-Term Care Homes Act, 2007*, issued by the Administrator for the home
27. A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission
28. A cheque stub, T4 statement or pay receipt issued by an employer
29. A transcript or report card from a post-secondary school

City of Greater Sudbury 2022 Municipal and School Board Election Recount Procedures

1.0 General Information

1.1 Preamble and Authority

The *Municipal Elections Act, 1996* (the *Act*) gives the authority to the City Clerk as Returning Officer, to establish procedures and forms for the recount process within the municipality. The *Act* further gives authority to the City Clerk to provide for any matter or procedure that is not provided for in the *Act*.

Recounts for the 2022 Municipal and School Board Elections shall be conducted by the Clerk in accordance with the provisions the *Act*, Ontario Regulation 101/97, the City of Greater Sudbury 2022 Municipal and School Board Election Voting and Vote Counting procedures and the procedures found herein.

1.2 Timing and Location

The recount shall commence on the date and time and at the location determined by the Clerk and shall be held within the time periods set out in the *Act*.

The location of the recount shall be divided into two areas, one viewing area which shall be open to media and the public and one designated recount area which shall only be open to those who are participating in the recount as set-out in the *Act* and in Section 1.7 of this Procedure.

1.3 Notice

The Clerk shall give notice of the recount to:

- Every certified candidate for an office that is the subject of the recount.
- In the case of a recount request under subsection 57(1) of the *Act*, the council, local board or Minister, as the case may be.
- In the case of a recount ordered under section 58 of the *Act*, the applicant.

1.4 Manner of the Recount

As provided for in subsection 60(1) of the *Act*, “a recount under section 56, 57, or 58 shall be conducted in the same manner as the original count”.

Election recount officials are the only persons who may handle and touch the ballots and other election material. Prior to the commencement of the recount, the Clerk will allow the candidates and their authorized representatives to view and identify the election materials. However, they will not delay the commencement of the recount, and will not be permitted to touch any of the election materials or ballots.

1.5 Order and Decorum

Decorum will be maintained at all times. The Clerk will exercise reasonable control over the conduct of the recount to assure that election officials do not experience interference from any

candidate, their scrutineer, legal counsel, or any other person. Should anyone or anything impede the recount process, the recount will stop until the solution is remedied.

Anyone who disrupts the recount or fails to follow the instructions of the Clerk or their designate will be required to leave. The decision of the Clerk in this regard shall be final.

1.6 Election/Recount Officials

The Clerk shall appoint such number of election officials to assist in the conduct of the recount as considered necessary and may designate their titles and duties. In accordance with s.15(2) of the *Act* the Clerk may delegate powers and duties to those officials.

1.7 Who may be Present in the Designated Recount Area

Media representatives will be entitled to attend the recount proceeding. Media representatives will be required to identify themselves upon arrival and will be escorted to the designated seating area where they will remain for the duration of the recount process.

Only those persons provided for in Section 61 subsections (1), (2) and (3) are entitled to be present in the designated recount area.

Candidates or their legal counsel may appoint scrutineers to represent them by completing the Appointment of Scrutineer Form, which is available in the candidate's portal and on the City of Greater Sudbury's election website.

Prior to the commencement of the recount, the scrutineer must provide the Clerk or designated election official with the completed and signed Appointment of Scrutineer Form. No scrutineer will be permitted to attend the recount proceedings without provided the completed form to the Clerk or designated election official.

As per Section 61(4) of the *Act*, if the question(s) on the ballot are subject to a recount and scrutineers are to be appointed under subsections 61(2) and (3) then *equal numbers of scrutineers shall be appointed for each possible answer to the question; and one scrutineer for each of the possible answers may be present for each recount station established by the Clerk.*

Any person authorized to attend in the recount area, shall be required, prior to the start of the recount procedures, to take an oath or declaration before participating in the recount or performing any duties. Those in attendance in the media gallery are exempt from the oath as they will not have access to the ballots and recount equipment.

Observers of the recount may not make a record or note of any personal information or identifying marks which may appear on ballots or other documents unless each action is specifically authorized, in writing, by the Clerk. Personal information is protected by Section 14(1) of the *Municipal Freedom of Information and Protection of Privacy Act*.

1.8 Candidates/Scrutineers

As outlined in the City of Greater Sudbury 2022 Municipal and School Board Election Voting and Vote Counting Procedures, candidates may appoint scrutineers to represent them and observe the recount.

The Appointment of Scrutineer Form is available to all registered candidates on the City of Greater Sudbury's election website, and through the candidate's portal.

To be granted access to the recount, scrutineers must show their written appointment to an election official upon arrival. Only one scrutineer or the candidate themselves may be present to observe the recount. If there is a scrutineer present and the certified candidate or another scrutineer appointed by the candidate attend the recount location, the first scrutineer or candidate must leave as each candidate is only entitled to one representative.

The following rules apply to both the candidate and scrutineer in attendance at the recount:

- Decorum will be maintained at all times. Election officials are responsible for the conduct of the recount and no candidate or scrutineer shall interfere with an election official in the discharge of their duties. Anyone who interferes with or disrupts the recount or who fails to follow the instructions of the election officials will be required to leave. The decision of the election officials in this regard is final.
- During the fifteen (15) minutes prior to the commencement of the recount, each scrutineer who is entitled to be present, may visually inspect papers, forms, documents, and other equipment relating to the recount, but shall not delay the timely commencement of the recount.
- Scrutineers and candidates are required to remain in the designated area assigned to them.
- Campaign related material, including but not limited to signs, buttons, posters, literature, clothing etc. are prohibited from being brought into, worn, or displayed by scrutineers or candidates in the recount location.
- Candidates and scrutineers will be required to attend the recount location no later than 15 minutes prior to the commencement of the recount. As noted above, they will be required to provide their credentials to the Election Official present before being granted access to the recount area.
- Once the recount has commenced, no one will be permitted to leave the recount area until the recount has been completed in its entirety.
- Candidates and scrutineers will be required to remain in the designated area throughout the duration of the recount.
- Candidates and scrutineers are permitted to object to a ballot or to the counting of votes on a ballot under subsection 61(5).
- Candidates and scrutineers are entitled to place their own seal on the ballot box after the recounting of the votes, when the Clerk or their designate seals the box.

1.9 Location Set-up

The location and set-up shall be determined by the Clerk based on the number of ballots to be counted.

All materials necessary for the recount shall be delivered to the recount location prior to the commencement of the recount for set-up.

The Clerk or their designate shall be on-site at the recount location.

1.10 Programming and Testing

All equipment will be tested and programmed prior to the commencement of the recount in the same manner as was done during the election period.

Prior to the count, the Clerk shall test all equipment to be used in the recount using the same procedures used for the election.

The recount will commence once all testing has been completed and the Clerk is satisfied that the recount can begin.

1.11 Amendment of Procedures

Where the Clerk deems it necessary to provide clarification, interpretation, or adjustment on any of the procedures described herein, the Clerk shall post the amended procedures to the City of Greater Sudbury election website prior to the start of any recount.

2.0 Recount Process

In accordance with section 60(1) of the *Act*, the recount is to be conducted in the same manner as the original vote count. Details with respect to the process and procedures of internet and paper ballot voting can be found in the City of Greater Sudbury 2022 Municipal and School Board Election Voting and Vote Counting Procedures.

2.1 Internet Voting

In the event of a recount, the system shall regenerate the election count and a printed copy of the regenerated count shall be given to the Clerk.

- If the initial count and the regenerated count match, the regenerated count shall be the final count of the votes cast during the electronic voting period.
- If the regenerated count and the initial count do not match, the Clerk shall:
 - Direct one final count to be regenerated by the system of the votes cast during the internet voting period.
 - Attend while the final count is being regenerated.

The regenerated final count shall be the final count of the votes cast during the electronic voting period.

2.2 Paper Ballot

In accordance with the *Act*, the recount is to be conducted in the same manner as the original count.

All ballots counted during the 2022 City of Greater Sudbury Municipal and School Board Election shall be included in the recount. Rejected and declined ballots do not form part of the results and were not counted on Election Day and therefore are not included in the Recount. See Appendix B of the City of Greater Sudbury 2022 Municipal and School Board Election Voting and Vote Counting Procedures.

Counts will only be tabulated for those races for office that are subject to the recount. (i.e., Recount requested for Ward 1 - only Ward 1 race will be tabulated).

The election officials at each recount station shall receive a ballot box or ballot boxes from the ballot distribution area, and in full view of any candidates or their scrutineers or legal counsel present at the recount station, the election official shall follow the Vote Tabulator Setup Procedures as outlined in Section 7.2.1 of the 2022 Municipal and School Board Election Voting and Vote Counting Procedures.

As the recount is to be conducted in the same manner as the original count, the Central Tabulation Process outlined in 7.2.3 of the 2022 Municipal and School Board Election Voting and Vote Counting Procedures will be followed in addition to the provisions of Ontario Regulation 101/97.

3.0 Ballots Unable to be Tabulated / Rejected Ballots

For whatever reason, if the vote tabulator is unable to process a ballot that had been processed by tabulator and counted on Election Day, the procedures set out in section 8.0 of the City of Greater Sudbury's 2022 Municipal and School Board Election Voting and Vote Counting Procedures for the adjudication of paper ballots will be followed.

The Clerk shall make the final determination of the votes cast for the office in the ballots referred to them from the recount stations in accordance with the provisions of the *Act*, and Ontario Regulation 101/97.

4.0 Results

During the recount, the Clerk shall post for inspection the summary of the votes cast for each candidate for the office subject to the recount from each of the recount stations.

The results from internet voting and all paper ballot, tabulator counts shall be added together.

When the recount is complete, the Clerk shall announce the results of the recount.

As per the *Act*, if no application has been made for a judicial recount, the Clerk shall declare the successful candidates elected on the 16th day after the recount is completed.

5.0 Recount Records

At the conclusion of the recount, the Clerk shall secure all materials from the recount including but not limited to the ballots, ballot boxes, ballot transfer cases, results tapes, memory cards and all other materials relating to the recount process.

The Clerk shall destroy recount materials in accordance with the retention period as prescribed in the *Act*.

6.0 References

City of Greater Sudbury 2022 Municipal and School Board Election Voting and Vote Counting Procedures

Municipal Elections Act, 1996

Ontario Regulation 101/97

Legislative and Regulatory References

Selected applicable sections of the *Municipal Elections Act, 1996* are as follows below. Please note that the full version of the *Municipal Elections Act* and its applicable Regulations is available online at <https://www.ontario.ca/laws/statute/96m32>.

Section 11

(1) The Clerk of a local municipality is responsible for conducting Election within that municipality, subject to the following exceptions:

(Note: paragraphs 1 to 4 of subsection (1) have not been listed here as they are not applicable to the City of Greater Sudbury)

- (2) Responsibility for conducting an Election includes responsibility for,
- (a) preparing for the Election;
 - (b) preparing for and conducting a Recount in the Election;
 - (c) maintaining peace and order in connection with the Election; and
 - (d) in a regular Election, preparing and submitting the report described in subsection 12.1 (2). (identification and removal or barriers report to Council)

Section 12

(1) A Clerk who is responsible for conducting an Election may provide for any matter or procedure that,

- (a) is not otherwise provided for in an *Act* or regulation; and
- (b) in the Clerk's opinion, is necessary or desirable for conducting the Election.

(2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.

(3) The power conferred by subsection (1) includes power to require a person, as a condition of doing anything or having an Election Official do anything under this *Act*, to furnish proof that is satisfactory to the Election Official of the person's identity or qualifications, including citizenship or residency, or of any other matter.

Section 15

(1) When it is necessary to conduct an Election, the Clerk shall appoint a deputy returning officer for each voting place established under section 45 and may appoint any other Election Officials for the Election and for any Recount that the Clerk considers are required.

(2) The Clerk may delegate to a deputy returning officer or other Election Official any of the Clerk's powers and duties in relation to an Election, as he or she considers necessary.

(3) The Clerk may continue to exercise the delegated powers and duties, despite the delegation.

(4) The delegation shall be in writing.

Section 16

(1) A Candidate may appoint Scrutineers to represent him or her during voting and at the Counting of votes, including a Recount.

(2) A municipality may appoint Scrutineers in relation to voting on a by-law or question submitted to the electors, to attend at a voting place and at the Counting of votes, including a Recount.

(4) An elector who applies for a Recount under section 58 may appoint Scrutineers to represent him or her at the Recount.

(5) The appointment of a Scrutineer shall be in writing of made by a Candidate or applicant or by the Minister, and by resolution if made by a municipality or local board.

(6) A Scrutineer shall, on request, show proof of his or her appointment to the Election Official in charge of a voting place or of a place where votes are being counted.

Section 53 (Emergency)

(1) Declaration – by Clerk

The Clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the Election being conducted in accordance with this Act.

(2) Arrangements – by Clerk

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

(3) Conflict

The arrangements made by the Clerk, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

(4) Declaration – be Clerk – ends

The emergency continues until the Clerk declares that it has ended.

(5) No review – setting aside

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.

Section 56

(1) The Clerk shall hold a Recount,

- (a) of the votes for two or more Candidates who receive the same number of votes and cannot both or all be declared elected to the office;
- (b) of the votes on a by-law, if the votes for the affirmative and negative are equal;
- (c) of the votes for two or more answers to a question, if the votes are equal.

(1.1) The Clerk shall hold a Recount in accordance with any policy passed by the municipality or local board under subsection (3) or (4).

(2) The Recount shall be held within 15 days after the Clerk's declaration of the results of the Election.

Section 57

- (1) Within 30 days after the Clerk's declaration of the results,
- (a) the council of a municipality may pass a resolution requiring a Recount of the votes cast,
 - (i) for all of specified Candidate for an office on the council.
 - (ii) for all or specified answers to a question submitted by the council,
 - (iii) for an against a by-law submitted by the council;
 - (c) the Minister may make an order requiring a Recount of the votes cast for all or specified answers to a question submitted by him or her.
- (2) The Clerk shall hold a Recount in accordance with the resolution or order, within 15 days after it is passed or made.

Section 58

- (1) A person who is entitled to vote in an Election and has reasonable ground for believing the Election results to be in doubt may apply to the Superior Court of Justice for an order that the Clerk hold a Recount.
- (2) The application shall be commenced within 30 days after the Clerk's declaration of the results of the Election.
- (3) If satisfied that there are sufficient grounds for it, the court shall make an order requiring the Clerk to hold a Recount of the votes cast for all of specified Candidates, on a by-law, or for all specified answers to a question, and shall give the Clerk a copy of the order as soon as possible.
- (4) The Recount shall be held within 15 days after the day the Clerk receives a copy of the order.
- (5) The Minister may by regulation establish procedures for applications under this section.
- (6) A request for a Recount due to problems related to voting and vote-counting equipment may be made only under this section.

Section 59

The Clerk may conduct, as part of a Recount under section 56, 57, or 58 that related to an office, a Recount of the votes cast for another Candidate in that office.

Section 60

- (1) A Recount under section 56, 57 or 58 shall be conducted in the same manner as the original count, whether manually or by vote-counting equipment, subject to subsection (3).
- (2) A Recount shall be conducted in accordance with the prescribed rules, subject to subsection (3).
- (3) If the judge who orders a Recount under section 58 is of the opinion that the manner in which the original count was conducted caused or contributed to the doubtful result, he or she may, in the order, provide that the Recount shall be held in a different manner and specify the manner.

Section 61

(1) The following persons may be present at a Recount under section 56, 57 or 58 that relates to an office:

1. The Clerk and any other Election Official appointed for the Recount.
2. Every certified Candidate for the office.
3. The applicant, in the case of a Recount ordered under section 58.
4. For each person referred to in paragraphs 2 and 3,
 - i. a lawyer, and
 - ii. one Scrutineer for each Recount station established by the Clerk.

(2) The following persons may be present at a Recount that related to a by-law or question:

1. The Clerk and any other Election Official appointed for the Recount.
2. The Scrutineers appointed by the municipality or a local board or by the Minister, as the case may be.
3. The applicant, in the case of a Recount order under section 58.
4. For the application referred to in paragraph 3,
 - i. a lawyer, and
 - ii. one Scrutineer for each Recount station established by the Clerk.

(3) If the vote is on a by-law and Scrutineers are to be appointed under subsection 16 (2),

- (a) equal numbers of Scrutineers shall be appointed to represent supporters and opponents of the by-law; and
- (b) one Scrutineer representing supporters and one representing opponents may be present for each Recount station established by the Clerk.

(4) If the vote is on a question and Scrutineers are to be appointed under subsection 16 (2) and (3),

- (a) equal numbers of Scrutineers shall be appointed for each possible answer to the question; and
- (b) one Scrutineer for each of the possible answers may be present for each Recount station established by the Clerk.

Any other person may also be present at the Recount with the Clerk's permission.

Section 62

(1) When the Recount is complete, the Clerk shall,

- (a) announce the result of the Recount; and
- (b) if there are disputed ballots,
 - (i) announce the number of them, and
 - (ii) announce the result that would be obtained if the disputed ballots were excluded.

(2) Any persons described in subsections 61(1), (2) and (7) who are at the Recount are entitled to be present while the Clerk acts under subsection (1).

(3) If the Recount indicates that two or more Candidates who cannot both or all be declared elected to an office have received the same number of votes, the Clerk shall choose the successful Candidate or Candidates by lot.

(4) If no application has been made for a judicial Recount under section 63 the Clerk shall, on the 16th day after the Recount is completed, declare the successful Candidate or Candidates

elected or declare the result of the vote with respect to a by-law or question, as the case may be.

Section 64

(1) A Candidate who has been declared elected under section 55 is entitled to sit and vote on the council or local board until the Recount and all applications under this Act have been finally disposed of and a different Candidate has been declared elected.

(2) Decisions of a council or local board in which a Candidate described in subsection (1) has participated are unaffected even if another Candidate is afterwards declared elected as the result of a Recount.

Applicable sections of *Ontario Regulation 101/97 as amended by Ontario Regulation 326/16* are as follows:

Section 4

The following rules are prescribed for the purpose of subsection 60(2) of the Act:

1. The Clerk shall give notice of the Recount to:
 - i. every Candidate for an office that is subject of the Recount,
 - ii. in the case of a Recount requested under subsection 57(1) of the Act, the council, local board or Minister as the case may be,
 - iii. in the case of a Recount ordered under section 58 of the Act, the applicant, and
 - iv. in the case of a Recount concerning an office, question or by-law in respect of which electors in another municipality are entitled to vote, the Clerk who was responsible for the conduct of the vote in that other municipality.

3. The Clerk shall reject from the count all ballots and votes in a ballot that do not comply with the rules set out in subsection 3(2).

4. The Clerk may conduct the Recount by adding the votes from the statements of results prepared by the deputy returning officer under subsection 55(1) of the Act, rather than by following rules 2 and 3, if a Recount under those rules is waived by,
 - i. each Candidate subject to the Recount under section 56, 57, 58, or 59 of the Act who is present, in the case of a Recount in an Election for office,
 - ii. the council that submitted the by-law, in the case of a Recount in an Election to obtain the assent of the electors to a by-law,
 - iii. the Minister, council or local board that submitted the question, in the case of a Recount in an Election to obtain the opinion of the electors on a question, and
 - iv. the applicant, if he or she is present, in the case of a Recount ordered under section 58 of the Act. O. Reg. 101/97, s. 4.