

## **Document 8**

### **Vote Counting Procedures for the Ward 19 (Cumberland) By-election**

#### **Procedures for Vote-Counting Equipment**

##### **1. Definitions**

In this procedure,

“Accessible Vote Tabulator” means the machine that assists an elector to mark a ballot privately and independently and optically scans all ballots to read the votes cast and tabulates the results.

“Accessible Voting Session” means the process by which an elector independently marks and casts a ballot by using the accessible features of the Accessible Vote Tabulator to navigate the ballot.

“Audio Tactile Interface” (ATI) means the handheld controller that allows an elector requiring an Accessible Voting Session to navigate and make selections on the ballot. Audio instructions are provided via headphones to assist the elector with operating the ATI.

“Automated Vote Tabulation System” means a system that includes all of the components and subcomponents used in an election to tabulate and report results.

“Ballot Box” means a cardboard container that counted ballots are automatically deposited into by the Tabulator.

“Ballot Marking Pen” means the designated marking pen provided to an elector to mark the ballot.

“Cancelled Ballot” means a ballot that has been marked by an elector:

- (a) and its marks cannot be properly read by a Tabulator and the elector requests a subsequent ballot to properly record their vote; or
- (b) that has been inadvertently spoiled by an elector and the elector requests a subsequent ballot from the Designated Elections Official to properly record their vote.

“Compact Flash Card” means the pre-programmed memory card that is sealed in the Tabulator containing all candidate, by-law and/or question information specific to the Voting Place.

“Declined Ballot” means a ballot that has been returned by an elector who does not wish to vote.

“Designated Elections Official” means the person designated by the Clerk to perform certain elections functions.

“Election Event Designer” (EED) means the software that compiles and organizes Voting Place, candidate, by-law and/or question data needed to prepare the Compact Flash Card for the Tabulator.

“LCD Touch Screen” means the Liquid Crystal Display that has a touch screen interface located on the front of the Tabulator.

“Podium Box” means a cardboard container secured to the Ballot Box that is the platform for the Tabulator.

“Results Tally and Reporting” (RTR) means the software that tabulates and publishes the votes cast and provides various elections reports.

“Results Tape” means the printed record generated from the memory card within the Tabulator for each Voting Place that represents the number of votes cast for each candidate and/or for the answer to any by-law or question.

“Results Transfer Manager” (RTM) means the software that manages the uploading of results after the close of Voting Places on Voting Day.

“Rocker Paddles” means the device used in lieu of the ATI to navigate and make selections on the ballot by pressing color-coded Left (L) and Right (R) paddles. Audio instructions are provided via headphones to assist the elector with operating the Rocker Paddles.

“Security Key” means the electronic key that enables Designated Elections Officials to access various menu options on the Tabulator including but not limited to opening polls, closing polls, reports and administrative options.

“Sip and Puff” means the device used in lieu of the ATI to navigate and make selections on the ballot by sipping or puffing on a straw. Audio instructions are provided via headphones to assist the elector with operating the Sip and Puff.

“Tabulator” means either the Vote Tabulator or the Accessible Vote Tabulator.

“Voting Place” means a location established by the Clerk to conduct voting.

“Voting Privacy Sleeve” means a folder an elector uses to place a ballot in so as to conceal the names of the candidates and any marks upon the face of the ballot.

“Vote Tabulator” means the machine that optically scans ballots to read the votes cast and tabulates the results.

“Zero Report” means the printed record generated from the memory card within the Tabulator, prior to the opening of the Voting Place, indicating that there are no votes cast for any candidate, by-law or question.

## **2. Application**

(1) This procedure applies to an election conducted by the Clerk of the City of Ottawa for which a by-law has been passed under section 42 of the *Municipal Elections Act, 1996* (MEA) authorizing the use of voting and vote-counting equipment in Voting Places.

(2) Where this procedure does not provide for any matter, an election to which this procedure applies shall be conducted in accordance with the principles of the MEA. These principles are generally recognized as being:

- the secrecy and confidentiality of individual votes is paramount;
- the election should be fair and non-biased;
- the election should be accessible to all electors;
- 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
- the electors and candidates should be treated fairly and consistently.

## **3. Designated Elections Officials**

The Clerk shall appoint elections officials for the purpose of implementing this procedure and may designate their titles and duties. Such appointments shall be in writing.

#### **4. Ballots**

- (1) There shall appear on the ballot to the right of each candidate's name a designated voting space (oval) for the marking of the ballot.
- (2) Subsection 4(1) of this procedure applies with necessary modifications to ballots for by-laws or questions.
- (3) The instructions on the ballot shall direct the elector to vote by using the Ballot Marking Pen to fill the oval to the right of the candidate's name, for one candidate per office, of their choice and/or the answer to any by-law or question.

#### **5. Programming of the Compact Flash Cards**

- (1) Each Compact Flash Card shall be programmed so that a Zero Report and a Results Tape can be produced for each Voting Place.
- (2) Each Compact Flash Card shall be programmed so that the following ballots are returned to the Designated Elections Official:
  - (a) a ballot that has more votes cast for a specific race than is permitted;
  - (b) a ballot that has no votes cast; and
  - (c) a ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by the Tabulator.
- (3) Each Compact Flash Card used for advance voting and reduced hours A.M. voting shall be programmed not to produce a Results Tape at the end of voting.
- (4) Each Compact Flash Card for the Accessible Vote Tabulator shall be programmed with an electronic representation of all ballots for its specified Voting Place.
- (5) The Tabulator shall be programmed with two identical Compact Flash Cards, one memory card to be used as a backup in case of failure, for its specified Voting Place.

#### **6. Logic and Accuracy Testing – Vote Tabulators and Accessible Vote Tabulators**

- (1) Before Voting Day, the Tabulators, Compact Flash Cards, EED, RTM and RTR will be reviewed, assessed and tested by an external IT auditor in conjunction with the Elections Office. This is to ensure confidentiality, availability and integrity of the Automated Vote Tabulation System and to ensure that the system will accurately count and tabulate all votes cast for all candidates and/or for the answer to any by-laws or questions on the ballot.
- (2) When testing the Tabulators, EED, RTM and RTR, adequate safeguards shall be taken to ensure that the Automated Vote Tabulation System or any part of it that is used for the processing and tabulating of votes is isolated from all other applications or programs and that no remote devices are capable of accessing the system.
- (3) A complete system test shall be conducted on the Automated Vote Tabulation System by:
  - (a) programming a predetermined number of Compact Flash Cards using a pre-audited group of ballots, including ballots as described in subsection 5(2), with a predetermined number of votes cast for each candidate, by-law and/or question;
  - (b) transmitting results to RTR from a predetermined number of Voting Places using Tabulators loaded with Compact Flash Cards referred to in subsection 6(3) paragraph (a) of this procedure;
  - (c) processing direct uploads using RTM;
  - (d) comparing the output of the tabulation against the predetermined results; and
  - (e) displaying the results as they are received and compiled from RTM and RTR.
- (4) If any errors are detected during the system test, the cause of the errors shall be ascertained and corrected, and the test repeated until an errorless test is achieved.
- (5) The Clerk shall, at the completion of the test, retain the results contained on the Compact Flash Cards used for test purposes.
- (6) The Clerk shall retain and have access to the pre-audited group of ballots referred to in subsection 6(3) paragraph (a), the Results Tapes that were produced during the

test and any other materials used in the programming of the Tabulators and Compact Flash Cards.

(7) The Clerk shall not alter or make changes to the materials referred to in subsection 6(6) of this procedure.

## **7. Additional Logic and Accuracy Testing – Accessible Vote Tabulators**

(1) Before Voting Day, the Accessible Vote Tabulators, Compact Flash Cards, EED, RTM and RTR will be reviewed, assessed and tested by an external IT auditor in conjunction with the Elections Office to ensure their integrity and to ensure that the Accessible Vote Tabulators will correctly read, mark and scan ballots, including Under-Voted and Over-Voted ballots.

(2) The test shall be conducted by:

(a) performing a system calibration on a predetermined number of ballots to ensure that all ovals on all ballot faces can be marked;

(b) operating the Accessible Vote Tabulator to mark a predetermined number of ballots to create a predetermined outcome; and

(c) casting each of the predetermined ballots referred to in subsection 7(2) paragraph (b) to ensure that the Accessible Vote Tabulator can accurately read a mark for each candidate, by-law and/or question.

(3) If any errors are detected during the test, the cause of the errors shall be ascertained and corrected, and the test repeated until an errorless test is achieved.

(4) The Clerk shall, at the completion of the test, retain the test logs contained on the Compact Flash Cards used for test purposes.

(5) The Clerk shall retain and have access to the pre-audited/pre-marked group of ballots referred to in subsection 7(2) of the test, and any other materials used in the programming of the Compact Flash Cards.

(6) The Clerk shall not alter or make changes to the materials referred to in subsection 7(5) of this procedure.

## **8. Candidates and Scrutineers**

- (1) A candidate may have one scrutineer for each Tabulator in the Voting Place; however, this number is reduced by one while the candidate who appointed them is present in the Voting Place.
- (2) To protect the secrecy of the vote, candidates and scrutineers will not be able to:
  - (a) attend to or assist electors at the Voting Screens or Accessible Vote Tabulators;
  - (b) examine the ballots after the Voting Place has opened for voting;
  - (c) object to ballots; or
  - (d) object to the counting of votes as the ballots are being inserted into the Tabulator by the Designated Elections Official.
- (3) A candidate or scrutineer may sign the Results Tape, the Zero Report and the seals used to seal the ballot box(es).
- (4) A candidate or scrutineer may observe the results file being transmitted from the Voting Place.

**9. Voting Place – Prior to Opening – Vote Tabulators and Accessible Vote Tabulators**

- (1) Approximately 15 minutes before the opening of the Voting Place, the Designated Elections Official shall in the presence of all candidates and/or scrutineers present at the time, print and sign two copies of the Zero Report from all Tabulators in the Voting Place, confirming all totals.
- (2) If the totals are zero for all candidates and all answers to any by-laws or questions on the ballot, the Designated Elections Official shall ensure that:
  - (a) the first signed Zero Report is affixed in a clearly visible location on the same table as the Tabulator; and
  - (b) the second signed Zero Report remains affixed to the roll of printer paper attached to the Tabulator.

(3) If the totals are not zero for any or all candidates and/or all answers to any by-laws or questions on the ballot, the Designated Elections Official shall immediately notify the Elections Office and shall:

(a) receive the instructions to be able to produce a Zero Report; or

(b) conduct the voting using the back-up compartment in the Podium Box until the Tabulator is made operational.

#### **10. Voting Place – During Voting Hours – Vote Tabulators and Accessible Vote Tabulators**

(1) The Designated Elections Official shall, upon the presence of an elector, check the elector's prescribed form of identification to confirm their name and qualifying address is on the Voters' List.

(2) The Designated Elections Official shall strike the elector's name off the Voters' List and issue a ballot contained within a Voting Privacy Sleeve to the elector.

(3) Where the ballot is marked manually, upon receiving the ballot and Voting Privacy Sleeve, the elector shall:

(a) proceed to a Voting Screen;

(b) vote by marking the ballot with the Ballot Marking Pen within the oval to the right of the name of each candidate and/or answer to any by-law or question that they wish to cast a vote for;

(c) insert the ballot into the Voting Privacy Sleeve;

(d) leave the Voting Screen; and

(e) deliver the Voting Privacy Sleeve containing the ballot to the Designated Elections Official who is located by the Tabulator.

(4) The Designated Elections Official shall, in the presence of the elector and without removing the ballot from the Voting Privacy Sleeve, insert the ballot into the feed area of the Tabulator face down until the ballot is drawn into the Tabulator and cast into the ballot box.

- (5) If a ballot described in subsection 5(2) paragraph (a) or (b) is returned by the Tabulator, the Designated Elections Official shall:
- (a) read the message displayed on the Tabulator's LCD Touch Screen to verify the reason for the returned ballot;
  - (b) discreetly advise the elector of the reason why the Tabulator returned the ballot;
  - (c) confirm with the elector if they intended on marking the ballot in that fashion;
  - (d) if the elector responds in the affirmative, the Designated Elections Official shall press the "CAST" button to override the error (Tabulator will only count the valid marks on the ballot, if any);
  - (e) if the elector responds in the negative, the Designated Elections Official shall:
    - (i) press the "RETURN" button to have the ballot returned to the privacy sleeve;
    - (ii) write "Cancelled" on the back of the ballot, draw a line through all voting ovals and place it in the envelope labelled, "Cancelled Ballots";
    - (iii) issue another ballot and Voting Privacy Sleeve to the elector; and
    - (iv) instruct the elector to go to the closest available Voting Screen and then return to the Tabulator after marking the ballot.
- (6) If a ballot described in subsection 5(2) paragraph (c) is returned by the Tabulator (ballot that cannot be processed) the Designated Elections Official shall re-insert the ballot face down into the feed area of the Tabulator.
- (7) If the Vote Tabulator again returns the ballot, after three additional attempts to insert the ballot into the Tabulator or if the ballot evidently has to be replaced (torn or damaged ballot), the appropriate Designated Elections Official shall:
- (a) discreetly advise the elector that the ballot cannot be processed by the Tabulator;
  - (b) write "Cancelled" on the back of the ballot, draw a line through all voting ovals and place it in the envelope labelled "Cancelled Ballots";
  - (c) issue another ballot and Voting Privacy Sleeve to the elector; and

- (d) instruct the elector to go to the closest available Voting Screen and then to return to the Tabulator after marking the ballot.

### **11. Voting Place – During Voting Hours – Tabulator Failure**

- (1) If the Voting Place has one Tabulator and it fails to operate properly, the Designated Elections Official shall:
  - (a) immediately call the Elections Office; and
  - (b) then upon instruction from the Elections Office, insert the ballot into the Podium Box until the Tabulator becomes operational.
- (2) If the Voting Place has two Tabulators and one Tabulator fails to operate properly, the Designated Elections Official shall:
  - (a) immediately call the Elections Office; and
  - (b) insert the ballot into the second Tabulator until the non-operational Tabulator becomes operational.

### **12. Voting Place – Accessible Vote Tabulators – Accessible Voting Session**

- (1) If an elector wishes to mark their ballot using the Accessible Vote Tabulator, the Designated Elections Official shall:
  - (a) proceed to the Accessible Vote Tabulator with the elector;
  - (b) use the Security Key to activate an Accessible Voting Session;
  - (c) without removing the ballot from the Voting Privacy Sleeve, insert the ballot face down into the feed area of the Tabulator;
  - (d) explain to the elector that with the Accessible Vote Tabulator, they choose to mark the ballot by using one of the following assistive devices:
    - (i) the ATI;
    - (ii) the Sip and Puff; or
    - (iii) the Rocker Paddles.

- (e) advise the elector that after they have confirmed their selections, the Accessible Vote Tabulator will mark the ballot accordingly and deposit the ballot into the Ballot Box; and
  - (f) leave the elector to cast their ballot in privacy while staying close to the Accessible Vote Tabulator in the event that the elector asks for assistance.
- (2) Once the elector has completed their Accessible Voting Session and the ballot has been marked and tabulated, the Accessible Vote Tabulator will automatically return to a Standard Voting Session.

### **13. Voting Place – Accessible Vote Tabulators – Paper Jam**

#### **Standard Voting Session**

- (1) In the event of a paper jam, the Accessible Vote Tabulator will run a self “unjam” routine to eject the paper and return it to the Designated Elections Official to be re-inserted. If the “unjam” routine fails to clear the paper jam, the Designated Elections Official shall, in the presence of the elector:
- (a) read the error message displayed on the LCD Touch Screen to identify the location of the paper jam (if stated). The error message displayed will provide the option to re-run the “unjam” routine.
  - (b) run the “unjam” routine once and verify that the routine is not able to clear the paper jam;
  - (c) if accessible, gently pull the ballot out from either of the slots on the bottom of Accessible Vote Tabulator;
  - (d) if the ballot can be removed, write “Cancelled” on the back of the ballot, draw a line through all voting ovals, place it in the envelope labelled, “Cancelled Ballots” and issue another ballot and Voting Privacy Sleeve to the elector;
  - (e) if the ballot cannot be removed, call the Elections Office and follow the procedures as described in section 11.

## **Accessible Voting Session**

- (2) In the event of a paper jam, the Accessible Vote Tabulator will run a self “unjam” routine to eject the paper and return it to the Designated Elections Official to be re-inserted. If the “unjam” routine fails to clear the paper jam, the Designated Elections Official shall, in the presence of the elector:
- (a) read the error message displayed on the LCD Touch Screen to identify the location of the paper jam (if stated). The error message displayed will provide the option to re-run the “unjam” routine;
  - (b) run the “unjam” routine once and verify that the routine is not able to clear the paper jam;
  - (c) if accessible, gently pull the ballot out from either of the slots on the bottom of the Accessible Vote Tabulator;
  - (d) if the ballot is not accessible from the slots, access the printer path by opening the rear access and printer access doors path;
  - (e) if the ballot can be removed, write “Cancelled” on the back of the ballot, draw a line through all voting ovals, place it in the envelope labelled “Cancelled Ballots” and issue another ballot and Voting Privacy Sleeve to the elector;
  - (f) if the ballot cannot be removed, call the Elections Office and follow the procedures as described in section 11.

## **14. Voting Place – Vote Tabulators – Paper Jam**

### **Paper Jam Detected (front slot) Results Have Been Saved**

- (1) In the event of a paper jam, the Designated Elections Official shall, in the presence of the elector:
- (a) explain to the elector that there has been a paper jam and that the results have been saved;
  - (b) if the ballot is not accessible from the front of the Vote Tabulator, lift the Vote Tabulator from the Podium Box and gently pull the ballot out of the back;

- (c) place the ballot in the Ballot Box through the slot, as the ballot has already been counted;
- (d) select the “Cleared” button;
- (e) read the message “Ballot Successfully Cast” that will be quickly displayed on the screen of the Vote Tabulator; and
- (f) wait for the “System Ready” screen to appear indicating that the Tabulator is ready to accept ballots again.

### **Paper Jam Detected (front slot) Results Have Not Been Saved**

- (2) In the event of a paper jam, the Designated Elections Official shall, in the presence of the elector:
  - (a) explain to the elector that there has been a paper jam and that the results have not been saved;
  - (b) if the ballot is accessible from the front of the Vote Tabulator, gently pull it out;
  - (c) select the “Cleared” button and wait for the “System Ready” screen to appear indicating that the Tabulator is ready to accept ballots again;
  - (d) if the ballot edges are not visibly damaged, re-insert the ballot face down into the Vote Tabulator.
  - (e) if the ballot is damaged, follow the procedures described in clauses 10(5)(e)(ii) to (iv).

### **Paper Jam Detected (exit slot) Results Have Been Saved**

- (3) In the event of a paper jam, the Designated Elections Official shall, in the presence of the elector:
  - (a) explain to the elector that there has been a paper jam and that the results have been saved;
  - (b) if the ballot is not accessible from the front of the Vote Tabulator, lift the Vote Tabulator from the Podium Box and gently pull the ballot out of the back;
  - (c) place the ballot in the Ballot Box through the slot, as the ballot has already been counted;

- (d) select the “Cleared” button;
- (e) read the message “Ballot Successfully Cast” that will be quickly displayed on the screen of the Vote Tabulator; and
- (f) wait for the “System Ready” screen to appear indicating that the Tabulator is ready to accept ballots again.

#### **Paper Jam Detected (diverter slot) Results Have Been Saved**

- (4) In the event of a paper jam, the Designated Elections Official shall, in the presence of the elector:
  - (a) explain to the elector that there has been a paper jam and that the results have been saved;
  - (b) if the ballot is not accessible from the front of the Vote Tabulator, lift the Vote Tabulator from the Podium Box and gently pull the ballot out from the diverter slot;
  - (c) place the ballot in the Ballot Box through the slot, as the ballot has already been counted;
  - (d) select the “Cleared” button;
  - (e) read the message “Ballot Successfully Cast” that will be quickly displayed on the screen of the Vote Tabulator; and
  - (f) wait for the “System Ready” screen to appear indicating that the Tabulator is ready to accept ballots again.

#### **Paper Jam Detected (diverter slot) Results Have Not Been Saved**

- (5) In the event of a paper jam, the Designated Elections Official shall, in the presence of the elector:
  - (a) explain to the elector that there has been a paper jam and that the results have not been saved;

- (b) if the ballot is not accessible from the front of the Vote Tabulator, lift the Vote Tabulator from the Podium Box and gently pull the ballot out from the diverter slot;
- (c) select the “Cleared” button and wait for the “System Ready” screen to appear indicating that the Tabulator is ready to accept ballots again;
- (d) if the ballot edges are not visibly damaged, re-insert the ballot face down into the Vote Tabulator.
- (e) if the ballot is damaged, follow the procedures described in clauses 10(5)(e)(ii) to (iv).

## **15. Hospitals, Institutions, and Retirement Homes**

This procedure applies to a Voting Place established within a hospital, retirement home or an institution; however, the Voting Place may be mobile within the facility to accommodate electors.

## **16. Closing the Voting Place**

### **Advance Vote Days and Reduced Hours A.M. Voting Places**

- (1) After the close of voting, the Designated Elections Official shall:
  - (a) remove ballots from the Podium Box, if required due to a Tabulator failure, and process them through the Tabulator;
  - (b) ensure there are no unread ballots in the Podium Box;
  - (c) close the poll by placing the Security Key onto Security Key receptacle and entering the correct password;
  - (d) in the administrative menu, press the “Close Poll” button;
  - (e) remove the Zero Report from the table and deposit it in the Ballot Box;
  - (f) sign the Ballot Box seal (candidates or scrutineers present may also sign) and use it to seal the Ballot Box so that ballots cannot be deposited in or withdrawn from the Ballot Box without breaking the seal;
  - (g) turn off the Tabulator;

- (h) detach the second Zero Report from the Tabulator;
- (i) place the second Zero Report in the Elections Results Envelope;
- (j) deliver the sealed box(es), Tabulator and the Podium Box to the designated location.

### **Voting Day and Reduced Hours P.M. Voting Places**

- (2) After the close of voting, the Designated Elections Official shall:
  - (a) remove ballots from the Podium Box, if required due to a Tabulator failure, and process them through the Tabulator;
  - (b) ensure there are no unread ballots in the Podium Box;
  - (c) close the poll by placing the Security Key onto the Security Key receptacle and entering the correct password;
  - (d) in the administrative menu, press the “Close Polls” button;
  - (e) tear off the Results Tape that is attached to the Zero Report and sign the bottom portion; any candidates or scrutineers present may also sign;
  - (f) immediately place the signed original Zero Report and Results Tape in the Elections Results Envelope;
  - (g) print a duplicate copy of the Results Tape and sign the bottom portion; any candidates or scrutineers present may also sign;
  - (h) immediately place the second signed Zero Report and Results Tape in the Ballot Box;
  - (i) sign the Ballot Box seal (candidates or scrutineers present may also sign) and use it to seal the Ballot Box so that ballots cannot be deposited in or withdrawn from it without breaking the seal;
  - (j) ensure the Ballot Box is secure with another Designated Elections Official;
  - (k) unplug the Tabulator and take it to the predetermined transmission location within the Voting Place;

- (l) plug the Tabulator back in and plug the modem into the Tabulator to proceed with transmitting the elections results;
  - (m) ensure that the “ELECTIONS RESULTS SUCCESSFULLY TRANSMITTED TO SERVER: City of Ottawa” message is displayed on the Vote Tabulator or “The results transfer has completed successfully. All the results are transferred into the directories on the remote servers according to your settings” message is displayed on the Accessible Vote Tabulator before unplugging the Tabulator;
  - (n) return to the main voting location with the Tabulator;
  - (o) plug in the Tabulator and provide additional Results Tapes to any scrutineer or candidate, upon request;
  - (p) once all additional Results Tapes have been printed, power down the Tabulator;
  - (q) place all remaining elections supplies in the Podium Box; and
  - (r) personally deliver the Ballot Box(es), Podium Box, Tabulator and the Elections Results Envelope to the designated location.
- (3) If the Tabulator cannot transmit the results from a Voting Place, the Designated Elections Official shall:
- (a) follow the procedures under subsection 16(2), excluding paragraphs (k) to (p);
  - (b) unplug and pack up the Tabulator to be delivered to a designated location;
  - (c) give the Tabulator to the another Designated Elections Official to transport;
  - (d) once the Tabulator arrives at the designated location, the Designated Elections Official will follow the steps under subsection 16(2) paragraphs (k) to (p).

Note: The Compact Flash Card located in the “Administrator” compartment will remain sealed for the entire election process and will be used only if the Compact Flash Card located in the “Poll Worker” compartment fails. The “Administrator” compartment does not need to be opened during the election.

## **Voting Day and Reduced Hours P.M. Voting Places – Transmission Failure**

(4) If the Tabulator does not successfully complete the transmission, the Designated Elections Official shall:

- (a) retry transmitting the results;
- (b) if unable to successfully complete the transmission after two attempts, the Designated Elections Official shall immediately contact the Elections Office at the specified number for further instructions;
- (c) the Elections Office shall provide additional assistance to the Designated Elections Official to enable the transmission of results;
- (d) should this further attempt not be successful, the Elections Office shall instruct the Designated Elections Official to return to a designated location;
- (e) once the Tabulator has been delivered to the designated location, the Elections Office shall directly upload the elections results via a secured direct connection to the elections server using the RTM software.

## **17. Under-Voted, Over-Voted, and Declined Ballots**

Subsection 55(4.1) of the MEA requires that as soon as possible after Voting Day, the Clerk shall make the following information available at no charge for viewing by the public on a website or in another electronic format:

1. The number of votes for each candidate.
2. The number of declined and rejected ballots.
3. The number of votes for the affirmative or negative on a by-law or question.

With Tabulators, ballots are not manually reviewed and therefore, not “rejected”.

However, the Tabulators can track the number of races left blank (“Under-Voted”) and the number of races where more than one voting oval was selected (“Over-Voted”).

Thus, in spirit of the related provision of the MEA, the Clerk will report to the public the number of Under-Votes and the Over-Votes for each race.

Declined Ballots are processed by the Designated Elections Official who issues the ballot, and are therefore not inserted through a Tabulator and into a Ballot Box. As such, the Clerk will report to the public the number of Declined Ballots through a manual process that is separate from the results produced by Automated Vote Tabulation System.

## Procedures for Special Ballot Voting

### 1. Definitions

In this procedure,

“Ambiguous Mark” means a mark on the ballot that is under the threshold value but within a defined range of pixels to be read by the scanner.

“Automated Vote Tabulation System” means a system that includes all the components and subcomponents used in an election to tabulate and report results.

“Ballot Box” means a cardboard container that counted ballots are deposited into.

“Ballot Box Tally Sheet” means the form used during the processing of Return Envelopes to record the number of Secrecy Envelopes deposited into a Ballot Box.

“Ballot Counting Location” means the location where the sorting and processing of the special mail-in ballots takes place.

“Defective Ballot” means a ballot that has been marked by an elector:

- (a) and its marks cannot be properly read by the scanner. A Designated Elections Official will use a new unused ballot to make true copy of the Defective Ballot by duplicating only the marks in the specified voting spaces; or
- (b) that has been inadvertently damaged (e.g. torn, ripped, or crumpled) and cannot be properly processed by the scanner. A Designated Elections Official will use a new unused ballot to make true copy of the Defective Ballot by duplicating only the marks in the specified voting spaces.

“Designated Elections Official” means the person designated by the Clerk to perform certain elections functions.

“Drop Box” means a cardboard container that Return Envelopes are deposited into by electors and Designated Elections Officials prior to processing. The purpose of the Drop Box is to receive, and store Return Envelopes delivered by mail and/or in person until the daily designated time set for opening Return Envelopes. Only sealed Return Envelopes are kept in the Drop Box.

“Election Event Designer” (EED) means the software that compiles and organizes Voting Place, candidate, by-law and/or question data needed to program the scanner.

“PC workstation” means the computer provided by Dominion Voting Systems with pre-installed and configured application and drivers. This computer is connected to the scanner by a USB cable.

“Re-Issuance Request Form” means the form an elector will need to complete before they can receive a replacement Special Ballot Voter Kit. Electors that have registered for the Special Ballot may obtain a replacement Special Ballot Voter Kit if they do not receive their kit by a specified date, or if the kit is lost or destroyed, or if the elector marks the ballot incorrectly.

“Replacement Ballot” means a ballot marked by a Designated Elections Official to replace a ballot that cannot be properly read by the scanner.

“Results Tally and Reporting” (RTR) means the software that tabulates and publishes the votes cast and provides various elections reports.

“Results Report” means the printed record generated by the software system that represents the number of votes recorded by the scanner for each candidate and/or for the answer to any by-law or question.

“Return Envelope” means the outer envelope an elector uses to return their Voter Declaration Form and ballot to the Elections Office. The postage for the envelope is prepaid.

“Runner” means a Designated Elections Official that collects and delivers items from one station to the next in the Ballot Counting Location.

“Scanner” means the image processor used to read the votes cast and tabulates the results. A PC workstation is attached to the scanner by a USB cable.

“Secrecy Envelope” means the envelope an elector uses to place a ballot in so as to conceal the names of the candidates and any marks upon the face of the ballot.

“Special Ballot” means a ballot mailed to electors upon request. The ballot is delivered to electors as part of a kit.

“Special Ballot Voter Kit” means the package delivered to electors that registered to vote by Special Ballot. The kit contains a voting instruction sheet, a ballot, a ballot secrecy envelope, a Voter Declaration Form, and an outer return envelope with prepaid postage.

“Zero Report” means the printed record generated by the software system, prior to the processing of ballots, indicating that there are no votes cast for any candidate, by-law or question.

## **2. Application**

- (1) This procedure applies to an election conducted by the Clerk of the City of Ottawa for which a by-law has been passed under Section 42 of the *Municipal Elections Act, 1996* (MEA) authorizing electors to use an alternative voting method.
- (2) This alternative method of voting will be provided to electors upon request.
- (3) If it is necessary to amend any of these procedures, a copy of the amendment will be mailed or emailed to each candidate based on the preferred method of contact, as indicated by the candidate.
- (4) The Clerk may provide for any matter not contemplated in this procedure which he deems necessary or desirable for conducting this alternative voting method. An election to which this procedure applies shall be conducted in accordance with the principles of the MEA. These principles are generally recognized as being:
  - the secrecy and confidentiality of individual votes is paramount;
  - the election should be fair and non-biased;
  - the election should be accessible to all electors;
  - 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
  - the electors and candidates should be treated fairly and consistently.

### **3. Designated Elections Officials**

The Clerk shall appoint elections officials for the purpose of implementing this procedure and may designate their titles and duties. Such appointments shall be in writing.

### **4. Ballots**

- (1) There shall appear on the ballot to the right of each candidate's name a designated voting space (oval) for the marking of the ballot.
- (2) Subsection 4(1) of this procedure applies with necessary modifications to ballots for by-laws or questions.
- (3) The instructions on the ballot shall direct the elector to vote by using a black marker or pen to fill the oval to the right of the candidate's name, for one candidate per office, of their choice and/or the answer to any by-law or question.

### **5. Logic and Accuracy Testing – Scanning Station**

- (1) Before Voting Day, the Scanner, PC workstation, EED, and RTR will be reviewed, assessed and tested by an external IT auditor in conjunction with the Elections Office. This is to ensure confidentiality, availability and integrity of the Automated Vote Tabulation System and to ensure that the system will accurately count and tabulate all votes cast for all candidates and/or for the answer to any by-laws or questions on the ballot.
- (2) When testing the Scanner, PC workstation, EED, and RTR, adequate safeguards shall be taken to ensure that the Automated Vote Tabulation System or any part of it that is used for the processing and tabulating of votes is isolated from all other applications or programs and that no remote devices are capable of accessing the system.
- (3) A complete system test shall be conducted on the Automated Vote Tabulation System by:
  - (a) using a pre-audited group of ballots marked with a variety of marking tools, including ballots as described in Subsection 5(2) of the *Procedures for Vote-*

*Counting Equipment*, with a predetermined number of votes cast for each candidate, by-law and/or question;

(b) comparing the output of the tabulation against the predetermined results; and

(c) displaying the results as they are received and compiled from RTR.

(4) If any errors are detected during the system test, the cause of the errors shall be ascertained and corrected, and the test repeated until an errorless test is achieved.

(5) The Clerk shall, at the completion of the test, retain and have access to the pre-audited group of ballots referred to in Subsection 5(3) paragraph (a), the Results Reports that were produced during the test and any other materials used in the programming of the Scanner.

(6) The Clerk shall not alter or make changes to the materials referred to in Subsection 5(5) of this procedure.

## **6. Special Ballot – Processing Applications and the Mailing of Kits**

(1) Any elector may request to vote by Special Ballot by submitting an application to the Elections Office, via the online application, email, or mail, before 5 p.m. on September 13, 2020.

(2) Qualified electors must be on, or added to, the Voters' List by 5 p.m. on September 13, 2020, in order to be mailed a Special Ballot.

(3) A Designated Elections Official will review the Application for a Special Ballot to ensure it is completely and correctly filled in.

(a) The Designated Elections Official will confirm the identity of the elector, confirming their name and qualifying address are on the Voters' List.

(b) The Designated Elections Official shall update the elector's records indicating that they are to receive a Special Ballot.

(c) The Designated Elections Official will sign and date, or approve electronically, the Application for a Special Ballot.

(4) If the application is rejected, a Designated Elections Official shall notify the elector, by mail or email, and explain the rejection.

- (5) On or around September 14, 2020, the Elections Office will begin mailing Special Ballot Voter Kits to the electors who have registered to receive a Special Ballot.
- (6) Each Special Ballot Voter Kit shall consist of:
  - (a) A voting instruction sheet;
  - (b) A ballot;
  - (c) A ballot Secrecy Envelope;
  - (d) A Voter Declaration Form; and
  - (e) An outer Return Envelope with prepaid postage.
- (7) Upon receipt of the Special Ballot Voter Kit, each elector should follow the instructions provided in the voting kit. The instructions require the elector to:
  - (a) Complete the ballot by filling in the voting oval to the right of the name of the candidate they wish to vote for;
  - (b) Fold and insert the ballot into the Secrecy Envelope;
  - (c) Seal the Secrecy Envelope;
  - (d) Complete the Voter Declaration Form;
  - (e) Place the completed Voter Declaration Form and the sealed Secrecy Envelope into the prepaid outer Return Envelope;
  - (f) Seal the prepaid outer Return Envelope; and
  - (g) Mail the prepaid outer Return Envelope by Monday, September 28, 2020 or deliver it by some other means to the Elections Office or other specified location(s) no later than 4:30 p.m. on Voting Day (October 5, 2020).
- (8) A Drop Box will be established in the Elections Office and/or other specified location(s) for those electors who prefer to deliver, or have delivered, their completed ballots directly into the care of the Clerk, during regular office hours, rather than forwarding their ballots by mail.
- (9) If an elector registered to receive a Special Ballot, does not receive their Special Ballot Voter Kit, or if the kit is lost or destroyed, or if the elector marks the ballot incorrectly, a replacement Special Ballot Voter Kit may be issued. On or after September 22, 2020, the elector, or their agent, must attend at the Elections Office to obtain a replacement Special Ballot Voter Kit. A Re-Issuance Request form will need to be completed prior to the issuance of a replacement Special Ballot Voter Kit.

## **7. Special Ballot – Processing the Return Envelopes**

- (1) Return Envelopes are received daily by mail, as of the day after the vote by mail envelopes are sent out, and by drop-off at the Elections Office and other specified location(s). Return Envelopes received by mail or at the Elections Office and other specified location(s), shall be placed in the Drop Box until the designated time to process Return Envelopes.
- (2) Return Envelopes are opened in the presence of at least one other Election Official in order to process the Voter Declaration Forms, update the Voters' List, and place the Secrecy Envelopes into the Ballot Boxes.

- (3) Daily at the designated time, a Designated Elections Official, in the presence of at least one other Election Official, will open the outer Return Envelopes which have been received by mail and deposited in the Drop Box at the Elections Office and other specified location(s).
- (4) The outer Return Envelopes are opened (processed) as follows:
- (a) On opening, the Voter Declaration Form and Secrecy Envelope are removed from the outer Return Envelope. The Designated Elections Official will review the Voter Declaration Form to ensure it has been signed.
  - (b) Any outer Return Envelope which contains more than one Voter Declaration Form, or more than one Secrecy Envelope shall be treated in the following manner:
    - (i) Return Envelopes containing an equal number of Secrecy Envelopes to Voter Declaration Forms **will be processed**.
    - (ii) Return Envelopes containing more Secrecy Envelopes than Voter Declaration Forms or more Voter Declaration Forms than Secrecy Envelopes **will be rejected**.
  - (c) In addition to rejecting cast ballots for violations of the MEA, the following conditions will also cause the outer Return Envelope and any ballots contained therein to be considered rejected if:
    - (i) upon opening the Return Envelope there is no Voter Declaration Form;
    - (ii) upon opening the Return Envelope, the Voter Declaration Form is not signed;
    - (iii) the Voter's name has already been struck off the Voters' List as having voted;
  - (d) Notwithstanding the previous sections, in the event that, upon opening the outer Return Envelope, a Voter Declaration Form is not visible or there is a greater number of visible signed Voter Declaration Forms to Secrecy Envelopes, the Designated Elections Official shall be permitted to open the Secrecy Envelope to ascertain the presence of a signed Voter Declaration Form or to ascertain an equal number of ballots to signed Voter Declaration Forms are present.
    - (i) Should a signed Voter Declaration Form be contained within the Secrecy Envelope, the Designated Elections Official shall retrieve the signed Voter Declaration Form and place the ballot within another Secrecy Envelope without examining the ballot.
    - (ii) Should there be an equal number of ballots contained within the Secrecy Envelope to signed Voter Declaration Forms, the Designated Elections Official, shall retrieve the ballots and place same within another Secrecy Envelope, without examining the ballot, such that there is only one ballot placed in each Secrecy Envelope.

- (e) If, upon opening the outer Return Envelope, the Secrecy Envelope has not been sealed, the Designated Elections Official shall immediately seal the envelope without examining the ballot.
  - (f) If, upon opening the outer Return Envelope where a signed Voter Declaration Form is present and the ballot is not in a Secrecy Envelope, the Designated Elections Official shall immediately insert the Ballot into a Secrecy Envelope without examining the ballot.
  - (g) If, upon opening the outer Return Envelope where a signed Voter Declaration Form is present there are marks on the sealed Secrecy Envelope, which may reveal the identity of the elector, the Designated Elections Official shall be permitted to open the Secrecy Envelope and place the ballot within another Secrecy Envelope without examining the ballot.
  - (h) Where a Return Envelope is rejected, the reason for the rejection shall be recorded by numbering the Return Envelope and noting the reason for the rejection on a separate log provided for that purpose.
  - (i) Where a Return Envelope is rejected, the elector noted on any Voter Declaration Forms within the rejected Return Envelope shall not be indicated as having voted on the Voters' List.
- (5) The Designated Elections Official will date the Voter Declaration Form and file the forms alphabetically, by date. Upon request, Voter Declaration Forms that have been processed will be made available for Candidates or their Scrutineers to review or update their Voters' Lists, if desired.
- (6) Using the identifying barcode printed only on the Voter Declaration Form, the Designated Elections Official shall strike the elector's name off the Voters' List.
- (7) The Designated Elections Official will then initial the Secrecy Envelope, place it into the Ballot Box, and update the Ballot Box Tally Sheet with the number of Secrecy Envelopes in that Ballot Box.
- (8) Once the Ballot Box is full, the Ballot Box will be sealed, numbered sequentially and stored. A new Ballot Box will then be utilized.
- (9) After all the Return Envelopes received each day have been processed, the Designated Elections Official shall affix a seal, preventing any ballots from being put into or removed from the Ballot Box. Upon the seal, the Clerk or Designated Elections Official will write the date and their initials. The sealed Ballot Box will be stored in a secure location.

- (10) Special Ballot Voter Kits received after 4:30 p.m. on Voting Day will not be counted and will be date-stamped with the time of receipt and retained for the statutory retention period.

**8. Special Ballot – Tabulation of Ballots**

- (1) The Clerk, his Designated Elections Officials and external auditors will oversee the proceedings at the Ballot Counting Location. No other person shall touch any Ballot or interfere in the proceedings in any way.
- (2) Candidates and Scrutineers will be permitted to attend and observe the proceedings at the Ballot Counting Location. Candidates and Scrutineers will not be permitted to examine or touch the ballots, nor are they permitted to dispute the validity of a ballot or the counting of votes on a ballot as the ballots are being fed into the Scanner by the Designated Elections Officials.
- (3) Only one Scrutineer for each certified Candidate may be present within the Ballot Counting Location at any time. If the Candidate enters the Ballot Counting Location, the Scrutineer shall leave.
- (4) Prior to observing the proceedings, every person appointed as a Scrutineer shall produce and show their Appointment of Scrutineer form to the Clerk, or Designated Elections Officials.
- (5) There will be one Scanner designated for all Special Ballots.
- (6) The Ballot Counting Location shall have the following stations:

Station	Details
Secrecy Envelope Opening Station	The Secrecy Envelopes will be opened by an electronic letter opener, if available.
Ballot Extraction Station	Designated Elections Officials manually extract the ballot from the Secrecy Envelope, unfold the ballot and place in a pile for delivery to the Ballot Scanning Station.
Defective Ballot Processing and Remarking Station	Defective and rejected ballots are reviewed at this station, and when necessary, replicated due to technical defect.
Ballot Scanning Station	The ballots are scanned in batches of approximately 25 and the Scanner reads each image to determine voter intent.

Tabulation Station	Batches of scanned ballots are electronically transferred to be audited and then tabulated for results.
Ballot Transfer Station	Ballots scanned at the Ballot Scanning Station are placed in ballot boxes.
Ballot Storage Station	As each ballot box is filled at the Ballot Transfer Station, they are sealed and transferred to a secure storage facility in accordance with the MEA.

- (7) On Voting Day at 11 a.m., the sealed Ballot Boxes containing the Secrecy Envelopes will be moved by a Designated Elections Official to the Ballot Counting Location. At that time, Designated Elections Officials will be sequestered in order to commence the ballot processing procedures identified in Subsections 8(9) through to and including Subsection 8(27), below.
- (8) On Voting Day, a Drop Box shall be made available in order to receive Return Envelopes at the Elections Office until 4:30 p.m. At various intervals, and at 4:30 p.m. the Drop Box situated at the Elections Office shall be sealed and delivered immediately to the Secrecy Envelope Opening Station. Drop Boxes at any other specified location(s) will be returned to the Elections Office as soon as possible after 4:30 pm on Voting Day.
- (9) The sealed ballot box(es) will be unsealed and the Secrecy Envelopes will be opened. The opened Secrecy Envelopes will be set aside, in bundles of approximately 25, to be picked up by the Runner.
- (10) The Runner will deliver the opened Secrecy Envelopes, in bundles of approximately 25, to each Designated Elections Official at the Ballot Extraction Station.
- (11) The Designated Elections Officials, upon receipt of the opened bundle of Secrecy Envelopes, will manually extract the ballot from each Secrecy Envelope, unfold and flatten the ballot, place the ballots face down in a pile for pick-up by the Runner and complete the relevant portion of the Scan Batch Control Sheet. The empty Secrecy Envelopes will be set aside in a separate pile.
- (12) If the Secrecy Envelope contains more than one ballot, a signed Voter Declaration Form, or a ballot from another municipality, the Designated Elections Official will re-insert the contents back into the Secrecy Envelope and set it aside for the Runner to deliver to the Defective Ballot Processing Station. At the Defective Ballot Processing Station, an Election Official shall review the contents of the Secrecy Envelope to confirm the rejection of ballots therein, re-insert the contents back into the Secrecy Envelope, place it in an envelope marked "Rejected Ballots" and record it on the Rejected Ballot Log.

- (13) In the event a ballot is accidentally slit, or in the event that a ballot extracted from a Secrecy Envelope is damaged in such a manner that it obviously cannot be scanned (e.g. torn, ripped, or crumpled), the Designated Elections Official will re-insert the ballot back into the Secrecy Envelope and set it aside for the Runner to deliver to the Defective Ballot Processing Station.
- (14) The Runner will regularly attend each Designated Elections Official at the Ballot Extraction Station to collect the flattened ballots that have been secured in bundles, deliver them to the Ballot Scanning Station and will also collect any damaged ballots and deliver them to the Defective Ballot Processing Station.
- (15) Upon receiving a batch of ballots to be scanned, the Designated Elections Official at the Ballot Scanning Station will, using the Scan Batch Control Sheet clipped to the bundle, record the tabulator number and the batch number as automatically generated by the software system.
- (16) The Designated Elections Official will scan the batch of ballots and the Scanner will read each image to determine voter intent. If there are no misreads or ambiguous marks detected, the tabulator counter will be compared to the processor counter to ensure that each scanned image has been read correctly. The details of the scan for the batch are recorded by the Designated Elections Official on the Scan Batch Control Sheet.
- (17) In the case of a damaged or defective ballot, the Scanner will report a misread, cease scanning and report the location of the ballot for removal. The damaged or defective ballot will be isolated for action by the Designated Elections Official (either a second attempt at scanning or delivered to the Defective Ballot Processing Station by the Runner). In the case of a ballot that is technically defective the Scanner will be calibrated to identify marks that are under the threshold value but within a defined range of pixels as an ambiguous mark.
- (18) Once the batch is successfully scanned and the Designated Elections Official has completed the Scan Batch Control Sheet, the Designated Elections Official shall place the batch within an envelope labeled "Tabulator #, Batch #" with the original copy of the Scan Batch Control Sheet and place same in the next available ballot box at the Ballot Transfer Station. The batch will be stored without paperclips or elastics. A copy of the Scan Batch Control Sheet will be retained numerically in a separate folder, under control of the Clerk or Designated Elections Official.
- (19) When a ballot is reported as a misread by the Scanner and it is determined by the Designated Elections Official that the ballot was rejected due to a technical defect, that ballot will be delivered to the Defective Ballot Processing Station by the Runner.

- (20) Upon receipt of the defective ballot, the Designated Elections Official shall prepare a replacement ballot by marking a new ballot with the same marks contained in the designated voting spaces on the defective ballot. The replacement ballot shall be clearly labeled "replacement" and given a serial number which shall also be recorded on the defective ballot. (i.e. Replacement 1 / Defective 1, Replacement 2 / Defective 2, etc.). The serial numbers must be recorded only on the bottom edge of the back of the ballot.
- (21) Defective ballots that contain marks which may reveal the identity of the elector shall not be remarked and will be placed in an envelope marked "Rejected Ballots" and recorded on the Rejected Ballot Log.
- (22) Replacement ballots will be delivered by the Runner to the Ballot Scanning Station in batches of 25 with a Scan Batch Control Sheet for scanning or may be added to any other batch for scanning.
- (23) The defective ballot is placed in a "Defective Ballots" envelope.
- (24) If a ballot is rejected by the Scanner because it is not a City of Ottawa ballot, or for a reason other than described in step 12, the ballot will not be scanned and the rejected ballot will be assigned a serial number (i.e. Rejected 1, Rejected 2, etc.), placed in an envelope marked "Rejected Ballots" and recorded on the Rejected Ballot Log.
- (25) The Runner shall regularly collect the empty Secrecy Envelopes and discard them into the designated waste receptacles.
- (26) Once all votes have been counted, the ballots are sealed in the Ballot Boxes and placed in a secured location.
- (27) As soon as possible after 8:00 p.m., each scanned ballot shall be electronically tabulated at the batch level, validated, and published by the Clerk or Designated Elections Official. By publishing the batch, the batch level results are then added to the cumulative unofficial results and released.

## Recount Procedures

### 1. Definitions

In this procedure,

“Ballot Box” means a cardboard container that counted ballots are automatically deposited into by the Tabulator.

“Cancelled Ballot” means a ballot that has been marked by an elector:

- (a) and its marks cannot be properly read by a Tabulator and the elector requests a subsequent ballot to properly record their vote; or
- (b) that has been inadvertently spoiled by an elector and the elector requests a subsequent ballot from the Designated Elections Official to properly record their vote.

“Compact Flash Card” means the pre-programmed memory card that is sealed in the Tabulator containing all candidate, by-law and/or question information specific to the Voting Place.

“Designated Elections Official” means the person designated by the Clerk to perform certain elections functions.

“Results Tape” means the printed record generated from the memory card within the Tabulator for each Voting Place that represents the number of votes cast for each candidate and/or for the answer to any by-law or question.

“Tabulator” means the machine that optically scans ballots to read the votes cast and tabulates the results.

“Voting Place” means a location established by the Clerk to conduct voting.

“Zero Report” means the printed record generated from the memory card within the Tabulator, prior to the opening of the Voting Place, indicating that there are no votes cast for any candidate, by-law or question.

### 2. Purpose

This document outlines the City of Ottawa’s procedures for a recount in accordance with the provisions of the *Municipal Elections Act, 1996* (the MEA) and *Ontario Regulation*

101/97 (O. Reg. 101/97).

### **3. Application**

This procedure applies to election officials designated by the Clerk, candidates and scrutineers during a recount in City of Ottawa municipal elections and/or by-elections.

This procedure does not apply to recounts on votes on a by-law or question or on a recount as provided for in Subsection 60(3) of the MEA.

### **4. Legislative References**

Sections 56, 57 and 58 of the MEA provide that a recount shall be conducted if:

- (a) Two or more candidates receive the same number of votes and cannot both or all be declared elected to the office (tied vote);
- (b) City Council, local board and/or minister passes a resolution after the declaration of results requiring a recount of the votes cast for office on City Council or on the local board, respectively;
- (c) The Superior Court of Justice orders the Clerk to hold a recount.

### **5. Timeline for a Recount**

The Clerk shall hold a recount within 15 days of:

- (a) The declaration of results if there is a tied vote; and/or
- (b) A resolution passed by City Council, local board and/or minister, within 30 days of the Clerk's declaration of the results, requiring a recount of the votes cast; and/or
- (c) The Clerk's receipt of an order from the Superior Court of Justice, within 30 days of the Clerk's declaration of the results, requiring a recount.

### **6. Recount Schedule**

The Clerk shall designate the date, time and place of the recount.

### **7. Providing Notice of a Recount**

O. Reg. 101/97, s.4 requires the Clerk to give notice of the recount to the following:

- (a) Every certified candidate for an office that is the subject of the recount;
- (b) In the case of a recount requested under Subsection 57(1) of the MEA, the council, local board or Minister, as the case may be;
- (c) In the case of a recount ordered under Section 58 of the MEA, the applicant; and
- (d) In the case of a recount concerning an office, question or by-law in respect of which electors of another municipality are entitled to vote, the Clerk who was

responsible for the conduct of the vote in that other municipality.

## **8. Who May be Present at a Recount**

The following persons are entitled to be present at the recount:

- (a) The Clerk and any other election official appointed for the recount.
- (b) Any candidate for the office that is the subject of the recount.
- (c) The applicant(s), in the case of a recount ordered under Section 58 of the MEA.
- (d) One (1) lawyer for each of the certified candidates and/or applicant(s).
- (e) One (1) scrutineer for each of the certified candidates and/or applicant(s) at each Tabulator. A scrutineer must be designated by the candidate.
- (f) Any other person authorized by the Clerk.

## **9. Manner for Conducting a Recount**

In accordance with Section 60 of the MEA, a recount must be conducted in the same manner as the original count, unless the recount is ordered by the court and the judge specifies a different manner.

## **10. Recount Procedures**

- (1) In accordance with Subsection 60(1) of the MEA, the recount shall be conducted in the same manner as the original count, that is, the marked ballots will be fed into the Tabulators.
- (2) In accordance with the City of Ottawa's *Procedures for Vote-Counting Equipment*:
  - (a) The Tabulators shall be tested before the recount.
  - (b) A Tabulator may be used to process the election results for more than one ward and subdivision that is subject to the recount. In this case, separate Compact Flash Cards shall be used for each Voting Place, in the same manner as it was on the voting days, and a separate Results Tape shall be printed for each.
  - (c) Candidates, their lawyer(s) or scrutineer(s), or the applicant(s) will not be permitted to examine or touch the ballots, nor are they permitted to dispute the validity of a ballot or the counting of votes on a ballot as the ballots are being fed into the Tabulators by the Designated Elections Official(s).
  - (d) The Clerk, his Designated Elections Officials and external auditors will oversee the conduct of the recount.

- (3) The Clerk shall brief the candidates, their lawyer(s) or scrutineer(s), or the applicant(s) who are present on the process to be followed in the conduct of the recount.
- (4) The Clerk or his Designated Elections Official shall follow the procedures described in Section 9 of the *Procedures for Vote-Counting Equipment* to set up the Tabulators.
- (5) The Designated Elections Official shall retrieve the Ballot Box(es) from one Voting Place at a time and use the corresponding Compact Flash Card. In full view of any candidates, their lawyer(s) or scrutineer(s), or applicant(s) present, the Designated Elections Official shall:
  - (a) open the Ballot Box and remove all ballots;
  - (b) insert the corresponding Compact Flash Card into the Tabulator;
  - (c) cause a Zero Report to be printed; and
  - (d) insert the ballots face down into the Tabulator.
- (6) Should a tabulator reject a ballot, the process outlined in Section 10 of the *Procedures for Vote-Counting Equipment* shall be followed, namely:
  - (a) Where the Tabulator returns a ballot with no markings in any of the designated voting space(s), the Designated Elections Official shall re-insert the ballot and press the "CAST" button when prompted.
  - (b) Where the Tabulator returns the ballot because it has more votes cast for a specific race than is permitted, the Designated Elections Official shall re-insert the ballot and press the "CAST" button when prompted.
  - (c) Where there are marks in the designated voting space(s), but the Tabulator cannot process the ballot, Designated Elections Official shall re-insert the ballot, trying different orientations.
- (7) If the ballot is rejected again, the ballot shall be referred to the Clerk or his Designated Elections Official(s) for examination.

- (a) Where there are no marks in any of the designated voting space(s) and the Tabulator cannot process the ballot, the Clerk or his Designated Elections Official(s) shall:
- (i) write "Cancelled – Replaced Ballot" on the back of the original ballot, draw a line through all voting ovals and place it in the envelope labelled, "Cancelled Ballots";
  - (ii) issue a replacement ballot; and
  - (iii) have the replacement ballot fed into the Tabulator.

- (b) Where there are marks in the designated voting space(s) and the Tabulator cannot process the ballot, the Clerk or his Designated Elections Official(s) shall replace the ballot. The Clerk or his Designated Elections Official(s) shall:
- (i) write "Cancelled – Replaced Ballot" on the back of the original ballot, draw a line through all voting ovals and place it in the envelope labelled, "Cancelled Ballots";
  - (ii) prepare a replacement ballot in full view of any candidates, their lawyer(s) or scrutineer(s) present by making a replica mark in the appropriate designated voting space(s) on the replacement ballot;
  - (iii) have the replacement ballot fed into the Tabulator.

- (8) After all the ballots from each Voting Place have been fed into the Tabulator, the Designated Elections Official shall:
- (a) print the Results Tape;
  - (b) remove the Compact Flash Card from the Tabulator;
  - (c) place the ballots back into Ballot Box, seal it and return the Ballot Box with the Compact Flash Card; and
  - (d) deliver the Results Tape to the Clerk or his Designated Elections Official.

- (9) The Clerk or his Designated Elections Official shall post for inspection a copy of the Results Tape from each of the Tabulators in a designated area onsite as they are produced.

- (10) The results from each ward and subdivision will be compiled.

(11) The Clerk shall announce the results of the recount and provide copies of the statement of the results of the recount to all candidates.

(12) The Clerk shall secure all materials from the recount.

### **11. Breaking a Tied Vote**

If the recount results in a tied vote, the Clerk shall choose the successful candidate by lot, as prescribed by Subsection 62(3) of the MEA.

### **12. Declaration of Results**

In accordance with Subsection 62(4), the Clerk shall, on the 16<sup>th</sup> day following the completion of the recount, declare the successful candidate(s) elected, if no application for a judicial recount has been made.