



## Vote Count Tabulators

### Definitions

In this procedure:

**Act** -means the *Municipal Elections Act, 1996, S.O.c32* as amended.

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

**Designated Election Official** - means any person designated by the Clerk to perform certain election functions. The term "election official" includes but is not limited to the following; Deputy Returning Officer, Revision Officer, Election Assistant, and Poll Clerk.

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

**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 Designated Election Official.

**Vote Tabulator** -means a machine that digitally scans the ballots to read the votes and tabulate the results.

### 1. Application of Procedure

- (i) This procedure applies to an election conducted by Norfolk County that has passed a by-law under section 42 of the Municipal Elections Act 1996, authorizing the use of vote tabulators at the voting places.
- (ii) Any matter not provided for in this procedure shall be dealt with as far as practicable in accordance with the principles of the *Municipal Elections Act, 1996*.

### 2. Election Official

The Clerk shall in writing appoint election officials for the purposes of this Procedure and may designate their titles and duties.

### 3. Voting Subdivisions

The Corporation of Norfolk County has been divided into voting subdivisions within each of seven (7) electoral wards. Within the wards there may be a number various polls voting within one subdivision or there may be only one polling location. Voting results will be tabulated for the voting subdivisions on voting day; some of which will be reported cumulatively.

#### **4. Ballots**

- (i) There shall appear on the ballot to the right of each candidate's name a designated space for the marking of the ballot.
- (ii) Subsection (i) apply with necessary modifications to by-laws and questions.
- (iii) The instructions on the ballot direct the elector to vote by filling in the blank space adjacent to the candidate of their choice or the elector's answer to any by-law or question.

#### **5. Programming of the Vote Tabulators**

- (i) The vote tabulators shall be programmed so that a printed record of the number of votes cast for each candidate or answers to any by-laws or question can be produced.
- (ii) Ballots which the tabulators cannot read (i.e. ballots damaged or defective or that have been marked in a way that the ballot cannot be processed by a vote tabulator) and Ballots which are marked with overvotes will be returned by the tabulator for inspection.
- (iii) Undervoted ballots shall not be returned by the tabulator for inspection and shall be processed with the voted sections recorded.
- (iv) Prior to voting day, the Clerk shall have the vote tabulators tested to ensure that they will accurately count the votes for all candidates or answers to by-laws and questions that are marked with the pen provided and with a valid mark in the designated area.
- (v) 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 system

#### **6.** There are several "Testing" phases before the voting equipment is ready for use at the advance poll or for Voting Day.

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

(iv) Procedure for Testing Ballots

The test shall be conducted as follows

- a) assign a varying number of votes to a pre-audited group of ballots marked with the designated black ballot marking pen in designated area;
- b) manually count each valid vote and record the results;
- c) tabulate the pre-audited ballots using the vote tabulator; and
- d) compare the output of the tabulator with the pre-audited results.

(The following procedure is for the Thumbswitch Audio method of Voting)

(v) Procedure for Testing Audio

A test must include every type of ballot to be used and be comprised of samples of under-voted ballots, over-voted ballots, and properly completed ballots.

The test shall be conducted as follows:

- a) A list is to be compiled of predetermined votes to be cast;
- b) by using the headphones and hand-switch the votes for all races in the election are to be cast according to the predetermined list; and
- c) compare the results from the tape of the voting machine against the predetermined list of votes to be cast.

(vi) Test Documentation

A complete record of all testing phases shall be retained in the event that the competency of the voting equipment is questioned, all printouts, reports, and the test decks shall be retained for verification purposes. The 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 election records. The Clerk shall have access to the pre-audited group of ballots and other materials used in the programming of the vote tabulators.

Testing of Spare Vote Tabulators

- (vii) Prior to Voting Day, any "spare" vote tabulators shall be tested along with the other vote tabulators, as described in the section "Testing of Vote Tabulators".

**7. Candidates/Scrutineers**

- (i) Candidates may appoint scrutineers in writing to represent them at the voting place.
- (ii) Scrutineers shall show their written appointment to election officials, upon request.
- (iii) During the fifteen minutes before the Opening of the voting location, the

scrutineers who are entitled to be present in a voting location during voting hours are entitled to inspect the ballots and all other papers, forms and documents relating to the vote but not so as to delay the timely opening of the voting location.

- (iv) Only one scrutineer for each certified candidate for each piece of vote-counting equipment at the voting location may be present within the voting location at any time. If the candidate enters the voting location, the scrutineers shall leave.
- (v) The Designated Election Official shall provide a candidate/scrutineer, a printout of the results, signed by the DRO, if requested.
- (vi) To protect the secrecy of the vote, candidates or scrutineers will not be able to examine the ballots or to object to ballots as ballots are being fed into the vote tabulator by the Designated Election Official.

### **8. Procedure at the Voting Place**

- (i) If a vote tabulator is to be used in a voting place, the Designated Election Official shall, in the presence of all scrutineers and election officials present, cause the vote tabulator to print a copy of all totals in its memory pack before the opening of the voting place confirming "O" totals.
- (ii) If the totals are zero for all candidates, by-laws and questions, the Designated Election Official shall ensure that the zero printout remains affixed to the ballot box until the results are printed by the vote tabulator after the close of the vote. All election officials and scrutineers may sign the zero totals report, if they so desire. If the totals are not zero for all candidates, and questions/by-laws, the Designated Election Official or the election official shall immediately notify the Clerk and shall conduct the vote using the auxiliary back-up compartment of the ballot box until the vote tabulator is made operational or the Clerk provides a back-up vote tabulator to the voting location.
- (iii) In Instances where multiple days of polling occur at the same location the ballot box may be secured and affixed all totals representing the close and beginning of each polling period. If any incongruity exists in the totals in this period the Designated Election Official shall apply the procedure described in 8(ii) above.

### **9. Procedures under Normal Circumstances**

Once the elector is verified and has completed voting, the Designated Election Official shall, in the presence of the Voter and without removing the used ballot from the secrecy folder, verify their initials and then insert the used ballot into the feed area of the vote tabulator until the vote tabulator draws the ballot from the secrecy folder in full view of the voter.

## **10. Procedure for Audio Voting**

(This procedure is for the Thumbswitch Audio method of voting)

When an elector requests an audio vote, the Designated Election Official shall:

- (i) The Election Official will provide the elector with head phones and the hand switch, and will provide them with verbal instructions as to how to operate the equipment.
- (ii) To initiate the ballot, the Designated Election Official will contact the security key to the voting machine. The DEO will select the "start audio" option. From the list of audio ballot codes provided, select the proper ballot for that elector after the command "Enter the Ballot ID" and press 'yes'. The code entered will be shown in the display and the Designated Election Official will have the option of verifying the number by pressing the 'yes' option or cancelling the ballot identification number by pressing the 'no' option and re-entering the correct number.
- (iii) The audio ballot will start automatically, and once the voter has finished voting, the ballot will be processed and the vote counted.
- (iv) 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 inserting the next paper ballot.

## **11. Procedures in Extraordinary Circumstances**

Procedure in the event the tabulator cannot read the ballot:

- If a ballot is returned by the vote tabulator and the voter who delivered the ballot is present, the Designated Election Official shall re-insert the ballot into the feed area of the vote tabulator.
- If the vote tabulator again rejects the ballot, the Designated Election Official shall mark the ballot "cancelled-replaced", place the ballot in the cancelled-replaced envelope and deliver another ballot to the voter. The replacement ballot will then be re-inserted into the ballot feed of the vote tabulator.
- If the elector who delivered the ballot is present but declines to accept another ballot, the Designated Election Official shall mark the ballot "declined" and insert the original ballot into the "declined" envelope.
- If the elector who delivered the ballot is not present, the Designated Election Official shall re-insert the ballot into the feed area of the vote tabulator.

- If the vote tabulator again rejects the ballot, the Designated Election Official shall mark the ballot "cancelled". The Designated Election Official shall in full view of any candidates or scrutineers present, mark a new ballot with the same marks contained in the designated voting spaces on the original ballot, and the replacement ballot shall be clearly labeled "replacement" and given a serial number which shall also be recorded on the cancelled ballot. The cancelled ballot shall be inserted into the cancelled-replaced envelope, and the Designated Election Official shall substitute the replacement ballot for the cancelled ballot and feed the replacement ballot into the vote tabulator.

Carside/Bedside voting

- If required for accessibility reasons Designated Election Officials may attend to electors anywhere upon the property assigned as a polling location to provide a ballot. When doing so three requirements must be met.
  1. The eligibility of the elector must be confirmed;
  2. The secrecy of the voting process and ballot must be maintained;
  3. The elector must be instructed to remain in their location until the ballot (in the secrecy folder) can be processed through the tabulator and the Designated Election Official returns to confirm this.

**12. Procedure in the event a tabulator malfunctions during the voting process**

In the event that a tabulator malfunctions during the voting process and the memory card is still functional, it may be necessary for an adjustment or replacement of the tabulator. If this is necessary, the preferred course of action is to substitute the faulty equipment with a spare vote tabulator.

The following steps shall be performed in order to smoothly and quickly replace the faulty equipment and resume the regular voting activities.

NOTE: At no time shall an elector be prevented from casting their ballot. (a minor delay to open auxiliary ports on ballot boxes is not considered to hinder casting of a ballot and an elector who leaves during this momentary delay is considered to not have been hindered).

- (i) While a replacement tabulator is being transported to the polling location the auxiliary port of the ballot box shall be opened and utilized.
- (ii) The Designated Election Official shall remove the memory card from the malfunctioning tabulator, and insert the memory card into the replacement tabulator.
- (iii) The Designated Election Official shall pack up the faulty equipment and set up the substitute vote tabulator. In an effort to expedite the replacement, the election official who delivered the replacement tabulator may assist in packing

up the faulty equipment.

- (iv) The Designated Election Official shall turn on the replacement tabulator and proceed to print a re-start tape to verify the number of ballots processed to that point. No results are displayed on the tape. The DEO shall then sign the re-start tape and attach the tape to the ballot box. The existing ballot box continues to be used to accept ballots that are to be fed through the replacement tabulator for the remainder of the day.
- (v) At the Close of polls any ballots inserted into the separate auxiliary port will be pulled out and feed through the tabulator.
- (vi) Any ballots from the auxiliary box that are rejected shall be treated in the manner as described in Section 11 for processing returned ballots in regards to absent voters.
- (vii) In the event that a memory card malfunctions, the Designated Election Official shall immediately contact the City Clerk's Office. Once a replacement memory card has been provided, the Designated Election Official Shall:
- (viii) Verify that the vote tabulator and replacement memory card are operational, seal the ballot box containing any ballots which were previously processed or inserted into the auxiliary compartment during the "equipment swap" and set it aside in a secure location until the close of the poll.
- (ix) A new, empty ballot box is then used to accept ballots that are to be fed through the tabulator with the new memory card for the remainder of the day.
- (x) The Designated Election Official shall turn on the vote tabulator and proceed to print, verify and sign the zero totals report, as was done prior to the opening of the poll.
- (xi) The ballots in the original ballot box will be fed through the vote tabulator after the close of the poll.

### **13. Procedure for Closing the Voting Place for Advance Votes**

The designated election official shall, after the close of the first day of advance voting, check the auxiliary compartment for ballots to ensure all ballots have been processed. All ballots removed from the auxiliary compartment of the ballot box shall be processed through the voting machine.

The Designated Election Official Shall:

- (i) look at the display on the vote tabulator and write down the number of ballots processed through the unit;
- (ii) unplug the vote tabulator, seal the ballot box and the ballot feed slot in the vote tabulator, and place it in the carrying case

provided. Candidates or scrutineers may, if present place their seal on the equipment and ballot box; and

- (iii) personally deliver the vote tabulator and other election supplies to the Clerk or Designated Election Official or place in the secure locked location identified by the Clerk.

On the second day of advance voting, the vote tabulator and other election supplies shall be brought to the advance polling place. The vote tabulator shall be plugged in and the number of ballots cast on the display shall be verified with the number of ballots cast from the previous day's count. The seals are to be removed on the ballot box and the vote tabulator, and voting is to resume. At the close of voting on the second day, the Designated Election Official shall:

- (i) check the back-up compartment of the ballot box for ballots to ensure all ballots have been processed;
- (ii) Any ballots removed from the auxiliary compartment of the ballot box shall be processed through the voting machine. Where there are marks on the ballot in the designated voting space(s) but the vote tabulator cannot process the ballot, the Election Official shall follow the processes as outlined in Section 11 above.
- (iii) Print off from the tabulator the total amount of ballots case however not print of the results of such votes and attach totals to the ballot box;
- (iv) Secure the vote tabulator against receiving any more ballots;
- (v) Sign the certificate portion of the printed record along with any scrutineers or candidates who are present and wish to sign;
- (vi) Turn off the vote tabulator;
- (vii) Seal the ballot box to ensure the box cannot be reopened without breaking the seal and to cover the ballot slot;
- (viii) Perform all required Closing procedures and ballot counting from section 15. **Do not** however initiate the "Close Poll" function on the tabulator.(Print out on tabulator the balance numbers of ballots processed and attach to the ballot box, submit all envelopes and forms as well as ballot reconciliation statement) If "Closed Poll" is accidentally selected immediately place print off directly in secrecy envelop, unplug tabulator and notify the Clerk for next steps.
- (ix) The Designated Election Official shall deliver the vote tabulator with memory card intact, all ballot boxes and all other material to the location designated by the Clerk.

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**14. Advance Voting Results**

- (i) The total of the votes cast at the advance vote shall not be made available until after 8:00 p.m. on voting day.
- (ii) For this purpose, the Clerk shall review the final statement minus the final results and initiate the Close of Polls process. Candidates or scrutineers are allowed to be present for this process.
- (iii) The same procedure for "Closing the Voting Place on Voting Day" shall be followed.

**15. Procedure for Closing the Voting Place on Voting Day**

- (i) The Designated Election Official shall, after the close of the voting, check the auxiliary compartment of the ballot box for ballots to ensure all ballots have been processed;
- (ii) Any ballots removed from the auxiliary compartment of the ballot box shall be processed through the voting machine. Where there are marks on the ballot in the designated voting space(s) but the vote tabulator cannot process the ballot, the Election Official shall:
  - a) mark the ballot "cancelled/replaced";
  - b) prepare a replacement ballot in full view of any candidates or scrutineers present by marking a new ballot with the same marks made on the original ballot, and the replacement ballot shall be clearly labeled "replacement" and given a serial number which shall also be recorded on the cancelled/replaced ballot; substitute the replacement ballot for the cancelled/replaced ballot and feed the replacement ballot into the Vote Tabulator; and
  - c) place the cancelled/replaced ballot in the appropriate envelope.
- (iii) Look at the display on the vote tabulator and write down the number of ballots processed through the unit. The number will later be recorded on the statement form;
- v) Secure the vote tabulator against receiving any more ballots by invoking the "Close Poll" procedure for the vote tabulator;
- (v) Obtain a printed record of vote results given for each candidate and, if applicable the votes given for and against a by-law or question;
- (vi) Sign the certificate portion of the printed record along with any scrutineers or candidates who are present and wish to sign;
- (vii) Remove the Zero Totals Report and attached printed record of vote results from the vote tabulator and place them in the statement envelope;
- (viii) Provide additional copies of printouts for any scrutineer upon request;

- (ix) Turn off the vote tabulator;
- (x) Seal the ballot box to ensure the box cannot be reopened without breaking the seal and to cover the ballot slot;
- (xi) The Designated Election Official shall deliver the transfer carrying case, all ballot boxes, voting compartments, the vote tabulator with memory card intact and the return envelope to the Clerk; and
- (xii) 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 time following the close of the voting, the Designated Election Official shall after the close of the voting and after determining the tabulation cannot be completed:
  - a) seal the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seal;
  - b) secure the vote tabulator against receiving any more ballots;
  - c) personally deliver the ballot box, all supplies, and vote tabulator to a place designated by the Clerk where a back-up vote tabulator is located;
  - d) follow the procedures set out in Retesting of Vote Tabulators section to ensure that the totals of the back-up vote tabulator are zero for all candidates, by-laws and questions;
  - e) insert all the ballots from the ballot box into the back-up vote tabulator; and
  - f) follow the procedures for Closing the Voting Place on Voting Day.

#### **16. No Vote Tabulator Provided**

If a vote tabulator has not been provided in a voting place, the Designated Election Official shall immediately after the close of voting:

- (i) deliver all materials, and ballot boxes to the location designated by the Clerk;
- (ii) The Clerk, or a person designated by the Clerk, shall at the close of the vote, feed the ballots (from the voting location(s) where voting equipment was not used) into a vote tabulator and into the ballot box; and
- (iii) The "Procedure for Closing the Voting Place on Voting Day" shall be followed except in cases where no tabulator was provided for advanced polling in which case the process for advance poll closings as described above will apply.

#### **17. General**

- i) 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 all the votes cast in the election shall be counted manually following as far as practicable the provisions of the Act governing the counting of votes.
- ii) The Clerk shall, at the completion of the count, retain the programs, memory

packs, test materials and ballots in the same manner as is provided for in the Act for the keeping of election records.

- (a) The Clerk shall retain and may have access to the pre-audited group of ballots and other materials used in the programming
- (b) The Clerk shall not alter or make changes to the materials.

### **18. Recounts**

- i) If a recount of votes is held, the votes shall be counted in the same manner as the votes were counted on Voting Day;
- ii) All vote tabulators to be used in the recount shall be tested before the recount in the manner described in the Testing of the Vote Tabulator";
- iii) The Clerk shall attend the recount and bring the ballot boxes, vote tabulators, statement envelopes and all documents that, in the opinion of the Clerk, are relevant to the recount; and
- iv) Those persons referred to in subsection 61(5) of the Act are not entitled to examine each ballot as the votes are being counted.