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# IN-POLL TABULATOR PROCEDURES

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City of London  
2022 Municipal Election

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April 2022

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## IN-POLL TABULATOR PROCEDURES

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### **IN-POLL TABULATOR PROCEDURES**

The Guiding Principles of the *Municipal Elections Act, 1996*, as amended:

- the secrecy and confidentiality of the 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 reflect the votes cast; and
- voters and candidates should be treated fairly and consistently within a municipality.

#### **1. DEFINITIONS**

In this procedure,

*Act* – means the *Municipal Elections Act, 1996*, as amended.

*Advance Poll* – means a Poll for Voters to vote in person before Voting Day. The conduct of an Advanced Poll will take place on specified dates prior to Voting Day established by Council By-law.

*Ambiguous Mark* – means a mark on a Ballot made in the designated space on the Ballot to the right of the Candidate's name, by-law or question that is recognized by the Vote Tabulator but cannot be read as a Valid Mark. The threshold settings for Ambiguous Marks will be tested and verified in accordance with provincial standards.

*Assistant Returning Officer* – means a person appointed by the City Clerk, with the responsibility to assist in the administration of the election process.

*Auxiliary Compartment* – means the front compartment of the Ballot Box where Voters' Marked Ballots are temporarily stored in the event a Vote Tabulator malfunctions.

*Ballot* – means the paper used by a Voter to mark their vote or vote(s) for the office of mayor, councillor, and school board trustee (if applicable) in accordance with section 41 of the Act.

*Ballot Box* – means an apparatus in which Marked Ballots are received and transferred from the Poll to the Return Location.

*Ballot Marking Device* – means the accessible voting device available to all Voters at every Advance Poll. Upon listening to an audio recording of the Ballot, Voters are able to mark their Ballot using a tactile device, sip-and-puff, or paddle independently and confidentially. The result is a completed Ballot which can be fed into the Vote Tabulator.

*Ballot Marking Pen* – means the designated black Ballot Marking Pen provided for the use of a Voter to mark the Ballot.

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*Candidate* – means a person who has been nominated under section 33 of the *Municipal Elections Act, 1996*.

*Close of Voting* – means the end of voting hours as prescribed in the Act which states that Polls shall remain open until 8:00 p.m. on Voting Day, unless designated as a reduced hours poll under section 46(3). In accordance with the Act, a Voter within the Poll at the Close of Voting is entitled to cast their Ballot.

*Defective Ballot* – means a Ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by a Vote Tabulator. This may include a Ballot that has been torn or otherwise damaged, an improperly printed Ballot, and the wrong Ballot type for that Poll, or some other type of Ballot that cannot be processed by the Vote Tabulator.

*Election Management Software* – means the software responsible for collecting and compiling tabulation totals from each Memory Device.

*Elections Office* – means the location where the day-to-day Election administration occurs. The Elections Office is located on the second floor of City Hall.

*Election Official* – means any person, appointed by the City Clerk, with the responsibility to assist in the administration of the Municipal Election process.

*Marked Ballot* – means a Ballot which has been marked upon by a Voter to cast a vote for the office of council, school board trustee, by-law, or question and received by an Election Official from a Voter with the intent to vote, to be tabulated and deposited automatically into the Ballot Box.

*Memory Device* – means a cartridge or card where all Ballot tabulation totals are stored. For each Vote Tabulator there will be two Memory Devices. One Memory Device will be for uploading the results and the second will serve as a redundancy measure.

*Poll* – means a physical location determined by the City Clerk where Voters cast their Ballots. Each Voting Subdivision is assigned a Poll and a Vote Tabulator.

*Results Envelope* – means the envelope all reports and Vote Tabulator keys are to be placed in and sealed for the Election Official to return to the Tabulation Centre after the close of Poll procedures.

*Results Report* – means the printed report that is generated by the Memory Device within the Vote Tabulator for each Poll after the close of the Poll and represents the numbers of votes cast for each Candidate, by-law or question.

*Return Location* – means the area designated by the City Clerk for the return of Ballot Boxes, Vote Tabulators and all other election materials which were used at each Poll.

*Scrutineer* – means an individual, appointed in writing by a certified Candidate, to represent them during the voting process.

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*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, but does expose the initials of the Election Official.

*Sorting Location* – means the secure location in which the Vote by Mail secrecy envelopes will be opened and prepared for tabulation.

*Status Report* – means a report containing Poll information, Vote Tabulator serial number information and total Ballots scanned.

*Tabulation Centre* – means the area designated by the City Clerk for the tabulation of Ballots that were not tabulated in Poll and for the upload of Memory Devices to the Election Management Software.

*Valid Mark* – means a mark made in the designated space on the Ballot, to the right of the Candidate's name, by-law or question, that is recognized by the Vote Tabulator as a vote.

*Voter* – means a person who is entitled to be a Voter if they reside in the City of London or is the owner or tenant of land, or the spouse of such owner or tenant; is a Canadian citizen; is at least 18 years old; and is not prohibited from voting under the Act or otherwise by law as specified in section 17 of the Act. Also referred to as “elector” in the Act.

*Voters' List* – means the list containing all the eligible Voter names with corresponding municipal address, occupancy status, school support, and residency codes for the City of London. The Voters' List will be sorted by ward and Voting Subdivision. Voters will further be sorted alphabetically by last, then first name. For the purpose of an Advance Poll, the Voters' List is an electronic database and for the purpose of Voting Day, the Voters' List is a paper list specific to each Poll.

*Vote Tabulator* – means a machine that optically scans the Ballots to read the votes cast and tabulates the results. The Vote Tabulator is sometimes referred to as “tabulator” or “in-poll optical scanning vote tabulator”.

*Voting Day* – means the day on which the final vote is to be taken in an election. For the purposes of the 2022 Municipal Election, this day is Monday, October 24, 2022.

*Voting Subdivision* – means a geographic area within a ward, established by the City Clerk, to assign a Poll for the Voters of the Voting Subdivision to vote.

*Zero Report* – means the printed record that is generated by the Memory Device within the Vote Tabulator, prior to opening of the Poll, indicating that there are no votes cast for any Candidate, by-law or question.

## 2. APPLICATION OF THIS PROCEDURE

- 2.1 The Council of The Corporation of the City of London passed By-law No. E.-189-189 authorizing the use of in-poll optical scanning Vote Tabulators, voting by

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mail, advance voting and proxy voting for the 2022 Municipal Election.

- 2.2 Section 42(3) of the Act requires that the City Clerk establish procedures and forms for the use of any voting and vote-counting equipment and provide a copy of the procedures and forms to each Candidate. The purpose of this document is to establish procedures for the use of Vote Tabulators that are consistent with the principles of the Act. It is noted that the City Clerk, in the role of Returning Officer, may need to vary from these procedures from time to time, if necessary.
- 2.3 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.
- 2.4 With respect to matters of policy and procedures for Vote Tabulator equipment and alternative voting methods, the City Clerk's decision is final.
- 2.5 Any matter not provided for in this procedure shall be dealt with, as far as practicable, in accordance with the principles of the Act.

### **3. ELECTION OFFICIALS**

The City Clerk may appoint Election Officials and Assistant Returning Officers for the purposes of this procedure and may designate their titles and duties.

### **4. VOTING SUBDIVISIONS**

The City Clerk has divided the municipality into Voting Subdivisions. For the purposes of the IN-POLL TABULATION PROCEDURES, each Voting Subdivision has been given its own Poll and Vote Tabulator. Each Advance Poll location has been assigned a dedicated Vote Tabulator. Vote by Mail Ballots have been assigned a dedicated Vote Tabulator(s).

### **5. BALLOTS**

- 5.1 For the 2022 Municipal Election, the City of London will use a composite ballot.
- 5.2 For the offices of mayor and councillor, there shall appear on the Ballot to the right of each Candidate's name a designated space suitable for the marking of the Ballot.
- 5.3 For the office of school board trustee, there shall appear on the Ballot to the right of each Candidate's name a designated space suitable for the marking of the Ballot.
- 5.4 To the greatest extent practical, the Ballot design shall:
  - 5.4.1 allow for tabulation of mayor and councillor offices in a manner that identifies unofficial winners on Voting Day;

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- 5.4.2 allow for tabulation of school board trustees, by-laws and questions in a manner that identifies unofficial winners on Voting Day;
- 5.5 Section 5 shall apply, with necessary modifications, to Ballots for by-laws and questions.

### 6. PROGRAMMING THE VOTE TABULATOR MEMORY DEVICES

- 6.1 Each Memory Device shall be programmed so that a printed record can be produced for each Poll for the number of votes made for each Candidate, by-law or question.
- 6.2 Each Memory Device shall be programmed so that the following Ballots are accepted by the Vote Tabulator to ensure secrecy and confidentiality of the voting process:
  - 6.2.1 a Ballot that has more votes cast for a specific office, by-law or question than is permitted;
  - 6.2.2 a Ballot that has less votes cast for an office, by-law or question than is permitted;
  - 6.2.3 a Ballot that has no votes cast for any Candidate, by-law or question; and
  - 6.2.4 Memory Devices shall be programmed to accept undervotes on a Ballot. If a Voter has under-voted on a contest, the Vote Tabulator will be programmed to tabulate the other properly marked contests. If a Voter has overvoted on a contest, the Vote Tabulator will be programmed to tabulate the other properly marked contests.
- 6.3 Each Memory Device shall be programmed so that a Ballot that contains Ambiguous Marks will be returned to the Election Official with a warning indicating that one or more Ambiguous Marks were detected on the Ballot. The Election Official will follow the process outlined in section 9 of these Procedures.
- 6.4 Each Memory Device shall be programmed so that a Defective Ballot will be returned to the Election Official indicating that an invalid Ballot has been detected. The Election Official will follow the process outlined in section 9 of these Procedures.
- 6.5 Memory Devices used for Advance Polls shall be the same Memory Devices used at each Advance Poll location for the duration of the Advance Poll period to cumulate the results.
- 6.6 Subsection 55(4.1) of the Act requires that as soon as possible after Voting Day, the City Clerk shall make the following information available at no charge for viewing by the public on a website or in another electronic format:

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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.

The Vote Tabulators track the number of races left blank (“Under-Voted”) and the number of races where more than one Candidate was selected (“Over-Voted”). In accordance with section 55 of the Act, the City Clerk will report to the public the number of Under-Votes and the Over-Votes for each race.

### 7. TESTING OF THE VOTE TABULATORS

- 7.1 Prior to Advance Polls and Voting Day, the City Clerk shall have the Vote Tabulators tested to ensure they will accurately count the votes for all Candidates, by-laws and questions that are marked with the Ballot Marking Pen with a Valid Mark in the designated space.
- 7.2 When testing the Vote Tabulators, adequate safeguards shall be taken to ensure that the system used for processing and tabulating votes, or any part of it, is isolated from all other applications and that no remote devices are capable of gaining access to the system.
- 7.3 There are two testing phases before the Vote Tabulators and Accessible Voting Devices are ready to use at an Advance Poll or for Voting Day. These phases include:
  - 7.3.1 Testing the Vote Tabulators (Acceptance Testing) – this test will ensure that the clock, LCD display, system memory, printer, serial port, auxiliary port, and Ballot reader, as applicable, are all functioning properly.
  - 7.3.2 Testing Ballots (Logic and Accuracy Testing) – once the Ballots have been printed and received from the printer, a pre-audited group of Ballots marked with the designated Ballot Marking Pen in the designated area will be prepared and tested on each Vote Tabulator and Accessible Voting Device.
- 7.4 Candidates will be required to submit a recording of their name for the Accessible Voting Device for testing purposes prior to September 1, 2022.
- 7.5 If the City Clerk detects any error in the marking of the Ballots, the cause of the error shall be ascertained and corrected, and the test repeated until an errorless count is made and certified by the City Clerk.
- 7.6 Upon completion of the test, each Vote Tabulator shall be sealed in such a manner so that no devices may be inserted or removed prior to Advance Vote and/or Voting Day.
- 7.7 The City Clerk shall, at the completion of the test, retain the programs, test materials and Ballots in the manner provided for in the Act for the keeping of



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election records.

7.7.1 The City Clerk shall have access to the pre-audited group of Ballots referred to in section 7 and other materials used in the programming of the Memory Devices.

7.7.2 The City Clerk shall not alter or make changes to the materials referred to in subsection 7.3.1 and 7.3.2 but may make copies of them.

### **8. CANDIDATES/SCRUTINEERS**

8.1 Candidates may appoint Scrutineers in accordance with section 16(5) of the Act to represent them as designated by the City Clerk. At no time shall the Candidate or Scrutineer handle any materials which may interfere with the validity of the votes.

8.2 Scrutineers shall show their written appointment (Scrutineer Appointment, Appendix "A") to the Election Officials and Assistant Returning Officers, upon entering the Poll or upon request.

8.3 During the fifteen (15) minutes before the opening of the Poll, the Candidates or Scrutineers who are entitled to be present in a Poll during voting hours are entitled to the following, but not so as to delay the timely opening of the Poll:

8.3.1 witness the printing of and initial the Zero Report (once Poll is opened at 10:00 a.m.);

8.3.2 place their seal on the Ballot Box immediately before the opening of the Poll, so that Ballots cannot be deposited into the Ballot Box and cannot be withdrawn without breaking the seal before the opening of the poll; and;

8.3.3 inspect without handling, the Ballots and all other papers, forms and documents relating to the vote.

8.4 Only one Scrutineer for each certified Candidate may be present within any one Poll at any time. If the Candidate who appointed the Scrutineer enters the Poll (except when voting), the Scrutineer shall leave.

8.5 Candidates and Scrutineers shall be required to take an oral oath and sign in each time they enter a Poll. They shall also be required to sign out when leaving the Poll.

8.6 Only one Scrutineer for each certified Candidate may be present within the Sorting and Tabulation Location at any time. If the Candidate who appointed the Scrutineer enters the Sorting and Tabulation Location, the Scrutineer shall leave.

8.7 To protect the secrecy of the vote, Candidates/Scrutineers will be unable to:



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- 8.7.1 attend to or assist Voters at the Voting Screens or Ballot Marking Device;
  - 8.7.2 examine the Ballots after the Poll has opened for voting;
  - 8.7.3 object to Ballots; or
  - 8.7.4 object to the counting of votes as the Ballots are being inserted into the Tabulator by the Election Official.

### **9. OPENING THE POLL – ADVANCE VOTE AND VOTING DAY**

- 9.1 Where a Vote Tabulator is used at a Poll, the Election Official shall;
  - 9.1.1 in the presence of all Candidates and Scrutineers, cause the Vote Tabulator to print a Zero Report one hour or less before the opening of the Poll to confirm Poll ID and “0” totals for all Candidates, by-laws and questions;
  - 9.1.2 if the totals are zero for all Candidates, by-laws and questions, the Election Official shall ensure that the Zero Report remains affixed to the Vote Tabulator until the results are printed by the Vote Tabulator after the Close of Voting; and
  - 9.1.3 if the totals are not zero for all Candidates, by-laws and questions, the Election Official shall immediately notify the City Clerk and shall conduct the vote using the Auxiliary Compartment of the Ballot Box until the Vote Tabulator is made operational or a back-up Vote Tabulator is provided. See section 10 of this procedure for replacement Vote Tabulator procedures.
- 9.2 Following the first day of Advance Poll, when opening the Poll, the Election Official shall:
  - 9.2.1 confirm that all reports will be in a continuous print record, initial the reports and roll the reports to remain affixed to the Vote Tabulator;
  - 9.2.2 verify that the Vote Tabulator is now ready for live voting and the public count will read the number of votes cast on previous Advance Poll days on the counter.

### **VOTE PROCEDURE – ADVANCE VOTE AND VOTING DAY**

- 9.3 The Election Official shall, upon the presence of a Voter, check the Voter’s prescribed form of identification to confirm their name and qualifying address is on the Voters’ List.
- 9.4 The Election Official shall provide the Voter with the appropriate Ballot, initial the Ballot, and strike off the Voter’s name from the Voters’ List.



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- 9.5 The Election Official shall, at the same time as the Ballot is issued, provide a Secrecy Folder to each Voter.
- 9.6 Upon receiving the Ballot and Secrecy Folder, the Voter shall:
  - 9.6.1 proceed to a voting screen;
  - 9.6.2 vote, by marking the Ballot with the Ballot Marking Pen provided, within the oval space to the right of the name of each Candidate, by-law or question, the Voter wishes to cast a vote for;
  - 9.6.3 insert the Marked Ballot into the Secrecy Folder, in such a manner as to conceal the marks upon the Ballot, but to expose the Election Officials initials;
  - 9.6.4 leave the voting screen with the Secrecy Folder containing the Marked Ballot; and
  - 9.6.5 deliver the Secrecy Folder containing the Marked Ballot to the Election Official who is located at the Vote Tabulator.
- 9.7 The Election Official shall, in the presence of the Voter, check for the Election Official's initials, insert the Ballot face down into the feed area of the Vote Tabulator until the Ballot is drawn into the Vote Tabulator and deposited into the Ballot Box.
- 9.8 If a Ballot cannot be read by the Vote Tabulator, the following process will occur:
  - 9.8.1 the Election Official shall, in the presence of the Voter, try a second and/or third time to insert the Marked Ballot into the Vote Tabulator;
  - 9.8.2 if the Vote Tabulator will not accept the Marked Ballot, the Election Official at the Vote Tabulator shall instruct the Voter to return to the voting screen with their Marked Ballot and ensure that marked oval(s) are completely filled in;
  - 9.8.3 if the Vote Tabulator will still not accept the Ballot, the Election Official at the Vote Tabulator shall instruct the Voter with the Ballot to return to the Election Official who issued the original Ballot;
  - 9.8.4 the Election Official shall write "CANCELLED BALLOT" on the back of the Ballot to protect the secrecy of the vote and place the Ballot into envelope "F";
  - 9.8.5 the Election Official shall advise the Voter to proceed with marking a new Ballot and to deliver the Marked Ballot in the Secrecy Folder to the Election Official who is located at the Vote Tabulator;

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- 9.8.6 If the Voter refuses the opportunity to mark a new Ballot, the already Marked Ballot will be then noted as “DECLINED” by the Election Official and inserted into envelope “B”.
- 9.8.7 If the Vote Tabulator rejects the Ballot and the Voter who delivered the Ballot is not present, the Election Official shall mark the Ballot “CANCELLED BALLOT” on the back of the Ballot and place the Ballot into the Special Circumstances Envelope;
  - 9.8.7.1 the Election Official shall place the Special Circumstances Envelope in the Auxiliary Compartment;
  - 9.8.7.2 the Election Official shall in full view of any Candidates or Scrutineers present, follow the procedure outlined in Appendix “C”, “Ballot Remake Procedures – Election Day”; and
  - 9.8.7.3 the Election Official shall make record of such Ballots.
- 9.8.8 If the Voter exits the Poll without returning their Ballot to the Election Official at the Vote Tabulator, the Election Official shall make an entry opposite the person's name in the Voters’ List in the comments column stating “FORFEITED VOTE”; and
  - 9.8.8.1 the Election Official shall make record of such Ballots.
- 9.9 Ballot Marking Devices will be available at all Advance Polls. When a Ballot Marking Device is available in the Poll, the designated Election Official shall:
  - 9.9.1 ask the Voter which assistive tactile device they would like to use;
  - 9.9.2 insert a blank Ballot face-down into the external printer and position the Secrecy Folder at the exit slot to receive the printed Marked Ballot;
  - 9.9.3 the Election Official will provide the Voter with headphones, their assistive tactile device, and will provide them with verbal instructions as to how to operate the equipment;
  - 9.9.4 the Election Official will initiate the Ballot on the Ballot Marking Device;
  - 9.9.5 the audio Ballot will start automatically, and the Voter will mark the Ballot using their assistive tactile device and print the Marked Ballot;
  - 9.9.6 the Marked Ballot must be placed into the Secrecy Folder and delivered to the designated Election Official in accordance with section 9.6.3 of this procedure.
- 9.10 The Vote Tabulator can continue to scan paper Ballots while an audio Ballot is in session, and it is not necessary to wait for the audio Ballot to be completed before

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inserting the next paper Ballot.

### **10. VOTE TABULATOR MALFUNCTIONS – ADVANCE VOTE AND VOTING DAY**

- 10.1 In the event that a Vote Tabulator malfunctions, due to technological or other unexplainable errors, during the voting process, it may be necessary for an adjustment or replacement of the Vote Tabulator. If this is necessary, the preferred course of action is to substitute the faulty equipment with a spare Vote Tabulator.

**NOTE: AT NO TIME SHALL A VOTER BE PREVENTED FROM CASTING THEIR BALLOT**

- 10.2 Voters will continue to cast their Ballots by inserting their Ballots into the Auxiliary Compartment of the Ballot Box via the Election Official during the Vote Tabulator replacement process.
- 10.3 The Ballots inserted into the Auxiliary Compartment will be tabulated through the Vote Tabulator after the Close of Voting and before the Vote Tabulator is closed.
- 10.4 The following steps shall be performed in order to smoothly and quickly replace the faulty equipment and resume the regular voting activities:
- 10.4.1 An Election Official will place the appropriate notice on the malfunctioning equipment.
  - 10.4.2 The Election Official at the Poll shall phone the Elections Office and request a replacement Vote Tabulator. Once the replacement Vote Tabulator is delivered the Memory Device will be removed from the malfunctioning Vote Tabulator and inserted into the replacement Vote Tabulator.
  - 10.4.3 The Election Official shall remove the Zero Report affixed to the malfunctioning Vote Tabulator and place it in the Results Envelope.
  - 10.4.4 The Election Official at the Poll shall pack up the faulty equipment, ensuring the Ballots in the Ballot Box remain secured, and place the substitute Vote Tabulator that was delivered securely on top of the Ballot Box.
  - 10.4.5 The Election Official shall turn on the replacement Vote Tabulator and proceed to print a Status Report to verify the number of Ballots processed at the Poll that day. No results should be displayed on this tape. The Election Official shall then sign the Status Report and leave the tape affixed to the replacement Vote Tabulator in the same manner as opening the Poll. The Ballot Box is not replaced.

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- 10.4.6 If readable, the Election Official shall compare the number of Ballots scanned on the malfunctioning Vote Tabulator to the Status Report on the replacement Vote Tabulator. The number of Ballots shown should be equal to or greater than the number on the malfunctioning Vote Tabulator.

## **11. CLOSING THE ADVANCE POLL**

- 11.1 The Election Official shall, after the close of an Advance Poll:
  - 11.1.1 allow any Voters remaining within the Advance Poll to cast a Ballot, in accordance with section 46(4) of the Act;
  - 11.1.2 remove Ballots from the Auxiliary Compartment of the Ballot Box, if required due to a Vote Tabulator malfunction, and tabulate them through the Vote Tabulator;
  - 11.1.3 ensure there are no Ballots in the Auxiliary Compartment before proceeding with writing the number of Ballots processed through the Vote Tabulator and closing the Poll;
  - 11.1.4 keep Reports attached to the Vote Tabulator and store with the Vote Tabulator;
  - 11.1.5 unplug the Vote Tabulator and remove it from the Ballot Box;
  - 11.1.6 seal the Ballot Box with the Election Official tape provided, in such a manner so that Ballots cannot be deposited into or withdrawn from the Ballot Box without breaking the seal, and initial the tape;
  - 11.1.7 permit Candidates or Scrutineers, if present, to place their seal on the equipment and carrying case; and
  - 11.1.8 deliver the sealed Ballot Box and Vote Tabulator to the Return Location.

## **12. CLOSING THE VOTING DAY POLL**

- 12.1 The Election Official shall, after the Close of Voting:
  - 12.1.1 allow any Voters remaining within the Voting Day Poll to cast a Ballot, in accordance with section 46(4) of the Act;
  - 12.1.2 remove Ballots from the Auxiliary Compartment of the Ballot Box, if required due to a Vote Tabulator malfunction, and tabulate them through the Vote Tabulator;

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- 12.1.3 ensure there are no Ballots in the Auxiliary Compartment before proceeding with closing the Poll;
- 12.1.4 the Results Report will automatically print;
- 12.1.5 remove the opening Zero Report and Results Report from the Vote Tabulator, sign, and rip report from the Vote Tabulator to place in the Results Envelope;
- 12.1.6 unplug the Vote Tabulator and remove it from the Ballot Box;
- 12.1.7 seal the Ballot Box with the Election Official tape provided, in such a manner so that Ballots cannot be deposited into or withdrawn from the Ballot Box without breaking the seal, and initial the tape;
- 12.1.8 permit Candidates or Scrutineers, if present, to place their seal on the equipment and carrying case; and
- 12.1.9 deliver the sealed Ballot Box, Vote Tabulator, and Results Envelope to the Return Location.

**13. CLOSING THE POLL – ADVANCE VOTE AND VOTING DAY – EXTRAORDINARY CIRCUMSTANCE**

- 13.1 If a Vote Tabulator has been used to tabulate votes cast in a Poll, but the tabulation of the votes cannot be completed because the Vote Tabulator is not operating or cannot be made to operate within a reasonable time following the Close of Voting, the Election Official shall, after the Close of Voting and after determining the tabulation cannot be completed:
  - 13.1.1 Follow the procedures set out in section 11 (Closing the Advance Poll);
  - 13.1.2 turn on the replacement Vote Tabulator located at the Return Location and proceed to print a Status Report to verify the number of Ballots processed at the Poll that day;
  - 13.1.3 if readable, compare the number of Ballots scanned on the malfunctioning Vote Tabulator to the Status Report on the replacement Vote Tabulator. The number of Ballots shown should be equal to or greater than the number on the malfunctioning Vote Tabulator;
  - 13.1.4 insert all Ballots from the Auxiliary Compartment into the replacement Vote Tabulator located at the Return Location; and

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- 13.1.5 follow the procedures set out in section 12 of this procedure (closing the Voting Day Poll), remove the Zero Report affixed to the malfunctioning Vote Tabulator and place it in the Results Envelope.

#### **14. CLOSING THE SPECIAL VOTING POLL – (INSTITUTIONS / LONG TERM CARE FACILITIES)**

- 14.1 Under subsection 46(3), the Act permits the City Clerk to reduce the hours for voting at an institution as defined by the Act and/or long term care facilities. The hours for voting on Voting Day for these facilities will be 10 a.m. – 6 p.m. Each Poll will have a programmed Memory Device for that location.
- 14.1.1 All facilities will open and conduct the voting as per section 9 of this procedure with appropriate modifications. Section 45(9) of the Act requires that an Deputy Returning Officer attend to a Voter with a disability within the facility, in order to allow them to vote.
- 14.1.2 The Deputy Returning Officer present at those facilities that are open for voting between 10 a.m. – 6 p.m. will, at the Close of Voting, follow the procedure set out in section 11 of this procedure.

#### **15. VOTING RESULTS FROM ADVANCE VOTING AND INSTITUTIONS AND/OR LONG TERM CARE FACILITIES**

- 15.1 The City Clerk shall ensure that the sealed Ballot Boxes, from each institution and long term care facility containing the Marked Ballots are delivered to the Return Location promptly after the Close of Voting at 6:00 p.m. on Voting Day.
- 15.2 The total of the votes from institutions and long term care facilities where voting was held on Voting Day between 10 a.m. – 6 p.m. and from Advance Polls shall not be made available until after 8 p.m. on Voting Day.
- 15.3 On Voting Day, the sealed Vote Tabulators from Advance Polls, institutions and long term care facilities where voting was held on Voting Day between 10 a.m. and 6 p.m. will be delivered to the Tabulation Centre. The Close of Voting procedure including printing of the Results Report in section 12 of this procedure will be completed at a time designated by the City Clerk.

#### **16. VOTING DAY – COMPILING OF VOTES**

- 16.1 The City Clerk shall designate a location as the Sorting and Tabulation Centre for the processing of Vote by Mail Ballots, and Closing the Poll procedures for Advance Polls, institutions, and long term care facilities.



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- 16.2 The City Clerk shall designate a location as the Tabulation Centre for the compiling of votes via Election Management Software.
- 16.3 The City Clerk shall make available at the Sorting and Tabulation Centre adequate accommodation for each Candidate who intends to view the tabulation of votes and who, at least seven days before Voting Day, notifies the City Clerk in writing of their intention.
- 16.4 Where notice has been given under subsection 8, the City Clerk shall permit a Candidate's Scrutineer, in the absence of the Candidate, to attend at the Sorting and Tabulation Centre to view the tabulation of votes.
- 16.5 Tabulated votes will be compiled in the Election Management Software by uploading the Memory Devices from the Vote Tabulator used at each Poll designated by the City Clerk.
- 16.6 The City Clerk, or Assistant Returning Officer shall review, validate and publish vote results from the Election Management Software to the City's web site.

### **17. TABULATION CENTRE PROCEEDINGS – VOTE BY MAIL, ADVANCE POLLS, INSTITUTIONS AND LONG TERM CARE FACILITIES**

- 17.1 At times designated by the City Clerk, all Advance Poll Tabulators, Vote by Mail Tabulator, and Tabulators from institutions/long term care facilities will be set up in the Sorting and Tabulation Centre.
- 17.2 The Election Official will follow the opening the Poll procedures for every Advance Poll, institution/long term care facility Vote Tabulators. The Election Official shall:
  - 17.2.1 confirm that all reports will be in a continuous print record, initial the reports and roll the reports to remain affixed to the Vote Tabulator;
  - 17.2.2 verify that the public count on the Vote Tabulator reads the number of votes cast on previous Advance Poll days or Voting Day institutions and long term care facilities on the counter.
- 17.3 The Election Official will follow the closing the Poll procedures for every Advance Vote, Vote by Mail and institution/long term care facility Vote Tabulator. The Election Official shall:
  - 17.3.1 proceed with closing the Poll;
  - 17.3.2 the Results Report will automatically print;
  - 17.3.3 remove the opening Zero Report and Results Report from the Vote Tabulator, sign, and rip report from the Vote Tabulator to place in the Results Envelope; and

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17.3.4 the Election Official will deliver the Results Envelope and Memory Device to the Tabulation Centre for results compilation in the Election Management Software.

**18. GENERAL**

18.1 If it becomes impracticable to tabulate the votes with the Vote Tabulator(s), the City Clerk may direct that the Ballots be counted manually following, as far as practicable, the provisions of this procedure governing the tabulation of the votes by Vote Tabulator(s).

**19. RECOUNTS**

19.1 If a recount of votes is held in accordance with the provisions of the Act and the Regulation, the votes shall be counted in the same manner as the votes were counted on Voting Day, whether manually or by vote count equipment.

19.2 The Vote Tabulator shall be tested before the recount in the manner described in section 7 of these procedures.

19.3 The City Clerk shall attend the recount and bring the Marked Ballots and all documents that, in the opinion of the City Clerk, are relevant to the recount.

19.4 A recount is required:

19.4.1 when there is a tie between two or more Candidates who receive the same number of votes and cannot both or all be declared elected to the office;

19.4.2 when the votes for the affirmative and negative on a by-law are equal;

19.4.3 when the votes for two or more answers to a question are equal;

19.4.4 by resolution of council;

19.4.5 by resolution of local board;

19.4.6 by order of the Minister (for questions submitted by the Minister);

19.4.7 by order of the Superior Court of Justice.

19.5 The City Clerk shall give notice of the recount to:

19.5.1 every certified Candidate for an office that is the subject of the recount,

19.5.2 in the case of a recount required under subsection 57(1) of the Act, the council, local board or Minister, as the case may be, and



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- 19.5.3 in the case of a recount ordered under section 58 of the Act, the applicant.
- 19.6 Candidates/Scrutineers are not entitled to examine each Ballot as the votes are being counted at a recount.
- 19.7 The City Clerk shall open the Ballot Boxes and conduct a recount following the rules prescribed in the Act.


**ADOPTED AS CITY OF LONDON ELECTION PROCEDURE ON APRIL 26, 2022.**

A handwritten signature in black ink, appearing to read 'Michael Schulthess', is written over a horizontal line.

**Michael Schulthess**  
City Clerk


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## APPENDIX "A" SCRUTINEER APPOINTMENT FORM



### Scrutineer Appointment

*Municipal Elections Act, 1996 (s. 16;47;49;54(3);12(1))*



**Instructions:**

- Scrutineers arriving at a voting place must show this form and personal identification to the election officials and take an oath of secrecy.
- Candidates arriving at a voting place must show this form and personal identification to the election officials and take an oath of secrecy. A candidate who enters a voting place is considered to be a scrutineer, except when voting.
- Only one scrutineer per candidate may be present at each ballot box. The number of scrutineers who may be present at the ballot box is reduced by one while the candidate who appointed them is present in the voting place (except when voting).

**1. Candidate**

Name of candidate
Candidate for the office of (check one):
<input type="checkbox"/> Mayor
<input type="checkbox"/> Councillor
<input type="checkbox"/> Trustee, Thames Valley District School Board (English Language Public District School Board #11)
<input type="checkbox"/> Trustee, London District Catholic School Board (English Language Separate District School Board #38)
<input type="checkbox"/> Trustee, Conseil scolaire Viamonde (French Language Public District School Board #58)
<input type="checkbox"/> Trustee, Conseil scolaire catholique Providence (French Language Separate District School Board #83)

**2. Scrutineer appointment**

Name of scrutineer appointed	For Election Year	Appointment date
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I appoint the individual noted above as a scrutineer to represent me in the City of London 2022 Municipal Election.

\_\_\_\_\_  
Signature of candidate

**3. Scrutineers and prohibitions**

**Scrutineers and candidates can:**

- Enter the voting place 15 minutes before it opens and inspect (but not touch) ballot boxes, ballots and all other election documents but cannot delay the opening of the voting place.
- Object to an elector voting on the grounds that the ballot or voter does not comply with the prescribed rules (objection to be decided by the election official).
- Sign the statement of results prepared by an election official.

**Scrutineers and candidates cannot:**

- Be near enough to the vote tabulator to see how a voter has marked their ballot.
- Campaign at the voting place.
- Attempt, directly or indirectly, to interfere with how an elector votes.
- Display a candidate's election material (including buttons, pins, etc.) in a voting place.
- Compromise the secrecy of voting.
- Obtain or attempt to obtain, in a voting place, any information about how a voter intends to vote or has voted.
- Communicate any information obtained at a voting place about how a voter intends to vote or has voted.

**Note**

- Candidate and scrutineers forfeit their right to be present if they disrupt the voting place.
- Election officials can remove from the voting place any individual who is causing a disturbance or interfering with the process.
- A voting place is defined as the the place where electors cast their ballots and, when located on public property, includes any street abutting; or when a voting place is located on private property, includes any street abutting.

Personal information on this form is collected under the authority of the *Municipal Elections Act, 1996* and will be used for purpose of appointing scrutineers under s. 16 of the *Municipal Elections Act, 1996*. Pursuant to the *Municipal Elections Act, 1996* this completed document is a public record and, until its destruction may be inspected by any person at the City Clerk's Office at a time when the office is open. Questions about this collection may be directed to the Manager, Records and Information Services, 300 Dufferin Avenue, London ON (519) 661-2489 (CITY) ext. 5590.

Form no. 1545 (rev.2022.03)

[www.london.ca](http://www.london.ca)

Information on this document is available in alternate formats, upon request.

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### APPENDIX "B" UNEXPECTED NOTICE OF DISRUPTION



#### VOTING DAY

## UNEXPECTED NOTICE OF DISRUPTION

An unexpected disruption has occurred, affecting this voting location. This voting location will remain closed until the facility officials authorize persons to enter and resume business.

We apologize for the inconvenience this has caused. We would like to invite you to wait for the re-opening of this facility or place your marked ballot in the auxiliary compartment for counting.

Should you have any questions, concerns, or feedback, please feel free to contact the Elections Office via:

In Person	City Hall, 300 Dufferin Avenue, Second Floor
By Phone	519-661-4535
By Fax	519-661-4892
By Email	elections@london.ca

Thank you,  
City of London Elections Team





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### APPENDIX "C" PROCEDURE FOR BALLOT REMAKE – ELECTION DAY

The Ballots that are rejected by the Vote Tabulator shall hereinafter be referred to as Defective Ballots.

1. Defective Ballots that cannot be read by the Tabulator and the Voter is not present will be placed in the envelope marked **SPECIAL CIRCUMSTANCE BALLOT – ORIGINAL COPY** and placed in the Auxiliary Compartment of the Ballot Box.
2. The Deputy Returning Officer shall ensure that all Candidates and/or Scrutineers present in the Poll have been advised that the Ballot(s) in the Special Circumstances Envelope will be examined by the City Clerk within 24 hours of the close of voting at a time and place designated by the City Clerk, and that they have a right to be present at the time of examination so long as they can attest that they are unaware of the identity of the Voter(s) who marked the affected Ballot(s).
3. After the close of voting, the Deputy Returning Officer at the Poll will remove the Special Circumstance Envelope from the Auxiliary Compartment and write the Ward and Poll number on the envelope. The Deputy Returning Officer shall make record of the number of Ballots contained in the envelope.
4. The Deputy Returning Officer shall ensure the Special Circumstances Envelope is delivered securely to the City Clerk immediately upon returning to the Return Location.
5. The City Clerk shall designate a time and place within 24 hours of the close of voting at which time the Ballot(s) shall be removed from the Special Circumstances Envelope and a determination will be made by the remake team and City Clerk of the valid votes contained in the Ballots.
6. The remake team shall consist of two Assistant Returning Officers and the City Clerk.
7. The remake team shall process one envelope at a time.
8. The remake team shall remove the Ballot contained in the **SPECIAL CIRCUMSTANCE BALLOT – ORIGINAL** envelope.
9. Each Defective Ballot that is to be remarked and its corresponding duplicate must be identically serial numbered in chronological order. The serial numbers must be recorded only on the bottom edge of the back of the Ballot. The remake team shall keep track using the Defective Ballot Record Sheet.
10. The remake team shall record the ward and Ballot type on the Defective Ballot Record Sheet.
11. Place the original defective Ballot back in the **SPECIAL CIRCUMSTANCE BALLOT – ORIGINAL** envelope. Place the duplicate Ballot in the **SPECIAL CIRCUMSTANCE BALLOT – DUPLICATE COPY** envelope.
12. Upon completion, seal the envelope marked **SPECIAL CIRCUMSTANCE BALLOT –**



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**ORIGINAL** and place it in a file for each ward and place the **SPECIAL CIRCUMSTANCE BALLOT – DUPLICATE COPY** envelope in the outgoing tray.

13. The envelopes will be removed from the outgoing tray and tabulated through the Vote Tabulator.
  - 13.1 Once the replacement Ballot(s) have been tabulated, they will be placed back in the **SPECIAL CIRCUMSTANCE BALLOT – DUPLICATE COPY** envelope.
  - 13.2 The City Clerk and/or designated Election Official shall sign the **SPECIAL CIRCUMSTANCE BALLOT – DUPLICATE COPY** envelope, indicating the ballot has been tabulated successfully.