



Procedures for the Use of Optical Scan Vote Tabulators

(Revised December 4, 2017)

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Purpose:

Haldimand County Council has adopted By Law No. 1807/17 to authorize the use of Optical Scan Vote Tabulators (herein referred to as “Tabulator(s)”) for the purposes of Voting Day.

The following procedures have been established in relation to the use of Tabulators in accordance with the requirements for the *Municipal Elections Act, 1996* (the Act) and through the authority of the Clerk for the purposes of Voting Day.

Application:

These procedures apply to Voting Day under Sec. 42 of the Act authorizing the use of Tabulators at designated voting locations.

Additionally, these procedures apply to Haldimand County Election Officials and any other person involved with the acquisition, handling, storage, transportation, testing, and use of Tabulators for the purposes of Voting Day.

Exceptions:

Tabulators will not be used in the following designated voting locations that are only for the use of residents of the subject retirement / nursing homes:

- Grandview Lodge
- Edgewater Gardens
- Anson Place Care Centre
- Parkview Meadows Retirement Village
- Leisure Living Retirement Home

Any matter not provided for within these procedures shall be dealt with as far as practicable in accordance with the principles of the Act.

Authority:

In accordance with Sec. 12 (1) of the Act, the Clerk is the authority responsible for the creation and implementation of these procedures and / or the delegation of powers and duties to Election Official(s) in relation to this procedural document, in accordance with Sec.15 (2) of the Act.

The Clerk has the authority to update and revise these procedures from time to time and updated versions of these procedures will be e-mailed to all Candidates.

Definitions:

In these procedures,

The Act means the *Municipal Elections Act, 1996*, S.O. c.32 as amended.

Auxiliary Compartment means the front compartment of the ballot box in the Tabulator and where electors' ballots are temporarily stored in the event a Tabulator fails to operate.

Candidate means a person seeking (or nominated for) election to a position of a Member of Council, Mayor, or School Board Trustee within the 2014 Haldimand County Municipal Election.

Election Official(s) means any person(s) designated by the Clerk to perform certain election functions. This term includes, but is not limited to:

- Deputy Returning Officer (herein referred to as "DRO")
- Managing Deputy Returning Officer (herein referred to as "MDRO")
- Revision Deputy Returning Officer (herein referred to as "RDRO")
- Tabulator Operator (herein referred to as "TO")
- Election Assistant (herein referred to as "EA")

Election Central means the Cayuga Administration Building:
45 Munsee St. N., Cayuga,
ON. N0A1E0

Identification (herein referred to as “ID”) means an original copy of documentation which provides the name and qualifying address of the voter in accordance with Regulation 304/13.

Memory Card means a cartridge or card where all tabulated totals are scored.

Paddle means a device used by the voter to navigate through an accessible voting session as an alternative to the hand held device.

Scrutineer means a person who is an official examiner of the votes taken during Voting Day, duly appointed by a certified Candidate.

Secrecy Folder means an apparatus in which a ballot can be placed so as to conceal the names of the candidates and the marks upon the face of the ballot.

Tabulator(s) means a machine that digitally scans the ballots to read the votes and tabulate the results.

Tally Software means the software utilized for tally results and reporting following the upload of tabulated totals from the Tabulator’s Memory Card.

Voting Day means the day on which the final vote is taken in the 2018 Municipal Election. This is inclusive of advance polls as established by the Clerk, and Monday, October 22, 2018, as established by the Act.

Designations:

Election Officials

The Clerk shall in writing appoint Election Officials for the purposes of these procedures and may designate their titles and duties.

Voting Subdivisions

Haldimand County has been divided into voting subdivisions or polls within each of the six electoral Wards, as noted on the election maps provided to all candidates.

Election Materials:

Ballots

The ballots used for the duration of Voting Day shall be prepared as follows:

- A. Haldimand County will use a composite ballot containing the Candidates for Mayor, Council and Municipal School Trustee per Ward.
- B. Candidate's names shall be printed in alphabetical order, based on surnames preceding given names, for each race.
- C. On the ballot, there shall be a designated space located to the right of each Candidate's name for the marking of the ballot.
- D. There shall be instructions on the ballot which indicate to the elector to vote by marking the space adjacent to the Candidate of their choice.

Potentially, the following ballots will be printed for Voting Day for each Ward dependent upon the acclamation of candidates. The ballots will be coded by school support:

- English Language – Public
- English Language – Separate
- French Language – Public
- French Language – Separate
- Municipal Candidates Only (*non-resident owners or tenants of commercially and industrially assesses lands are not eligible to vote for school board purposes*)

Programming of Tabulators

The Tabulators shall be programmed so that a printed record of the number of votes cast for each Candidate can be produced.

Election Materials Testing:

Testing of Tabulators

Prior to Voting Day, the Clerk shall have the Tabulators tested to ensure that they will accurately count the votes cast for all Candidates that are marked validly in the designated area with the pen provided.

When testing the Tabulators, adequate safeguards shall be taken to ensure that the system, or any part of it, used for processing and tabulating votes is isolated from all other applications or programs and that no remote devices are capable of gaining access to the system.

Testing Phases

There are several testing phases before the voting equipment is ready for use at Voting Day:

- 1) *Testing the Tabulators (Diagnostic Testing)* - This test will ensure that the clock, LCD display, system memory, printer, serial port, auxiliary port and ballot reader are all functioning properly.
- 2) *Testing Memory Cards* – This will test every Memory Card to ensure it is not defective.
- 3) *Testing Ballots* – Once the ballots have been printed and received from the printing house, a test deck must be prepared and tested on each machine. A test deck must include every type of ballot and be comprised of samples of blank ballots, under-voted ballots, over-voted ballots, and properly completed ballots.

Logic and Accuracy Testing

In order to confirm that the system has been configured correctly, and that all components are functioning properly, testing shall be conducted as follows:

- 1) A varying number of votes will be assigned to a pre-audited group of ballots marked with the designated black ballot marking pen in designated areas.
- 2) Valid votes will be manually counted and the results recorded.
- 3) The pre-audited ballots will be tabulated using the vote Tabulator.
- 4) The results files from each Tabulator will be uploaded into the Tally Software.
- 5) The “test” images for each of the ballots will be viewed in order to confirm that the system has interpreted each individual ballot correctly.
- 6) Total reports will be generated using the Tally Software, and the results from these reports will be compared with the known correct results for the test decks.
- 7) Once the *Logic and Accuracy Testing* procedure has been completed, the Clerk shall retain the original forms, along with the test decks, for Haldimand County’s records.
- 8) Finally, Election Official(s) will “re-zero” each of the Tabulators and purge the results database in order to delete the *Logic and Accuracy Testing* results from the system prior to Voting Day.

- 9) All components of the system will be stored securely until the start of advance polls on Voting Day.

Defective Election Materials

Defective Machine(s)

In the event that a Tabulator or a Memory Card must be replaced, the unit / card must be retested before it is put into operation.

If a Memory Card is replaced, the card must be tested and the test deck of ballots must be tested again.

Defective Ballot(s)

A defective ballot occurs when the Tabulator has not recognized all of the features on a ballot, specifically, when essential ballot identification markings cannot be found. This may result if the ballot is folded, damaged, or fed incorrectly.

The only ballots that will be rejected by the Tabulator and not counted are those that are considered defective.

The TO will make one more attempt to process the ballot through the Tabulator. The voter will be provided with a replacement ballot by the EA. The defective ballot will be placed in the appropriate envelope by the EA. If the voter refuses a replacement ballot, the voter is deemed to have voted and must leave the voting location.

Ambiguous Ballot(s)

If a voter marks less than 20% of the allocated space, the mark is considered ambiguous and the vote cannot be counted. The Tabulator screen will indicate why the ballot was not accepted.

The voter will have an opportunity to correct their ballot to address the ambiguous mark. Following this, the TO will once again process the ballot through the Tabulator.

Under Vote / Blank Ballot(s)

Under vote and blank ballots will be accepted by the Tabulator. Therefore, once the ballot has been processed by the Tabulator the voter has deemed to have voted.

Over Vote Ballot(s)

For over vote ballots, the Tabulator will provide this message on the screen:

“The voter has the option to have the ballot accepted or rejected”.

If rejected, the voter will be issued a replacement ballot by the EA. The original ballot will be placed into the “cancelled” ballot envelope by the EA.

Spoiled Ballot(s)

If a voter realizes he or she has spoiled their ballot, the voter is entitled to a replacement ballot from the DRO.

The voter is only entitled to a replacement ballot if the spoiled ballot has not been fed through the Tabulator and recorded.

If the spoiled ballot has not been fed through the Tabulator and recorded, the spoiled ballot will be placed into the “cancelled” envelope, by the DRO.

If the Tabulator becomes Inoperable

If a Tabulator becomes inoperable for any reason throughout Voting Day, the operator interface will turn off and the machine will not accept any ballots. If this happens, the Clerk will be notified by the MDRO.

The voting process will not stop.

The auxiliary slot at the front of the ballot box will be opened by the TO in order to accept ballots, following this, the TO will place subsequent ballots into the auxiliary slot.

When the Tabulator becomes operational, the auxiliary slot will be sealed by the TO with seals provided by the Clerk before voting proceeds.

The ballots contained in the Auxiliary Compartment will be fed through the Tabulator at the close of the poll by the TO.

Should the Tabulator become inoperable again at any subsequent point during voting, the TO will reopen the auxiliary slot and as before, place ballots into the slot until the Tabulator becomes operable. The auxiliary slot will be sealed by the TO upon the Tabulator becoming operational again.

Standard Election Practices

Opening of the Poll

Prior to the TO mounting the Tabulator onto the ballot box, any designated Scrutineer or Candidate who is present may view the ballot box to determine that it does not contain any ballots. This will take place at 9:30 a.m.

The Tabulator shall be plugged into an electrical outlet by the TO. The MDRO will use the tabulator key to access the Tabulator. The Tabulator will provide two (2) tapes reflecting the opening zero (0) totals at this time. One tape remains attached to the Tabulator and the other is attached to the table for viewing. Scrutineers or Candidates who are present at this time may wish to initial the tape attached to the table. The display screen on top of the Tabulator will show a zero (0) ballot count.

The MDRO will safe guard the tabulator key throughout the day until the close of the polls.

Voting process under Normal Circumstances with a Voter Notification Card

The Act requires that all voters produce the required ID prior to receiving a ballot (*Sec. 52 (1)*). At the ballot station, the DRO will confirm that the ID is satisfactory (*an original, certified or notarial copy of a document that is listed in Schedule 1 of Regulation 304/13 made under the Act and shows the person's name and qualifying address*) and will then locate the voter's name on the voters' list, confirm school support, and strike the voter's name off of the voters' list.

The DRO will then initial the appropriate ballot and place it in a Secrecy Folder. As the Secrecy Folder is shorter in length than the ballot, the DRO's initial will be readily visible.

The DRO will instruct the voter to proceed to the voting booth, remove the ballot from the Secrecy Folder, and mark the ballot in the space to the right of the Candidate's name of their choice using the marker provided in the booth.

After the voter marks their ballot, they return their ballot to the Secrecy Folder with the DRO's initials in clear view at the top of the ballot; the voter will then proceed to the Tabulator and remain there until their ballot has been processed.

Following this, the TO will verify that the DRO's initials are in the upper right hand corner of the ballot protruding from the Secrecy Folder. The TO will then place the Secrecy Folder containing the ballot face down into the feed area of the Tabulator. The ballot will be drawn from the Secrecy Folder into the machine where the ballot will be scanned into the Memory Card.

After feeding the ballot into the Tabulator the TO will ensure that the ballot count screen, which shows the total ballots processed, has increased by one. The ballot will automatically drop into the ballot box.

The voter will then immediately leave the voting location.

Procedures for the Close of the Poll

At 8:00 p.m. the voting location must be closed. Any voters inside the voting location at this time are permitted to vote. Once the voting location is closed and all voters have voted, only Election Officials and any Candidates or Scrutineers present at 8:00 p.m. are permitted to remain at the voting location. The MDRO has the authority to remove all unauthorized individuals.

At this time, any ballots in the Auxiliary Compartment will be removed by the TO and fed into the Tabulator before obtaining the tally of results of the votes at that voting location.

The TO then inserts the security encrypted electronic “key” which allows access to the Tabulator’s administration option (one of which is close of voting). The TO selects

“Close Poll”

and then must re-confirm.

“Are you sure you want to close poll? Y/N”.

Once this is complete, two (2) tally records for the voting location are automatically printed using the internal thermal printer. The poll cannot be reopened without the administration key.

The TO will sign the first tape printed. Following this, the TO will then place the signed tape in the appropriate envelope to be returned to Election Central. The second tape printed should be placed on the table for Scrutineers to view. Any Scrutineers or Candidates present may also sign this second tape.

Once the TO has printed the tally tapes, the MDRO will cut the seal on the “Poll Worker” memory card slot and remove the memory card. This card will be placed in the MDRO envelope and will be delivered to Election Central by the MDRO. The TO will proceed immediately to Election Central with the Tabulator (with the “Administrator” memory card sealed in the slot) and the sealed ballot box. The memory card will be removed from the Tabulator and the results processed by the IT Division into the Tally Software for display on the County’s election website. Once the required election material has been received and processed, it will be stored in a secure location.

If the tally tape will not process at the close of the poll, the MDRO will call the Clerk, no later than 8:30 p.m., to let her know that there is a problem and they will be coming back to Election Central. Following this, the TO will unplug the machine. The “Poll Worker” memory card will be removed by the MDRO and transported back to Election Central as described above and the “Administrator” memory card will remain sealed in the Tabulator and transported by the TO from the voting location for download via a secure connection at Election Central.

The MDRO will proceed to complete the appropriate forms and balance the ballot statement for the voting location. The other Election Officials will begin to fold screens, remove signs, posters, and collect all necessary supplies.

The MDRO will return all material to Election Central after closing the voting location.

Procedures Specific to the Close of Advance Polls

At the close of the poll, any voters inside of the voting location at this time are permitted to vote. Once the voting location is closed and all voters have voted, only Election Officials and any Candidates or Scrutineers present at closing are permitted to remain at the voting location.

The Tabulator will be unplugged then plugged in again to obtain a tape of recorded electors only. The Tabulator is then powered down again.

The ballot box will be sealed.

When the necessary documentation is completed, the TO will return the Tabulator, and the MDRO will return all necessary forms and election materials to Election Central.

After the close of the polls on Election Day, the Auxiliary Compartment will be checked for ballots. These ballots will then be fed into the Tabulator prior to programming the machine to close the poll and tally the votes. The number of ballots processed will be recorded. These tallies will be processed through the Tally Software application.

Voting Procedures at Nursing Home / Retirement Facilities for Residents Only

Although Tabulators will not be used within these facilities when voting is for residents only, the voter will be provided with a black marker with a thicker point in order to ensure that the voter marks the designated area on the ballot by twenty percent (20%) and the ballot can be processed through the Tabulator following the close of the polls at Election Central.

Once the voter has marked their ballot and placed it in the Secrecy Folder, the DRO will manually place the ballot into the slot in the ballot box. A separate ballot box will be used at each location and sealed upon the close of that particular poll. The Election Officials will bring the sealed ballot boxes and all election material(s) back to Election Central. The ballot boxes will be stored in a secure location.

At 8:00 p.m., these ballots will be manually fed into a designated Tabulator in the lower level staff room at Election Central. Scrutineers or Candidates who are present in this room at 8:00 p.m. may remain to view this process.

Any ambiguous ballots which are rejected by the Tabulator will be subject to the following procedure:

If, in the opinion of the Clerk or designate, the intention of the voter is clear on the original marked ballot, a replacement ballot shall be prepared by the Clerk or designate in the clear view of any candidates or scrutineers that may be present. Using a standard black ballot maker, the new replacement ballot shall be marked by the Clerk or designate to reproduce the marks contained in the designated voting spaces on the original marked ballot. Once so marked, the Clerk or designate shall place their mark on the ballot in the space provided.

The back of each such replacement ballot shall be clearly labelled by the Returning Officer or designate using a red marker with "Replacement Ballot No. 1, 2, etc." and the same number shall be recorded on the back of the original marked ballot "Rejected Ballot No. 1, 2, etc." using a red marker.

The replacement ballot will then be tabulated by the vote tabulator.

The original marked ballot being replaced shall then be placed in an envelope labeled "Rejected and Re-marked Ballots" by the Clerk or designate and will be retained with the balance of ballots for that voting place.

Exceptional Election Circumstances

Revision Desk

If the voter does not have a voter notification card they may be required to complete an application to have their name added to the voters' list.

The RDRO will confirm that they have the correct ID in accordance with Sec. 52 (1) of the Act and will assist the voter to complete the application to have their name added to the voters' list or to make necessary changes to the voters' list. The voter's name and information will be entered into the voters' list by the RDRO. The established process will then be followed for issuing the ballot.

Where a voter does not have ID with them but their name appears on the voters' list, they will be required to take an affidavit verifying that they are the voter whose name appears on the voters' list. The established procedure will then be followed for issuing the ballot.

Power Outages and Battery Backup

The Tabulator will be plugged into an uninterruptible power supply (UPS) to provide battery backup in case of an outage.

The Clerk will determine if the voting location is safe to continue the vote at this location or if alternative emergency measures are required.

Recounts

An "automatic" recount is required when a tied vote occurs and a Candidate cannot be declared elected as a result of this tie.

The recount shall be held within fifteen (15) days after the Clerk's declaration of the results of the election. Tabulators will be used for the recount.

Such a recount will be conducted at Election Central under the supervision and direction of the Clerk in accordance with these established procedures. Notification will be provided to the relevant candidates in accordance with Sec. 62 of the Act.

In the case of a recount for a single office, the Clerk will open all ballot boxes and collect only the ballots to be recounted prior to tabulating the ballots as part of the recount. i.e. If a particular seat on Council requires a recount, relevant ballots may be found in any and all ballot boxes. To avoid the tabulation of every ballot cast, the relevant ballots will be assembled prior to tabulation.

In the case of a recount, where a ballot is torn or damaged so that it will no longer feed through the tabulator, a replacement ballot shall be prepared by the Clerk or designate in the clear view of any candidates or scrutineers that may be present. Using a standard black ballot maker, the new replacement ballot shall be marked by the Clerk or designate to reproduce the marks contained in the designated voting spaces on the original marked ballot. Once so marked, the Returning Officer or designate shall place their mark on the ballot in the space provided.

The back of each such replacement ballot shall be clearly labelled by the Returning Officer or designate using a red marker with "Replacement Ballot No. 1, 2, etc." and the same number shall be recorded on the back of the original marked ballot "Rejected Ballot No. 1, 2, etc." using a red marker.

The replacement ballot will then be tabulated by the vote tabulator.

The original marked ballot being replaced shall then be placed in an envelope labeled "Rejected and Re-marked Ballots" by the Clerk or designate and will be retained with the balance of ballots for that voting place.

Approved by:

Evelyn Eichenbaum
Clerk
Haldimand County
