

## **VOTE BY MAIL - CLERK'S PROCEDURE**

### **1 INTRODUCTION**

- 1.1 Council of The Corporation of the Town of the Niagara-on-the-Lake approved by-law 5404-22 on March 28, 2022 authorizing the use of optical scan vote tabulators and to offer the Vote by Mail option to electors during the 2022 Municipal Election.
- 1.2 Municipal Elections are conducted in accordance with the *Municipal Elections Act, S.O. 1996*, as amended. The Clerk has established the procedures and forms required to conduct Mail-in Voting under the authority of Section 42(3) of the Municipal Election Act.
- 1.3 The contents of this document are intended only as a guide to certain provisions of relevant legislation and do not purport to recite all applicable statutory references.

### **2 ELECTION PERSONNEL**

- 2.1 The Clerk is responsible for conducting the Municipal Election,
- 2.2 The Clerk may appoint in writing, Deputy Returning Officers (DRO's) and such other officials as required to assist in the administration, management, security and control of the Vote by Mail program.
- 2.3 Written appointments and delegation of duties to DROs and Election Officials shall include the authority to require any person participating in the Vote by Mail program to furnish proof of identity or qualifications pursuant to the Municipal Elections Act, 1996.

### **3 VOTE BY MAIL PROCESS**

- 3.1 Qualified electors, whose names appear on the Voters' List, wishing to Vote by Mail are required to Sign Up in person commencing September 12 and ending October 7, 2022 before 2:00 p.m.
- 3.2 Applications must be made in person on the Application to Vote by Mail form at the Municipal Offices. All electors are required to provide prescribed proof of identity and qualifying residence (see attached Appendix I for acceptable documents for voter identification). Vote by Mail application

forms (Appendix II) are available in the Clerk's Department, or Customer Experience Counter in the Town Municipal Offices, 1593 Four Mile Creek Road, Virgil during normal office hours, Monday to Friday 8:30 a.m. to 4:30 p.m.

- 3.3 The Clerk will mail the 'Vote by Mail Kit' to every qualified elector who signs up for Vote by Mail by October 7, 2022 no later than 2:00 p.m. The Vote by Mail Kits will be deposited in Canada Post regular mail service October 7, 2022 after 2:00 p.m.; or it can be picked up after this date at the Town Municipal Offices if prearranged.
- 3.4 Candidates will receive from the Clerk a list of electors who have chosen to vote by mail prior to the advance poll.
- 3.5 The Vote by Mail Kit shall consist of:
  - Voting Instruction Sheet
  - Voter Declaration Form
  - Composite Ballot containing offices elector qualified to vote for
  - Ballot marker pen
  - Ballot Secrecy Envelope
  - Other Return Envelope with prepaid postage
  - Such other material as the Clerk determines
- 3.6 Upon receipt of the Vote by Mail Kit, the elector shall complete the composite ballot, by marking the circular space beside the name of the candidate or candidates in each office they wish to vote for using the marker pen provided, then placing the completed ballot into the Ballot Secrecy Envelope and seal the envelope. The elector shall also complete and sign the Voter Declaration Form and place it, along with the **sealed** Ballot Secrecy Envelope, into the prepaid Return Voting Envelope and seal it. The prepaid Return Voting Envelope must be delivered by mail or in person to the Town Municipal Offices "Ballot Return Station" by no later than 8:00 p.m. on election day, Monday, October 24<sup>th</sup>, 2022, at 8:00 p.m.
- 3.7 If a qualified elector does not receive their Vote by Mail Kit by October 14, 2022 or if the Vote by Mail Kit is lost or destroyed, the elector may attend at the Municipal Offices and complete an "Application for a replacement Vote by Mail Kit. (Appendix 111) A new Vote by Mail Kit will be issued to the elector at the Customer Experience Desk, by the Mail in Ballot election

official after they have confirmed the elector's signature on the application form. It will be noted on the Voters' List by the election official that the elector was issued a new Vote by Mail Kit.

- 3.8 All Vote by Mail ballots, included in the Vote by Mail Kits, **must** be returned to the "Ballot Return Station" located at the Customer Experience Desk in the Town Municipal Offices, 1593 Four Mile Creek Road, Virgil by no later than 8:00 p.m. on October 24, 2022.
- 3.9 Vote by Mail ballots **will not be accepted** at any of the Voting Poll Locations on election day or at Advance Polls. Vote by Mail ballots can be dropped off at the "Ballot Return Station" located in Town Hall until 8 p.m. on election day.
- 3.10 Any electors who sign up for Vote by Mail and have not voted and decide to attend a Voting Poll Location to vote will be permitted to receive a ballot and vote only after the election clerk has checked their name on the voter's list and verified that a mail in ballot has not been received from that elector. After issuing the elector a ballot the elector's name will be marked as having voted at that voting location. If mail in ballot is then later processed by the mail in ballot team, when checking the voters list, they will see the elector has voted and then will cancel their mail in ballot.
- 3.11 In addition to using regular mail service, the "Ballot Return Station" will be available for those electors wishing to deliver or have delivered their Return Voting Envelope directly to the Customer Experience Desk, in the Town Municipal Offices, 1593 Four Mile Creek Road, Virgil.

It is the responsibility of the elector to mail their ballot back to the Clerk in a timely manner, it is suggested to deposit the Return Voting Envelope in regular mail service no later than October 14, 2022. Following this date, to ensure your ballot is counted, electors are encouraged to deliver their Return Voting Envelope at the designated "Ballot Return Station" located in the Municipal Offices.

**The "Ballot Return Station" for Return Mail in Voting Envelopes Hours:**

**October 10, 2022 to October 21, 2022**  
**Monday to Friday 8:30 a.m. to 4:30 p.m.**  
**and**  
**Voting Day, Monday, October 24, 2022**

**8:30 a.m. until 8:00 p.m.**

3.12 On Voting Day, October 24, 2022, the Town Municipal Offices will close at 4:30 p.m. to the public with the exception of those dropping off Vote by Mail ballots. Vote by Mail ballots can be dropped off at the Ballot Return Station located in Town Hall until 8 p.m.

#### **4 PROCESSING THE MAIL IN BALLOTS RECEIVED AT THE BALLOT RETURN STATION EACH DAY**

- 4.1 Each day as Return Voting Envelopes are received either by mail or at the Ballot Return Station, the Clerk or designate will open the Return Voting Envelope.
- 4.2 All Return Voting Envelopes that contain one Voter Declaration Form and one Ballot Secrecy Envelope, shall be treated in the following manner:
- 4.3 Remove the sealed Ballot Secrecy Envelope and Voter Declaration Form. Using the voter declaration form they will update the Voters' List by striking off the elector from the Voters' List. The ballot secrecy envelope will be delivered to Committee Room 2 for placement into the secure ballot box. The list may be inspected by candidates and Scrutineers at any time during normal business hours.
- 4.4 Any Return Voting Envelope, which contains more than one Voter Declaration Form or more than one inner Ballot Secrecy Envelope, shall be treated in the following manner:
  - (a) Return Voting Envelopes containing equal numbers of Ballot Secrecy Envelopes and Voter Declaration forms WILL BE ACCEPTED and the voter declaration forms information will be used to update the voter's list and the Ballot Secrecy Envelopes securely delivered to Committee room 2 and placed in the secure ballot box.
  - (b) Return Voting Envelopes containing more Ballot Secrecy Envelopes than Voter Declaration Forms WILL BE delivered to Committee Room 2 and HELD FOR REVIEW AFTER 6:00 PM ELECTION NIGHT. On election night after 6:00 p.m., officials will open the ballot secrecy envelopes without looking at the ballot and determine if any voter declaration forms are inside, if yes, then the same number of ballots as there are declaration forms will be placed in the secure ballot box. If no declaration forms are found in the ballot secrecy envelope, then only the number of ballots matching the number of declaration forms enclosed in the ballot return

envelope will be deposited in the secure ballot box. The declaration form information will be used to update the voters list to confirm the elector has not voted at the polls prior to processing the mail in ballot. If not marked as voted at the polls, then mark them as voted by mail in ballot. If already marked as voted at the polls, then reject the mail in ballot and do not place in the sealed ballot box for tabulation.

- (c) Return Voting Envelopes containing more Voter Declaration Forms than Ballot Secrecy Envelopes WILL BE delivered to Committee Room 2 and HELD FOR REVIEW AFTER 6:00 PM ELECTION NIGHT. On election night after 6:00 p.m., officials will open the ballot secrecy envelopes without looking at the ballot(s) and determine the number of ballots inside, if the secrecy envelopes contain multiple ballots, then the same number of ballots as there are declaration forms will be placed in the secure ballot box. If there are not multiple ballots in the secrecy envelope, the ballot will be accepted and placed in the secure ballot box. The declaration form information will be used to update the voters list to confirm the elector has not voted at the polls prior to processing the mail in ballot. If not marked as voted at the polls, then mark them as voted by mail in ballot. If already marked as voted at the polls, then reject the mail in ballot and do not place in the sealed ballot box for tabulation.
- 4.5 At 8:00 p.m. on Voting Day, the Ballot Secrecy Envelopes located in the secure ballot box will be removed and opened in the Vote by Mail Counting Centre located in Committee Room 2 in the Town Municipal Offices as designated by the Clerk.
- 4.6 Vote by Mail Return Voting Envelopes received by the Clerk after 8:00 p.m. on Voting Day shall not be opened or processed, but shall be date and time stamped and retained for the statutory document retention period. The Clerk shall retain the ballots and all other documents and materials related to an election for 120 days after declaring the results of the election; and, when the 120-day period has elapsed, the Clerk, (a) shall destroy the ballots, in the presence of two witnesses; and (b) may destroy any other

documents and materials related to the election (Section 88 (1) (2) Municipal Elections Act, 1996).

## **5 REJECTION OF VOTE BY MAIL BALLOTS**

- 5.1 In addition to rejecting mail in voting ballots for violations of the Municipal Elections Act, 1996, the following conditions will also cause a mail in voting ballot to be considered rejected:
- (a) if upon opening the Return Voting Envelope the Voter Declaration Form is not signed;
  - (b) if upon opening the Return Voting Envelope there is no declaration form enclosed
  - (c) if there are identifiable marks on the sealed Ballot that identify the elector;
  - (d) if the elector's name on the voters list is marked as having voted at the regular or advance polls

## **6 COUNTING PROCEDURE**

- 6.1 On Voting Day, October 24, 2022, the Town Municipal Offices will be closed to the public at 4:30 p.m. with the exception of those dropping off Vote by Mail ballots to the Ballot Return Station. Certified candidates and authorized Scrutineers will be permitted to remain after the closing of the building if arrangements are made ahead of time to observe the tabulation of vote by mail ballots.
- 6.2 Committee Room 2 in the Municipal Offices will be established as the Vote by Mail ballot counting centre. Only the Clerk and Election Officials, certified candidates and authorized Scrutineers will be permitted to remain in the designated counting centre.
- 6.3 The doors to the designated counting centre will be closed at 8:00 p.m. on October 24th and only Election Officials will be allowed to enter thereafter. The vote tabulator will be activated and produce a zero-tape printout for all offices.
- 6.4 At 6:00 p.m. on October 24th, the ballot box containing the sealed Ballot Secrecy Envelopes received by the Clerk or designate will be opened in Committee Room 2, Municipal Offices to begin processing and a new box



will be placed at the ballot return center in order to accept ballots until 8 p.m.

- 6.5 After 8:00 p.m. on October 24<sup>th</sup> any remaining sealed Ballot Secrecy Envelopes will be opened and the ballots inside removed, the voters list updated to record the electors as voted using the declaration forms included, and then the ballots are inserted into the vote tabulator to be scanned and the vote totals recorded for each candidate,
- 6.6 After all voter declaration forms have been used to update the voters list record and all ballots have been inserted into the tabulator the vote tabulator operator will close the mail in vote poll and the tabulator will produce a results tape containing the vote totals for each candidate and a record of ballots cast,
- 6.7 In the event a ballot is accidentally torn when the sealed Ballot Secrecy Envelope is opened, the Clerk or Election Official shall mark a new ballot in full view of any scrutineers present for tabulation and counting and place the damaged ballot, with a note, in the Not Counted Envelope.
- 6.8 Once all ballots have been counted, the ballot box will be sealed and returned to the secured/locked area for storage.

## **7 SECURITY OF BALLOT DURING/AFTER THE VOTE**

- 7.1 At the end of each day the Clerk or designate will affix a seal to the ballot box, initial the seal and secure/lock the sealed ballot box in the Clerk's Department vault. Each morning the Clerk or designate shall inspect the seal to ensure it is intact, in the presence of another staff member. The seal will be broken when adding envelopes each day and resealed at the end of each day.
- 7.2 The secure ballot box shall be maintained at Committee Room 2 during the specified hours.
- 7.3 After 8:00 p.m. on voting day, the sealed box will be moved by the Clerk or Election Official to the Committee Room 2, Vote by Mail Counting Center at the Municipal Offices, and the box will be opened, the envelopes will be opened, and the declaration forms will be used to update the voters list and the ballots tabulated.
- 7.4 Only the marker provided in the Vote by Mail Kit is to be used to mark the ballot. A ballot maybe rejected by the tabulator machine if it is marked with

any other colour ink or pencil. If a ballot is rejected, the Clerk or their designated official will have the discretion to mark a replacement ballot in full view of any scrutineers present with the elector's voting choices with the approved marker and the rejected ballot will be placed in the Vote by Mail Non-Counted Ballot Envelope and the replacement ballot inserted into the vote tabulator for counting.

- 7.5 After the count, the duplicate original Statement of Results will be placed in the ballot box with the ballots, which will be sealed and initialed by the Clerk or designate and then secured/locked in the Clerk's Department.

## **8 SCRUTINEERS**

- 8.1 Each candidate may appoint, on the prescribed form, Scrutineers to be present to observe the election process and the counting of ballots at the designated counting centre in Committee Room 2, Municipal Offices and may remain when the doors are locked
- 8.2 A Scrutineer representing a candidate may be present at the tabulator station to observe the ballot box containing the sealed ballot return envelopes being opened and the ballots being removed and inserted into the vote tabulator. upon submission of his/her written appointment. The Scrutineer will be required to take the oral oath of secrecy form 1200. Only one Scrutineer per candidate may be present at one time at the tabulator station.
- 8.3 All Scrutineers must comply with the procedures that are set out on their appointment form.

## **9 EMERGENCIES**

In the event of any condition of an emergency or any circumstance that will undermine the integrity of the election, the Clerk has the discretion to declare an emergency and make any arrangements deemed necessary for the conduct of the election.



## **10 AMENDMENT TO THIS DOCUMENT**

10.1 The Clerk at any time has the right to amend this document to facilitate the vote, the count, the tabulation of the votes and the security of the process.

10.2 The Clerk's ruling on any interpretation of the document is final.

## **11 NOTICES FOR ALTERNATIVE VOTE BY MAIL & VOTE BY MAIL PROCESS**

11.1 Pursuant to s.40 of the Municipal Elections Act, proper notification shall be provided to electors regarding the passing of a by-law under clause 42(1)(b), the manner in which electors may use the alternative voting method

11.2 Notice of alternative Vote by Mail and registration procedure will be posted at [www.notl.com](http://www.notl.com); and will be made available to residents of the Town.

## **12 AMENDMENT TO THESE PROCEDURES AND RULES**

12.1 The Clerk, at any time, has the right to amend this document to facilitate the vote, count, tabulation of the votes and security or any other matter at the sole discretion of the Clerk.

12.2 The Clerk's ruling on any interpretation of this document is final.

*May 2, 2022*

## **APPENDIX I - VOTER IDENTIFICATION – PROOF OF IDENTITY & RESIDENCE**

*Municipal Elections Act, 1996*

### **Procedure**

In order to vote, an elector must show identification to prove they are the person whose name appears on the voters' list. The identification must show the place of address and name of the elector. Documents which may be used to show the name and address to prove identity and residence are listed in Schedule 1.

### **Schedule 1**

Acceptable Documents for Voter Identification:

1. An Ontario driver's licence
2. An Ontario Health Card (photo card)
3. An Ontario Photo Card
4. An Ontario motor vehicle permit (vehicle portion)
5. A cancelled personalized cheque
6. A mortgage statement, lease or rental agreement relating to property in Ontario
7. An insurance policy or insurance statement
8. A loan agreement or other financial agreement with a financial institution
9. A document issued or certified by a court in Ontario
10. Any other document from the government of Canada, Ontario, or municipality in Ontario or from an agency or such a government
11. Any document from a Band Council in Ontario established under the *Indian Act* (Canada)
12. An income tax assessment notice
13. A Child Tax Benefit Statement
14. A Statement Employment Insurance Benefits Paid T4E
15. A Statement of Old Age Security T4A (OAS)

16. A Statement of Canada Pension Plan Benefits T4A (P)
17. A Canada Pension Statement of Contributions
18. A Statement of Direct Deposit for Ontario Works
19. A Statement of Direct Deposit for Ontario Disability Support Program
20. A Workplace Safety and Insurance Board Statement of Benefits T5007
21. A property tax assessment
22. A credit card statement, bank account statement, or RRSP, RRIF, RHOSP, or T% statement
23. A CNIB Bard or a card from another registered charitable organization that provides services to persons with disabilities
24. A hospital card or record
25. A document showing campus residence, issued by the office or officials responsible for student residence at a post-secondary institution
26. A document showing residence at a long-term care home under the *Long-Term Care Homes Act, 2007*, issued by the Administrator for the home.
27. A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission
28. A cheque stub, T4 statement or pay receipt issued by an employer
29. A transcript or report card from a post-secondary school



**Department of Corporate Services**  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
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**APPENDIX II- VOTE BY MAIL APPLICATION FORM**

**CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE  
MUNICIPAL ELECTION 2022**

**LAST DAY TO SIGN UP - OCTOBER 7, 2022**

<b>Date:</b>					
<b>Government Approved ID Type:</b>					
<b>Roll #.2627-</b>					
<b>Last Name:</b>	<b>First</b>	<b>Middle</b>			
<b>Qualifying Address:</b>	<b>No.</b>	<b>Street</b>		<b>Postal Code</b>	
<b>Mailing Address:</b>	<b>No.</b>	<b>Street</b>	<b>PO Box/RR#</b>	<b>Town/City</b>	<b>Postal Code</b>
<b>Contact Phone:</b>					



**Department of Corporate Services**  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
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<b>Email:</b>
<b>Elector's Signature:</b>
<b>Election Official Initial:</b>

**APPENDIX III - APPLICATION FOR REPLACEMENT VOTE BY MAIL KIT**

Applicant's Name

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last name

first name

middle name

Qualifying Address on Voting Day

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roll # 2627

poll #

residential

com/ind

--	--	--	--

street #

street name

apt/unit#

po box/RR#

--	--	--

town/city

province

postal code

Mailing Address if different from above

--	--	--	--

street #

street name

apt/unit#

po box/RR#





**Department of Corporate Services**  
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town/city \_\_\_\_\_ province \_\_\_\_\_ postal code \_\_\_\_\_

I, \_\_\_\_\_, the person mentioned above hereby do

certify that I am \_\_\_\_\_ of \_\_\_\_\_

as shown on the Voters' List and Vote by Mail Sign Up form, and I make this solemn declaration that I did not receive/damaged/lost, the Vote by Mail Kit I requested to vote in the municipal election. I also declare that I have not previously voted at any Advance Poll or Polling Location on Voting Day.

Declared before me

At the Town of Niagara-on-the-Lake  
In the Regional Municipality of Niagara  
This \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Signature of Clerk or designate

\_\_\_\_\_  
signature of person requesting  
replacement Vote by Mail Kit

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date