



POLICY TITLE	Voting Procedures and the Use of Voting Tabulators and Internet Voting		
CATEGORY	Governance		
POLICY NUMBER	A09 GOV 002 LS		
DEPARTMENT	Legislative Services		
POLICY AUTHOR	Town Clerk		
POLICY TYPE	Administrative Policy		
APPROVED BY	Council		
EFFECTIVE DATE	JUN 01 2022	REVIEW DATE	JUN 01 2026

POLICY STATEMENT

This procedure has been prepared and is being provided to all nominated candidates pursuant to Section 42 of the [Municipal Elections Act, 1996](#). The Clerk may, in writing and in accordance with the provisions of the Act, amend or supplement these procedures and in such case, the Clerk shall provide notice to each candidate of the amendment or supplement in a form and manner and at a time that the Clerk considers adequate in order to give reasonable notice or to convey the information.

Every effort has been made to ensure the accuracy of these procedures; however, in all cases, the actual text of the applicable legislation and/or by-laws should be referred to. It is also important to note that while these procedures provide important election information, it is the responsibility of each prospective candidate to ensure compliance with all legislative and municipal requirements.

Should you have any questions respecting the Municipal Election process, do not hesitate to contact us at:

Town of Lincoln
Clerk's Department
4800 South Service Road
Beamsville, ON
L3J1L3
Tel: 905-563-8205
Email: election@lincoln.ca



POLICY PURPOSE

The purpose of this policy is to ensure an accountable and transparent election process during a municipal election.

LEGISLATIVE AUTHORITY

- [Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched](#)
- [Town of Lincoln By-Law 2022-25](#)

POLICY SCOPE & EXEMPTIONS

This policy applies to the 2022 Municipal Elections to be held in the Town of Lincoln, in accordance with the Council passed By-law No. 2022-25 pursuant to Section 42 of the Act authorizing the use of vote tabulators at the voting places, the use of internet voting and proxies as alternative voting methods, and to authorize advance voting for the 2022 Municipal Election.

Where this procedure does not provide for any matter, an election to which this procedure applies shall be conducted in accordance with the principles of the Act.

Where a form of words or expression are prescribed by this procedure, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.

The Clerk may, in writing and in accordance with the provisions of the Act, amend these procedures and in the case of such amendment, shall provide notice to each candidate of the amendment in a form and manner and at a time that the clerk considers adequate in order to give reasonable notice or to convey the information.

POLICY ADMINISTRATION

1. Roles and Responsibilities

a) Election Officials

The Clerk may appoint Election Officials for the purposes of this policy and may designate their titles and duties including Deputy Returning Officers

2. Voting Subdivisions

1. The Clerk may divide the municipality into voting subdivisions.



3. Ballots

1. Composite ballots combining the contents of two or more separate ballots shall be prepared to conform as closely as possible to the prescribed form and rules provided for in the Act.
2. On the ballot to the right of each candidate's name, there shall appear a space suitable for the marking of the ballot.
3. Section 41 (2) of the Act applies with necessary modifications to the ballots for by-laws and questions.

4. Vote Tabulators

1. The Clerk shall designate voting places where the Vote Tabulator(s) will be located.
2. Where the Clerk has not provided a Vote Tabulator at a voting place, the Clerk shall designate a place to which the ballots shall be taken after the close of the voting to be tabulated.

5. Programming of the Vote Tabulators

1. Vote Tabulators shall be programmed so that a printed record of the number of votes cast for each candidate and with respect to each by-law and question can be produced.
2. Vote Tabulators may be programmed so that the following ballots are returned to an election official for confirmation as provided for in this Policy:
 - a) A ballot without votes specified in any of the provided voting spaces, as determined by a vote tabulator, with the message "Blank Ballot."
 - b) A ballot with more designated voting spaces marked for an office than the voter is entitled to vote for, as determined by a vote tabulator, with the message "Overvoted."
 - c) 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 with the message "Defective Ballot."
 - d) A ballot that has been marked in such a way that it contains one or more unclear marks with the message "Ambiguous Mark."
3. Vote Tabulators will not be programmed to return under voted ballots as it is a common strategy and a permissible practice for electors to purposely under vote. This would cause many ballots to be returned at the poll and would unnecessarily slow the voting process.



6. Testing of Vote Tabulators

1. Prior to Voting Day, the Clerk shall test the Vote Tabulators to ensure that they will accurately count the votes cast for all candidates, by-laws and questions.
2. When testing the Vote Tabulators, adequate safeguards shall be taken to ensure that the system, or any part of it, that is 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 vote tabulator.
3. Tests shall be conducted by:
 - a) loading Memory Packs into the Vote Tabulators;
 - b) tabulating a pre-audited group of ballots; and
 - c) comparing the output of the tabulation against the pre-audited results.
4. If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected and the test repeated until an errorless count is made.

7. Candidates and Scrutineers

1. Candidates may, in writing and using the prescribed forms, appoint scrutineers to represent them at a voting place in accordance with the Act.
2. Scrutineers must show their written appointment to election officials upon entry to the voting place and at any time thereafter upon demand of an Election Official.
3. The Deputy Returning Officer is responsible for the conduct of the voting place and no candidate or scrutineer has any right to interfere with the Deputy Returning Officer in the discharge of his/her duties.
4. During the fifteen minutes before the opening of the voting place, the candidates or scrutineers who are entitled to be present in a voting location during voting hours are entitled to visually inspect the ballots and any other papers, forms and documents relating to the vote but not so to delay the timely opening of the voting location.
5. Only one scrutineer for each certified candidate for each Vote Tabulator or ballot box at a Voting Place may be present within the Voting Place at any time. If the candidate or another of their scrutineers enters the Voting Place, the original scrutineer shall leave.
6. It is recommended that scrutineers supply themselves with a clipboard for their use, as sitting at the tables provided for election officials is not permitted.



7. Candidates and scrutineers shall not attempt to directly or indirectly influence how an elector votes.
8. Candidates and scrutineers are not allowed to enter a voting compartment while occupied by an elector, or to be in a position to see how the elector marks their ballot.
9. Candidates and scrutineers shall not campaign or display any campaign material or literature at a Voting Place and shall abide by all rules and procedures regarding the Voting Place as established by the Clerk and by the Municipal Elections Act.
10. If an elector is objected to by a scrutineer, the election official shall note the objection on the Voters' List and require the elector to take a prescribed oath prior to issuance of a ballot.
11. To protect the secrecy of the vote, candidates and scrutineers shall not be permitted to examine marked ballots or object to marked ballots or the tabulating of votes on marked ballots as provided for in clauses 47(5)(e) and 47(5)(f) and Subsection 54(3) of the Act as the ballots are being fed into the vote tabulator by an election official.
12. The total of votes cast for each candidate as counted by the vote tabulating equipment and as accepted by the Deputy Returning Officer is final.
13. A Deputy Returning Officer shall allow a candidate/scrutineer to inspect a printout of the results of the election as produced by a vote tabulating equipment.
14. After the close of voting and the tabulating of votes, a scrutineer may place a seal on the ballot box when the Deputy Returning Officer seals the ballot box, so that ballots cannot be deposited or withdrawn without breaking the seal.
15. A candidate or their scrutineer is entitled to be present when the ballot box and documents are delivered to the Clerk but in no case shall a candidate or a scrutineer interfere with or delay any such election processes.

8. Procedures in Normal Circumstances

1. As each elector arrives at the ballot issuing table, the election official verifies that the name of the person is entered on the Voters' List. The Deputy Returning Officer or an election assistant shall, at the same time as the ballot is delivered, provide a secrecy folder to each voter, and briefly explain the voting procedure.
2. Upon receiving the ballot, the voter shall:



- a) immediately proceed to a voting compartment; and
 - b) using the ballot-marking pen provided, vote by making a cross (“X”) or other mark on the ballot within the space designated for the marking of the ballot to the right of the name of each candidate for whom the elector wishes to vote.
3. After marking the ballot in the voting compartment, the voter shall:
- a) insert the ballot into the secrecy folder such that only the initials of the Deputy Returning Officer are visible; and
 - b) leave the voting compartment without delay; and
 - c) deliver the secrecy folder containing the ballot to the Deputy Returning Officer or election assistant attending the vote tabulator.
4. The Deputy Returning Officer or election assistant will request that the elector remain until the Vote Tabulator has successfully accepted the ballot, and shall, in the presence of the voter and without removing the ballot from the secrecy folder:
- a) verify that the ballot displays the initials of the Deputy Returning Officer;
 - b) if a vote tabulator is available in the voting place, insert the secrecy folder containing the ballot into the feed area of the vote tabulator until the vote tabulator draws the ballot from the secrecy folder in view of the voter; or
 - c) if a vote tabulator is not available in the voting place, insert the ballot directly into the ballot box from the secrecy folder in full view of the voter.
5. If a vote tabulator is available in the voting place but fails to operate, the Deputy Returning Officer or election assistant shall:
- a) insert the ballot into the auxiliary compartment of the ballot box; and
 - b) As per the Act process the ballots through the feed area of the vote tabulator after the close of the voting.
6. The Deputy Returning Officer or election official will thank the elector, and the elector shall promptly leave the voting location. A person whose ballot has been processed into the ballot box is deemed to have voted.
- 9. Procedures in Extraordinary Circumstances**
1. Vote Tabulators may be programmed to return a ballot for confirmation if the tabulator detects that the ballot is blank, overvoted, defective or contains ambiguous marks.



2. In the event that a vote tabulator returns a ballot to an election official for confirmation, the election official shall proceed as follows:
 - a) If the vote tabulator indicates that a “**Blank Ballot**” has been detected, the election official shall, without inspecting the ballot, advise the voter present that the vote tabulator was unable to detect any marks on the ballot in any of the election races. The election official will ask the voter if they would like the ballot returned for review to ensure that the ballot is marked as the voter intended.
 - i. If the voter accepts the offer to review the ballot, the election official will return the ballot to the voter (in a secrecy folder and without viewing the ballot) and the voter may proceed to the privacy area with the ballot to undertake the review. After review and, if necessary, correction, the voter will resubmit the ballot to the election official for processing through the vote tabulator. If the vote tabulator returns the ballot a second time after it has been reviewed and corrected, the voter will be afforded the opportunity of obtaining a new ballot from the Deputy Returning Officer.
 - ii. If the voter declines the offer to review the ballot, or the voter is no longer present, the election official shall direct the vote tabulator to accept the blank ballot.
 - b) If the vote tabulator indicates that an “**Overvoted**” ballot has been detected, the election official shall, without inspecting the ballot, advise the voter present that the vote tabulator has detected too many marks on the ballot in one or more of the election races. The election official will ask the voter if they would like the ballot returned for review to ensure that the ballot is marked as the voter intended.
 - i. If the voter accepts the offer to review the ballot, the election official will return the ballot to the voter (in a secrecy folder and without viewing the ballot) and the voter may proceed to the privacy area with the ballot to undertake the review. If the voter determines that the ballot is not marked as intended, the voter may proceed to the Deputy Returning Officer to obtain a replacement ballot. The Deputy Returning Officer will mark the original ballot as “cancelled”, place the ballot in a cancelled ballot envelope, deliver another ballot to the voter and instruct the voter on how to properly mark the ballot.
 - ii. If the voter declines the offer to review the ballot, or the voter is no longer present, the election official shall direct the Vote



Tabulator to accept the overvoted ballot and marks in any overvoted races will not be counted.

- c) If the vote tabulator indicates that a **“Defective Ballot”** has been detected, the election official shall advise the voter present that the vote tabulator was unable to process the ballot and that the ballot was not counted by the Vote Tabulator. Without inspecting the ballot, the election official will attempt to re-insert it into the Vote Tabulator. If the ballot is not accepted by the Vote Tabulator on the second attempt, the election official will ask the voter to obtain and mark a new ballot.
 - i. If the voter accepts the offer to obtain a new ballot, the election official will return the ballot to the voter (in a secrecy folder and without viewing the ballot) and the voter shall proceed to the Deputy Returning Officer for a replacement ballot. The Deputy Returning Officer shall mark the original ballot as “cancelled”, place the ballot in a cancelled ballot envelope, deliver a new ballot to the voter and instruct the voter on how to properly mark the ballot.
 - ii. If the voter declines the offer to obtain a new ballot, or the voter is no longer present, the election official will insert the defective ballot, without viewing it, into an envelope marked “Defective Ballot” and the ballot will not be counted.
- d) If the vote tabulator indicates that an **“Ambiguous Mark”** has been detected on a ballot, the election official shall, without inspecting the ballot, advise the voter present that the vote tabulator was unable to process the ballot and that the ballot was not counted by the vote tabulator. The election official will ask the voter if they would like the ballot returned for review to ensure that the ballot is marked as the voter intended.
 - i. If the voter accepts the offer to review the ballot, the election official will return the ballot to the voter (in a secrecy folder and without viewing the ballot) and the voter may proceed to the privacy area with the ballot to undertake the review. If the voter determines that the ballot is not marked as intended, the voter may proceed to the Deputy Returning Officer to obtain a replacement ballot. The Deputy Returning Officer will mark the original ballot as “cancelled”, place the ballot in a cancelled ballot envelope, deliver a new ballot to the voter and instruct the voter on how to property mark the ballot.



- ii. If the voter declines the offer to obtain a new ballot, or the voter is no longer present, the election official will insert the ballot with ambiguous marks, without viewing it, into an envelope marked “Ambiguous Ballots” and the ballot will not be counted.
 - iii. There are two possible types of ambiguous marks: a mark that is too light and which needs to be darkened in order to be clearly counted as a vote or inadvertent small marks made by a voter in a box where they had not intended to place a mark.
 3. The Vote Tabulator may also return a ballot to an election official if the vote tabulator identifies the ballot as an invalid ballot or if the vote tabulator fails to detect the mark of the DRO on the ballot. The election official may attempt to re-insert the ballot through the vote tabulator (without viewing any marks made by the voter on the ballot) or direct the voter to the Deputy Returning Officer for assistance.
 4. In the event that a Vote Tabulator malfunctions during the voting process and the Memory Pack is still functional, it may be necessary for an adjustment or replacement of the tabulator. In such cases, the Deputy Returning Officer or election assistant shall contact the Clerk for direction and remedy.

NOTE: at no time shall an elector be prevented from casting their ballot. During any tabulator “downtime”, ballots shall continue to be issued to eligible electors, marked by electors and received by a Deputy Returning Officer or election assistant where such ballots shall be processed into an auxiliary compartment of the ballot box for tabulation at the close of regular voting.

10. Procedures at the Close of Voting on Voting Day

1. If a vote tabulator has been used to tabulate the votes cast in a voting place, the Deputy Returning Officer or election official shall, after the close of the voting:
 - a) check the auxiliary compartment of the ballot box for ballots that have not been tabulated – any ballots contained in the auxiliary compartment shall be processed through the tabulator at this time;
 - b) record the number of electors displayed on the tabulator;
 - c) close the tabulator using the designated security key;
 - d) obtain the printed record of the votes cast for each candidate and, if applicable, the votes cast for and against a by-law or question;
 - e) sign the certificate portion of the printed record along with any candidates or scrutineers who are present and wish to sign;



- f) remove the printed record from the vote tabulator and place it in the statement envelope (zero total + final results tape);
- g) remove the tabulator from the ballot box and secure and seal the ballot box to ensure that the box cannot be reopened without breaking the seal and to cover the ballot slot (in accordance with 47(5)(c) a scrutineer may place a seal on the ballot box at this time);
- h) unplug and pack the tabulator in its transport box complete with power supply, security key and statement envelope containing the zero total and the final results tape;
- i) prepare a prescribed Composite Ballot Statement and place it in the prescribed statement envelope;
- j) count and place in separate envelopes,
 - i. cancelled and declined ballots;
 - ii. defective ballots (including ambiguously marked ballots, etc.);
 - iii. unused ballots.
- k) place all remaining supplies and envelopes, excluding the prescribed statement envelope, in the transfer carrier and seal the transfer carrier; and
- l) personally deliver the transfer carrier, ballot container, vote tabulator and statement envelopes to the office of the Clerk or to such other place as the Clerk has directed in writing.

NOTE: if sufficient election officials are present, the vote tabulator may be forthwith packaged and dispatched for personal delivery to the Clerk by a tabulator/ballot box messenger concurrently with the Deputy Returning Officer completing steps (i) through (l).

- 2. If a vote tabulator has been used to tabulate votes cast in a voting place 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 amount of time following the close of the voting, the Deputy Returning Officer or election official shall, after the close of the voting and after determining the tabulation cannot be completed,
 - a) contact the Clerk at Election Central for direction;
 - b) direction from the Clerk may be as follows:



- i. seal the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seal;
 - ii. secure the vote tabulator against receiving any more ballots;
 - iii. place all supplies and all cancelled, declined, defective and unused ballots in the transfer carrier and seal it;
 - iv. personally deliver all materials to a place designated by the Clerk where a back-up vote tabulator processes may be carried out;
 - v. follow the procedures set out in this Procedure to complete the tabulation of all votes cast by the elector of the voting subdivision.
 3. If a Vote Tabulator has not been provided, or if provided, has not been used to tabulate votes cast in a voting place,
 - a) the Deputy Returning Officer or election official shall, immediately after the close of voting, follow with necessary modifications the procedures in Section 15 Section 42.(6); and
 - b) report to the Clerk, or a person designated by the Clerk, so that the all votes cast may be tabulated and the procedures provided for in Section 15 and Section 42 (6), with necessary modifications, may be carried out.
 4. If, at the close of the voting, the Clerk is of the opinion that it is impracticable to count the votes with the Vote Tabulators, he or she may direct that any or all of the votes cast in the election be counted manually following as far as practicable the provisions of the Act governing the counting of votes. The decision of the Clerk shall be final.
 5. The Clerk shall, at the completion of the count, secure and retain the programs, Memory Packs, test materials and ballots in the same manner as is provided for in the Act for the keeping of ballots.
 6. The Clerk shall secure and retain, in the same manner as is provided for in the Act for the keeping of ballots, the pre-audited group of ballots and other materials used in the programming and testing of the vote tabulators, and shall not alter or make changes to such materials.
- 11. Advance Voting and Early Closing of Voting Places**
1. The results of the votes cast at an advance voting location or at a voting location that closes early under subsection 46(3) of the Act shall not be tabulated/printed until after 8:00 p.m. on voting day.

12. Internet Voting

1. Using the municipality's electors list, voter notification packages are mailed to voters prior to the election, providing standard election information such as voting times and locations, as well as providing instructions on how interested voters can vote by internet.
2. Voters interested in voting online follow these instructions, and log onto a secure registration server provided by the Town's Internet Voting Supplier.
3. Voters enter their assigned Voter ID and PIN, and then enter in required personal information not shown in the voter notification package (but otherwise contained on the Voters' List). This information is automatically verified by the system against the municipality's voter list to ensure validity and eligibility of the voter. Captcha security features also protect against fraudulent activities. Once a PIN Number has been used to cast a ballot, it is flagged by the system and cannot be re-used to obtain another ballot, to ensure only one electronic ballot is cast per voter.
4. Once the voter is verified by the system, they are prompted to read and declare that they have taken their Oath of Declaration. Once the voter has done this, they are ready to mark and cast their Internet Ballot.
5. The Internet ballot will have the same look and feel as a regular paper ballot but will include some additional features such as Help commands, optional visual zoom on candidate names, and accessibility features providing universal access, based upon the requirements of the [Accessibility for Ontarians with Disabilities Act, 2005](#).
6. After completing their ballot, the voter is prompted to review their choices. Once the voter has reviewed their ballot choices and made any desired changes, the voter will press the Cast Ballot button in order to cast the ballot.
7. Configurable options alert the voter of over votes, non-voted races, etc., providing the voter an opportunity to revise/correct the ballot or submit the ballot as marked. This ensures that the ballot submitted by the elector accurately reflects the intent of the voter.
8. After pressing the Cast Ballot button, the ballot information is:
 - a) hidden using data hiding technology (steganography) to guarantee privacy
 - b) encrypted to protect the information contained in the ballot



- c) hash coded (the entire ballot bitmap hash is calculated and appended to the ballot image) to ensure the ballot is not altered by malicious intent before reaching the election servers.
9. Once the server successfully receives the cast ballot, the system will display a Confirmation Screen, informing the voter that their ballot was successfully cast. Once the cast ballot has been received by the server, the electronic ballot program is deactivated for that voter, and therefore cannot be used by them again.
10. An electronic audit trail of the process is stored, for any future reference.
11. Once all polls close, election officials will initiate the vote count and reporting process to report totals from all voting methods, consolidating results under one reporting system.

13. Recounts

1. If a recount of votes for an office is held, the votes shall be recounted in the same manner as the votes were counted on voting day, unless otherwise ordered by a Judge pursuant to Section 58 of the Act.
2. Vote Tabulators shall be tested before the recount in the manner described in Section 6 of this policy.
3. A recount officer shall attend the recount and bring all appropriate ballot boxes, transfer carriers, Vote Tabulators, statement envelopes and all documents that, in the opinion of the recount officer, are relevant to the recount.
4. The recount shall be limited to the ballots originally tabulated by a Vote Tabulator on voting day, being those ballots contained within the applicable sealed ballot boxes.
5. At a recount using Vote Tabulators, the prescribed persons who may be present for the recount will not be entitled to examine ballots as they are processed through the Vote Tabulators and will not be permitted to dispute the validity of any ballot or how the votes on any ballot are counted by the Vote Tabulators.
6. Prior to a recount, the Clerk may provide additional detailed written procedures to administer the recount and extraordinary recount situations including, for example, in the event of a ballot that is torn or mutilated or otherwise not accepted by a Vote Tabulator. Such procedures shall be followed with any modifications as may be necessary and appropriate in accordance with the principles of the Act to accommodate the recount.



7. The result of a recount using a Vote Tabulator is final, and no further recount shall take place, unless,
 - a) the recount changes the winning candidate(s) of the election, as originally declared by the Clerk under Section 55 of the Act; or
 - b) a Judge makes an order under Section 58 of the Act requiring a recount to be held.
8. If clause 58(6) applies, the recount officer shall conduct a manual recount following, as far as practicable, the provisions of the Act governing the counting of votes and, subject to a Judge's order, shall recount only those voting subdivisions where the count at the recount differed from the count on voting day and the results of such manual recount shall prevail.
9. A manual recount shall be a recount of all the original ballots received from the voters in those voting subdivisions for those candidates and offices as may be prescribed.

14. Voting During COVID-19

As COVID-19 evolves, we continue to make voting easy and accessible. We are working with the Office of Niagara Region Public Health to ensure the health and safety of voters and election officials.

When you go to vote:

- Masks will not be required.
- Voters will not be asked to show proof of vaccination.
- All individuals will be asked to physically distance while inside voting locations and returning offices.
- Personal Protective Equipment (PPE) such as masks and hand sanitizer will be available.
- High-touch surfaces will be disinfected throughout the day.
- Signage will be posted throughout voting locations.

If any person is experiencing COVID-19 symptoms, they will not be allowed to enter the voting location. However, there will be curbside voting offered.

POLICY COMMUNICATION

This policy will be provided to candidates, third party advertisers, and placed on the Town's website.



DEFINITIONS

In this policy:

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

“Ballot-Marking Pen” means the designated black ballot-marking pen provided by an election official for the use by an elector to mark the ballot.

“Memory Pack” means a cartridge that is a removable, non-volatile memory card where all tabulated totals are stored.

“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, except for the mark of the Deputy Returning Officer.

“Valid Mark” means a mark made by an elector in the designated space on a ballot to the right of the candidate's name using a Ballot-Marking Pen.

“Vote Tabulator” means an apparatus that optically scans a specified area on the ballots to read the votes cast and to tabulate the results.

RELATED PROCUDURES

[Policy A09 GOV 003 LS - Accessible Election](#)

REVISION HISTORY

- 2022 – Revised and provided a new policy number.
- APR 27 2018 - Approved