

VOTING AT LONG TERM CARE HOMES – PROCEDURE

1. PURPOSE

This document sets out the Town of Niagara-on-the-Lake's procedures for voting in Institutions (Long-Term Care Homes) and Retirement Homes during the 2022 municipal election.

2. APPLICATION

These procedures apply to election officials designated by the Town Clerk, electors, candidates, scrutineers and institution (long-term care home) and retirement homestaff during the 2022 municipal election at the following locations and during the indicated date and times:

10:00 am – 11:00 am - Chateau Gardens
1:00 pm – 2:00 pm - Upper Canada Lodge
3:00 pm – 6:00 pm - Pleasant Manor

3. AUTHORITY/LEGISLATIVE REFERENCE(S)

Section 45(7) of the Municipal Elections Act, 1996 (MEA) requires voting places be provided at institutions (long-term care homes) and retirement homes on election day.

Section 45(8) of the MEA provides authority to the City Clerk to attend on an elector who is a resident of the institution (long-term care home) or retirement home, to allow them to vote.

Section 46(3) of the MEA provides authority to the City Clerk to reduce voting hours in institutions (long-term care homes) or retirement homes that are only for the use of residents of those institutions (long-term care homes) or retirement homes.

Section 53 of the Municipal Elections Act provides authority to the City Clerk to declare an emergency if they are of the opinion that circumstances have arisen that prevent the election being conducted in accordance with the Municipal Elections Act. Section 53(2) authorizes the City Clerk to make arrangements as deemed necessary for the conduct of the election.

4. ELECTION PERSONNEL

The Clerk is responsible for conducting the Municipal Election,

The Clerk may appoint in writing, Deputy Returning Officers (DRO's) and such other Election Officials as required to conduct voting at the Long-Term Care Homes (LTCH).

These officials will travel in groups of three to ensure that there are sufficient numbers to effectively provide for the secure transport of the ballot box and to conduct the LTCH vote.

5. HEALTH CONCERNS IN LONG-TERM CARE HOMES

Each LTCH will establish testing protocols for election staff to follow prior to entry to the facility. Election Officials will be provided by the Town a supply of facemasks, a clear visor, sanitizer for hands and for cleaning surfaces and pens.

Upon arrival at the LTCH the election officials will contact the assigned staff member to oversee testing protocols that the LTCH will have in place. It is expected that the LTCH protocols can change due to circumstances.

6. STORAGE AND SECURITY

All tabulators, memory cards, ballots and election supplies will be securely stored at the Town Clerk's designated location prior to use at the designated times and locations at each Long-Term Care or Retirement Home.

7. VOTING DAY PROCEDURES & PROCEDURES FOR THE USE OF VOTE TABULATORS

As far as possible, Election Officials shall follow the vote tabulator procedures as set out in the "Voting Day Procedures and Procedures for the Use of Vote Tabulators" policy.

The three Election Officials shall pick up the necessary supplies from the Town Administration Building, Committee Room 2 including:

- A "Critical Forms" file
- Physical copy of voters' list, separated by institution (long-term care home) or retirement home cohort/section
- ballot box containing unmarked ballots
- ballot transfer box to hold marked ballots
- Pens, magnifying sheets, pads of paper, secrecy folders, and other supplies to facilitate the ballot-marking process.

The three Election Officials shall proceed to the first LTCH. Staff at each LTCH will provide a room for Election Officials to establish their voting location.

8. IMPLEMENTATION

- (1) Institution (long-term care home) and retirement home staff will be contacted to assist with providing accurate and up-to-date information on residents and to facilitate the voting process in order to minimize the risk of COVID-19 transmission that may otherwise result from allowing external staff into these locations.
- (2) Administrative staff at each of the facilities will provide a list of residents who are eligible electors prior to election day.
 - (a) A designated election official shall verify that each elector is on the voter list.
 - (b) If an elector is not found on the voters' list, or if any of the elector's details are incorrect, the election official shall use the provided information to add or update their information on the voters' list.
- (3) Election officials or Staff from each institution (long-term care home) and retirement home will assist electors who may need help marking their ballot.

9. BED-TO-BED VOTING

A designated election official will deliver all necessary election supplies to the Deputy Returning Officer assigned at each institution (long-term care home) and retirement home prior to election day,

- (1) On election day, residents of the LTCH will be brought into the designated area to cast their vote.
- (2) Before issuing a ballot, the designated election officials shall ask the elector for identification that shows their name and qualifying address and ensure it matches the information on the voters' list.
 - (a) If a resident of an institution (long-term care home) or a retirement home does not have identification readily available, then any document issued by the institution can be accepted as identification, including the resident's chart or name on their bed or room, a wrist-bracelet and/or a list of residents provided by the institution (long-term care home) or retirement home. If an administrator of the institution (long-term care home) or retirement home is present, they can also confirm the identity of the resident.
- (3) To vote, the elector shall mark the ballot for their preferred candidate.

- (a) If required, the designated election official or other staff at the institution (long-term care home) or retirement home may assist the elector with marking their ballot.
 - (b) If staff at the institution (long-term care home) or retirement home act as an interpreter, the designated election official will take the Declaration of the Interpreter.
- (4) The elector will place their marked ballot in the secrecy folder and place the ballot in the ballot box provided by the Election Official
- (a) If the elector makes a mistake on their ballot, the Ballot Officer will:
 - 1. Fold the ballot in half
 - 2. Write "SPOILED" on the back of the ballot
 - 3. Place the spoiled ballot in the "spoiled ballots" envelope
 - 4. Issue a new ballot to the elector
- (5) Once the elector has successfully placed their ballot in the ballot box, the designated election official will mark that elector on the voters' list as having voted.
- (6) Election Officials will take the ballot box and voting supplies to those residents who are bedridden if requested.

10. CLOSE OF VOTING

- (1) Upon completion of all bed-to-bed voting in the institution (long-term care home) or retirement home location, the Deputy Returning Officer will:
- (a) Seal the ballot transfer box;
 - (b) Place all unused ballots into the ballot box, and
 - (c) Place all remaining supplies and envelopes in the transfer carrier and seal the transfer carrier.
- (2) The Deputy Returning Office will ensure that all ballots and voting supplies remain secure until the arrival of a designated election official.

11. CANDIDATES AND SCRUTINEERS

- (1) Candidates and scrutineers will not be permitted access to institutions (long-term care homes) or retirement homes.
- (2) Candidates and scrutineers are permitted to attend the tabulation of ballots collected from institutions (long-term care homes) and retirement homes. The

Town Clerk shall provide advance notice to candidates of the scheduled time and location.

12. SECURITY OF THE BALLOT BOX

The roving poll will use one ballot box that will be sealed at the end of voting at each LTCH and re-used at the next LTCH.

The ballot box will be sealed a final time at Pleasant Manor at which point it will be returned to the secure location within Town Hall.

The ballot box seal will be opened at both Upper Canada Lodge and Pleasant Manor in view of Election Officials, LTCH staff and any scrutineers present to facilitate voting at those locations.

13. TABULATION AND RESULTS

- (1) Designated election officials will open the sealed ballot box at the Town Administration Building and tabulate the ballots at the time designated by the Town Clerk.
- (2) A team of designated election officials will retrieve the ballot boxes from secure storage.
- (3) Once all of the ballots have been removed from the ballot boxes, they will be run through a vote tabulator.
- (4) Should a vote tabulator reject a ballot, the following process shall be followed:
 - (a) Where there are no marks in any of the designated voting spaces, the designated election official shall re-feed the ballot into the tabulator and press the button under "Count as Marked" until the ballot is drawn into the tabulator.
 - (b) Where the tabulator returns the ballot because it detects more votes in the designated voting spaces than an elector is entitled to mark on the ballot, the designated election official shall re-feed the ballot into the tabulator and press the button under "Count as Marked" until the ballot is drawn into the tabulator.
 - (c) Where there are marks in the designated voting space(s) but the tabulator cannot process the ballot, the designated election official shall re-insert the ballot, trying different orientations (face-down/head-first/last).
- (5) If the vote tabulator rejects the ballot again, the ballot shall be set aside for

examination and the following process will be followed on the set-aside ballots:

- (a) Where there are no marks in any of the designated voting space(s) for the applicable office and the tabulator cannot process the ballot, the designated election official shall:
 - i. place a "Cancelled – Replaced Ballot" label on the back of the original ballot;
 - ii. write "Institution Ballot", put a checkmark beside "Ballot Rejected" and sign the Label and then file it in the designated folder;
 - iii. issue a replacement ballot; and
 - iv. feed the unmarked replacement ballot into the tabulator.
- (b) Where there are marks in the designated voting space(s) for the applicable office and the tabulator cannot process the ballot, the designated election official shall replace the ballot. The Town Clerk or designate shall:
 - i. place a "Cancelled – Replaced Ballot" label on the back of the original ballot and file it in the designated folder;
 - ii. prepare a replacement ballot in full view of any certified candidates, scrutineers or lawyers by making a replica mark in the appropriate designated voting space(s) on the replacement ballot;
 - iii. Write "Replacement Ballot" on the back of the replacement ballot and sign it; and
 - iv. feed the replacement ballot into the tabulator.
- (6) When all ballots have been fed through the vote tabulator, all tabulators, memory cards, ballots, and other election supplies will be returned to secure storage.
- (7) The tabulated results of the institution (long-term care home) and retirement home ballots will not be accessed or generated until after the close of voting on election day at the City Clerk's designated location.
- (8) The results will be incorporated into the Town's results system on election night.

14. RETENTION OF ELECTION DOCUMENTS

The Town Clerk will not alter the ballots, documents and materials and will retain them in the same manner as is provided for in the MEA for the keeping of election records, except in accordance with this policy.

15. RECOUNTS

If a recount is held, the votes will be counted in the same manner as the votes were initially counted

16. 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.

17. AMENDMENT TO THESE PROCEDURES AND RULES

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.

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

Date Approved: May 16, 2022