

1. Background and Authority

- 1.1 On April 5, 2024, the City of Richmond Hill's City Clerk ("Clerk" or "Returning Officer") received notice that the York Region District School Board (the "Board") passed a resolution on April 2, 2024, under *Education Act*, R.S.O. 1990, c.E.2, as amended, requiring the Clerk to conduct a By-election to fill a vacancy in the office of York Region District School Board Trustee (Richmond Hill, Wards 1, 2 & 4).
- 1.2 Pursuant to Section 11 of the *Municipal Elections Act, 1996*, S.O., 1996, c.32, as amended (the "Act"), the City Clerk is responsible for conducting elections (including By-elections) in the City of Richmond Hill.
- 1.3 Section 42(1)(a) of the Act provides that a municipal Council may enact a by-law authorizing the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scan vote tabulators.
- 1.4 On June 9, 2021, City of Richmond Hill Council ("Council"), pursuant to Section 42(1)(a) of the Act, enacted By-law 74-21, authorizing the use of optical scan vote tabulators for all municipal elections and By-elections held in the City of Richmond Hill.
- 1.5 Section 42(2)(b) of the Act provides that a by-law passed under Section 42(1) of the Act applies to a By-election if the by-law is passed more than 60 days before voting day.
- 1.6 Section 42(3)(a)(i) of the Act requires the Returning Officer to establish procedures and forms for the use of any voting and vote-counting equipment such as voting machines, voting recorders or optical scan vote tabulators.
- 1.7 Section 42(4)1.ii of the Act requires the Returning Officer to establish the procedures referred to in Paragraph 1.6 at least 60 days before the first day on which any Voter can vote in a By-election.

2. Definitions

The definitions applicable to these Procedures are included in Appendix "A".

3. Application of Procedures

- 3.1 These Procedures shall apply to the 2024 School Board By-election.
- 3.2 In accordance with Section 12 of the Act, the Returning Officer may provide for any matter or procedure that is not otherwise provided for in the Act or regulation, and, in the Returning Officer's opinion, is necessary or desirable for conducting the election.

- 3.3 Where these Procedures do not specifically address a matter, the election to which these Procedures apply shall be conducted in accordance with the principles of the Act.
- 3.4 It is well established that the Principles of the Act are:
- (a) The secrecy and confidentiality of the vote is paramount;
 - (b) The Election should be fair and non-biased;
 - (c) The Election should be accessible to all Eligible Voters;
 - (d) The integrity of the process should be maintained throughout the Election;
 - (e) There is to be certainty that the results of the Election reflect the votes cast;
 - (f) Eligible Voters and Candidates should be treated fairly and consistently; and
 - (g) A proper majority vote decides the election by ensuring, so far as reasonably possible, that valid votes be counted and invalid votes be rejected.
- 3.5 The Returning Officer may appoint Designated Election Officials for the purposes of implementing these Procedures and may designate their titles and duties.
- 3.6 These Procedures may be amended as deemed necessary by the Returning Officer. Copies of any revised or amended Procedures shall be provided to all Candidates electronically via email.
- 3.7 These Procedures are subject to change in the event of a Declaration of Emergency, and as prescribed in Section 53 of the Act.

4. Voting Locations

- 4.1 The Clerk shall establish one or more Voting Locations for the 2024 School Board By-election, each of which shall be Vote Anywhere locations.
- 4.2 The Clerk shall designate those facilities located in Richmond Hill Wards 1, 2 and 4 that meet the Criteria in Section 45(7) of the Act as a Special Voting Location.
- 4.3 Notwithstanding the generality of Paragraph 4.1, and subject to Paragraph 4.4, an Eligible Voter may vote at any Voting Location regardless of which Voting Subdivision they live in.
- 4.4 Unless the Clerk provides for otherwise in any other policy or procedure, only a resident of a Special Voting Location shall be permitted to vote at a Special Voting Locations.

5. Paper Ballots

- 5.1 The Ballot shall include the names of each Candidate listed in alphabetical order by surname or single name.
- 5.2 A rectangular box, with an arrow pointing to each Candidate's name, shall appear on the Ballot to the right of each candidate's name as the Designated Voting Space for the marking of the Ballot.

- 5.3 There shall appear on the Ballot an area where the Designated Election Official shall enter his or her initials.
- 5.4 There shall appear on the Ballot an area where the Designated Election Official may enter a Voting Subdivision number.
- 5.5 There shall appear on the Ballot timing marks that are interpreted by the Vote Tabulator to verify that the document being processed is a valid Ballot.
- 5.6 There shall appear instructions on the Ballot that direct the Voter to vote by filling in the Designated Voting Space.
- 5.7 The type of Ballot to be used will be programmed into the Vote Tabulator.

6. Vote Tabulators - Deployment

- 6.1 Each Voting Location shall have at least one Vote Tabulator for the purposes of scanning Ballots and tabulating votes.
- 6.2 Subject to Section 15 (Vote Tabulator – Malfunction Procedures), the same Vote Tabulators assigned to a Voting Location will be used on each day of the Voting Period. For greater certainty, each Voting Locations' Vote Tabulator shall be used for both the Advance Vote and on Voting Day.
- 6.3 Notwithstanding Paragraph 6.1, the Returning Officer may designate that one Vote Tabulator be used for two (2) or more different Special Voting Locations.

7. Vote Tabulators - Programming

- 7.1 Vote Tabulators shall be programmed so that a printed record can be produced of the number of votes cast for each Candidate.
- 7.2 Vote Tabulators shall be programmed so that an audible beeping sound indicates to the Designated Election Official that one of the following Ballot errors have been detected by the Vote Tabulator and the Ballot is being returned for re-examination by the Voter:
 - (a) Designated Election Official's initials are missing;
 - (b) Blank Ballot;
 - (c) Over-voted Ballot;
 - (d) Ambiguously Marked Ballot;
 - (e) Misread Ballot; or
 - (f) Invalid Ballot.
- 7.3 Vote Tabulators will inform the Voter and Designated Election Official about the encountered Ballot error and prompt for acceptance (CAST button) or rejection (RETURN button) of the Ballot. The Designated Election Official shall follow the voting procedures outlined in Section 12 for the handling of all Ballot scenarios.

8. Voter Tabulators - Testing

- 8.1 Prior to the Voting Period, the Returning Officer shall conduct logic and accuracy testing (“L&A Testing” or “L&A Test”) of all Vote Tabulators to be used in the election, including any replacement Vote Tabulator, to ensure that they will accurately count the votes cast for all Candidates and operate as programmed. The Returning Officer shall give notice of the date, time and location of L&A Testing to all Candidates.
- 8.2 The L&A Test shall be conducted by:
 - (a) Powering up the Vote Tabulator.
 - (b) Loading the Memory Cards into the Vote Tabulators.
 - (c) Opening the Poll.
 - (d) Printing a Zero Report.
 - (e) Tabulating a pre-audited group of Ballots including Ballots that fall into each of the categories of Ballots described in Section 7.2 and Ballots on which are recorded a pre-determined number of votes for each Candidate.
 - (f) Printing the results from the Vote Tabulators.
 - (g) Closing the Poll.
 - (h) Reading the Memory Cards and testing the tally and reporting application.
 - (i) Comparing the output of the tabulation against the pre-audited results.
- 8.3 If the Returning Officer detects any error in the L&A Test, the cause of the error shall be identified and corrected and the test repeated until an errorless test is achieved and verified to the satisfaction of the Returning Officer.
- 8.4 The Returning Officer shall, at the completion of the L&A Test, clear the vote totals from the test Ballots in the Memory Cards and seal the Memory Cards inside the Vote Tabulator.
- 8.5 The Returning Officer shall retain, pursuant to Section 88 of the Act, the pre-audited group of Ballots referred to in Paragraph 8.2(e), the results tapes that were produced during the L&A Test and other materials used in the programming and testing of the Vote Tabulators.
- 8.6 The Returning Officer shall not alter or make changes to the materials referred to in Paragraph 8.5.

9. Vote Tabulator Set-up – Day One (July 13, 2024)

- 9.1 This Section 9 shall apply to the set-up of Vote Tabulators on Day 1 of the Advance Vote, namely Saturday July 13, 2024.
- 9.2 The Designated Election Official shall check the Vote Tabulator identification located on the Vote Tabulator to verify that it has been assigned to the correct Voting Location.
- 9.3 The Designated Election Official shall, in the presence of at least one other Designated Election Official, verify that there are no Ballots or other materials present in the Tabulator Stand.

- 9.4 The Designated Election Official shall position the Vote Tabulator on top of the Tabulator Stand, plug-in the Vote Tabulator, and follow instructions provided for powering on the Vote Tabulator.
- 9.5 The Designated Election Official shall verify that the date and time is correct.
- 9.6 The Designated Election Official shall open the poll by selecting OPEN POLL from the administrative menu on the Vote Tabulator.
- 9.7 The Designated Election Official shall, witnessed by at least one other Designated Election Official, confirm that the Vote Tabulator indicates "Ballots Cast: 0".
- 9.8 If the totals are zero (0), the Designated Election Official shall print two (2) Zero Reports and shall:
 - (a) Remove the first Zero Report from the Vote Tabulator, print and sign their name and display it in a place visible to all within the Voting Location.
 - (b) Ensure that the second Zero Report remains affixed to the Vote Tabulator until the results are printed by the Vote Tabulator after the close of voting on Voting Day. Without removing the Zero Report, the Designated Election Official shall print and sign their name on the Zero Report.
- 9.9 If the totals are not zero (0) for all Candidates, the Designated Election Official shall immediately notify the Returning Officer or Designated Election Official and shall direct Voters to another Vote Tabulator at the same Voting Location. If another Vote operational Vote Tabulator is not available at the Voting Location, the Designated Election Official will conduct the vote using the Auxiliary Compartment until the Vote Tabulator is made operational, or the Returning Officer or Designated Election Official provides a replacement Vote Tabulator to the Voting Location. If a replacement Vote Tabulator is used, Paragraphs 9.2 to 9.8 of these Procedures shall be carried out for the replacement Vote Tabulator.
- 9.10 If the totals are zero (0), the Designated Election Official shall commence the voting process as outlined in Section 12.

10. Vote Tabulator Set-up – Day Two (July 14, 2024) and Voting Day (July 15, 2024)

- 10.1 This Section 10 shall apply to the set-up of Vote Tabulators on Day 2 of the Advance Vote, namely Sunday July 14, 2024, and on Voting Day.
- 10.2 On Day 2 of the Advance Vote, and on Voting Day the Designated Election Official shall open the poll in the following manner:
 - (a) Check the Vote Tabulator identification located on the Vote Tabulator to verify it has been assigned to the correct Voting Location.
 - (b) In the presence of at least one other Designated Election Official, verify that there are no Ballots or other materials present in the Tabulator Stand.
 - (c) Remove any seals, other than the seals securing the Memory Cards, from the Vote Tabulator to allow the processing of Ballots.
 - (d) Position the Vote Tabulator on top of the Tabulator Stand and follow the instructions provided for powering the Vote Tabulator.

- (e) Verify that the date and time is correct.
 - (f) Verify that the number of Ballots cast displayed on the Vote Tabulator is the same number of Ballots cast as reported by the Designated Election Official from the previous day's voting.
 - (g) Select OPEN POLL and then select CONFIRM to resume voting and add results on the Vote Tabulator.
- 10.3 The Designated Election Official shall cause the Vote Tabulator to print a Status Tape. This Status Tape is to remain affixed to the Vote Tabulator and no additional copies are to be printed.
- 10.4 The Designated Election Official shall initial the Status Tape at the opening of each of Day 2 and Voting Day.
- 10.5 All Status Tapes shall remain affixed to the Vote Tabulator until the results report is generated at the close of voting on Voting Day.
- 10.6 Commence the voting process as outlined in Section 12.

11. Vote Tabulator Set-up and Closing – Special Voting Locations

- 11.1 Where a Vote Tabulator is assigned to more than one Special Voting Location, the Designated Election Official shall follow the procedures in Section 9 when setting up the Vote Tabulator at the first Special Voting Location.
- 11.2 Where a Vote Tabulator is assigned to more than one Special Voting Location, the Designated Election Official shall follow the Procedures in Section 10 when setting up the Vote Tabulator at each subsequent Special Voting Location.
- 11.3 The Designated Election Official shall follow the Procedures in Section 13 when closing the Vote Tabulator at each and every Special Voting Location. For greater certainty, votes cast at a Special Voting Location shall not be tabulated at a Special Voting Location. Votes cast at a Special Voting Location shall be tabulated in accordance with Section 17 of these Procedures.

12. Voting Procedures

- 12.1 The Returning Officer shall delegate to a Designated Election Official the authority to place the appropriate Voting Subdivision number on the Ballot, initial the Ballot, demonstrate how to mark the Ballot, issue the Ballot to a Voter in a Secrecy Folder and provide them with a Ballot Marking Pen.
- 12.2 Upon receiving the Ballot, the Voter shall:
- (a) Proceed to the Voting Screen; and
 - (b) Vote by placing a mark in the desired Designated Voting Space using the Ballot Marking Pen provided. (Where a Voter marks a Ballot with any other pen or pencil, it is a validly marked Ballot provided that the Vote Tabulator is able to read the Ballot).
- 12.3 After marking the Ballot, the Voter shall:
- (a) Insert the Ballot into the Secrecy Folder so as to conceal the votes and to expose the initials of the Designated Election Official;

- (b) Leave the Voting Screen without delay;
 - (c) Deliver the Secrecy Folder containing the Ballot to the Designated Election Official at the designated Vote Tabulator; and
 - (d) Remain with the Designated Election Official until they insert the Ballot into the Vote Tabulator and the Ballot has been accepted.
- 12.4 The Designated Election Official shall, in the presence of the Voter and without removing the Ballot from the Secrecy Folder, verify the initials of the Designated Election Official and insert the Secrecy Folder containing the Ballot, with the initials of the Designated Election Official face down, into the feed area of the Vote Tabulator and slide the Ballot from the Secrecy Folder until the Ballot is drawn into the Vote Tabulator.
- 12.5 Blank Ballot:
- (a) If a Blank Ballot is returned by the Vote Tabulator and the Voter who delivered the Ballot is still present, the Designated Election Official shall:
 - i. Quietly advise the Voter that the Vote Tabulator does not detect any votes in any of the Designated Voting Spaces; and
 - ii. Instruct the Voter to mark the Ballot in accordance with the instructions on the Ballot.
 - (b) If the Voter is not present or declines the opportunity to re-mark the Ballot, the Designated Election Official shall, using the Vote Tabulator, select the “CAST” button and cause the Vote Tabulator to accept the Ballot.
- 12.6 Over-Voted Ballot:
- (a) If an Over-Voted Ballot is returned by the Vote Tabulator and the Voter who delivered the Ballot is still present, the Designated Election Official shall:
 - i. Quietly advise the Voter that the Vote Tabulator detects more votes for the office than the Voter is entitled to vote for;
 - ii. Ask the Voter if he or she wishes another Ballot and, if so, select the RETURN button on the Vote Tabulator, fold the Ballot and mark the reverse side of the Ballot “Cancelled” and have the Voter return the Ballot to the Designated Election Official who initially issued the Ballot;
 - iii. The Designated Election Official who initially issued the Ballot shall place the Ballot into the Cancelled Ballot Envelope; and
 - iv. The Designated Election Official shall issue a replacement ballot to the Voter and instruct the Voter to mark the Ballot in accordance with the instructions on the Ballot.
 - (b) If the Voter is not present or declines the opportunity to mark another Ballot, the Designated Election Official shall, using the Vote Tabulator select the “CAST” button and cause the Vote Tabulator to accept the Ballot.
- 12.7 Misread Ballot:
- (a) If a Ballot is returned by the Vote Tabulator because it is damaged or defective or is otherwise unreadable by the Vote Tabulator and the Voter

who delivered the Ballot is still present, the Designated Election Official shall re-insert the Ballot into the feed area of the Vote Tabulator. If the Ballot is returned again by the Vote Tabulator, the Designated Election Official shall:

- i. Quietly advise the Voter that the Ballot cannot be processed by the Vote Tabulator;
 - ii. Ask the Voter if he or she wishes another Ballot and, if so, select the RETURN button on the Vote Tabulator, fold the Ballot and mark the reverse side of the Ballot "Cancelled" and have the Voter return the Ballot to the Designated Election Official who initially issued the Ballot;
 - iii. The Designated Election Official who initially issued the Ballot shall place the Ballot in the Cancelled Ballot Envelope; and
 - iv. The Designated Election Official shall issue a replacement Ballot to the Voter, and instruct the Voter to mark the replacement Ballot in accordance with the instructions on the Ballot.
- (b) If the Voter declines the opportunity to mark another Ballot, the Designated Election Official shall fold the Ballot and mark the reverse side of the Ballot "Declined", return the Ballot to the Designated Election Official who initially issued the Ballot to the Voter so that it can be placed in the Declined Ballot Envelope.
- (c) If a Misread Ballot is returned by the Vote Tabulator and the Voter who delivered the Ballot is not present, the Designated Election Official shall place the Ballot in the Special Circumstances Envelope and place the Envelope in the Auxiliary Compartment.

12.8 Ambiguously Marked Ballot

- (a) If a Ballot with an Ambiguous Mark is returned by the Vote Tabulator and the Voter who delivered the Ballot is still present, the Designated Election Official shall:
- i. Quietly advise the Voter that a mark in a Designated Voting Space on the Ballot is not sufficiently dark or complete to allow the Vote Tabulator to determine with certainty the Voter's intention;
 - ii. Return the Ballot to the Voter; and
 - iii. Instruct the Voter to mark the Ballot in accordance with the instructions on the Ballot or offer to replace the Ballot with a new Ballot.
- (b) If the Voter requests a new Ballot the Designated Election Official shall:
- i. Select the RETURN button on the Vote Tabulator, fold the Ballot and mark the reverse side of the Ballot "Cancelled" and have the Voter return the Ballot to the Designated Election Official who initially issued the Ballot;
 - ii. The Designated Election Official who initially issued the Ballot shall place the Ballot in the Cancelled Ballot Envelope; and

- iii. The Designated Election Official shall issue a replacement Ballot to the Voter, and instruct the Voter to mark the replacement Ballot in accordance with the instructions on the Ballot.
- (c) If the Voter is not present or declines the opportunity to mark another Ballot, the Designated Election Official shall fold the Ballot and mark the reverse side of the Ballot “Declined”, return the Ballot to the Designated Election Official who initially issued the Ballot to the Voter so that it can be placed in the Declined Ballot Envelope.

12.9 Ballot Missing Initials of Designated Election Official

- (a) If a Ballot is returned by the Vote Tabulator because the Vote Tabulator has detected that the Ballot is missing the initials of the Designated Election Official and the Voter who delivered the Ballot is still present, the Designated Election Official shall:
 - i. Quietly advise the Voter that the initials of the Designated Election Official are missing and that the Ballot cannot be processed without the initials of the Designated Election Official;
 - ii. Direct the Voter to the Designated Election Official who issued the Ballot to obtain the required initials; and
 - iii. Process the corrected Ballot once it is returned by the Voter with the required Designated Election Official’s initials.
- (b) If the Voter who delivered the Ballot is present and declines the opportunity to have Designated Election Official who issued the Ballot provide the required initials, the Designated Election Official shall fold the Ballot and mark the reverse side of the Ballot “Declined”. The Ballot shall then be returned to the Designated Election Official who initially issued the Ballot to the Voter, if that Official can be ascertained, so that it can be placed in the Declined Ballot Envelope. If the Designated Election Official who initially issued the Ballot to the Voter cannot be ascertained, the Designated Election Official shall return the ballot to any Designated Election Official authorized to issue Ballots to be placed in the Declined Ballot Envelope.
- (c) If the Voter who delivered the Ballot is not present, and the Ballot is missing the Designated Election Official Initials, the Ballot shall be placed in the Special Circumstances Envelope in the Auxiliary Compartment and re-seal the Auxiliary Compartment.

13. Procedure for Closing Voting Location – Day One (July 13, 2024) and Day Two (July 14, 2024)

- 13.1 The procedures in this Section 13 shall be followed by the Designated Election Official at the close of voting on Day One (Saturday July 13, 2024) and Day Two (Sunday July 14, 2024) only.

- 13.2 The Designated Election Official shall, at the end of each of Day One and Day Two, check the Auxiliary Compartment for Ballots to ensure all Ballots have been processed, and shall immediately:
- (a) Process the Ballots, if any, from the Auxiliary Compartment in accordance with Section 12.
 - (b) If there are Ballots in the Auxiliary Compartment that cannot be processed, the Ballot(s) shall be placed in the Special Circumstances Envelope and the Designated Election Official shall follow the procedures in Section 16.
 - (c) Record the total number of Ballots cast on the Continuous Ballot Count form as displayed on the Vote Tabulator.
 - (d) Ensure that the Zero Report and all Status Tapes remain affixed to the Vote Tabulator printer.
 - (e) Using the security key provided, select POWER DOWN on the Vote Tabulator and unplug the Vote Tabulator. For greater certainty, the Designated Election Official shall not select CLOSE POLL.
 - (f) Place a seal over the feeder slot of the Vote Tabulator.
 - (g) Remove the Vote Tabulator from the Tabulator Stand and place the Vote Tabulator in the carrying case or box provided.
 - (h) Remove all voted Ballots from the Tabulator Stand and place them in one or more Ballot Transfer Containers marked with the date, Voting Location, and Vote Tabulator Identification, and seal the Ballot Transfer Container(s) to ensure that they cannot be re-opened without breaking the seal(s).
 - (i) Personally deliver the Ballot Transfer Container(s), and, if required, the Vote Tabulators and blank Ballots to a location designated by the Returning Officer.

14. Procedure for Closing Voting Location – Voting Day (July 15, 2024)

- 14.1 After the close of voting on Voting Day, the Designated Election Official shall:
- (a) Check the Auxiliary Compartment for any Ballots to ensure all Ballots have been processed by a Vote Tabulator.
 - (b) If there are any Ballots stored in the Auxiliary Compartment they shall be processed in accordance with Section 12 of these Procedures. The procedures in Paragraphs 14.1(c) to 14.1(j) shall only be completed when there are no more Ballots in the Auxiliary Compartment to be processed.
 - (c) Remove the Special Circumstances Envelope, if any, from the Auxiliary Compartment in accordance with the procedure outlined in Section 16. If there are any Ballots in a Special Circumstances Envelope, the Procedures in Paragraphs 14.1(d) to 14.1(g) shall not be completed at the Voting Location, and the Procedures in Section 16 shall be followed.
 - (d) Using the security key provided, select CLOSE POLL on the Vote Tabulator.
 - (e) Print and sign two (2) copies of the Results Tape from the Vote Tabulator indicating the votes cast for each Candidate and:

- i. Place the first copy of the Results Tape that includes the Zero Report and all Status Report in the designated envelope;
 - ii. Post the second copy of the Results Tape in the Voting Location.
 - (f) Ensure all Cancelled and Declined Ballots are sealed in the designated envelopes.
 - (g) Remove the Vote Tabulator from the Tabulator Stand and place the Vote Tabulator in the carrying case or box provided.
 - (h) Remove the voted Ballots from the Tabulator Stand and place them in one or more Ballot Transfer Container with the Cancelled and Declined Ballots Envelopes.
 - (i) Seal the Ballot Transfer Containers.
 - (j) Ensure that the Ballot Transfer Containers are marked with the date, Voting Location, and Vote Tabulator Identification.
- 14.2 The Designated Election Official shall place all other election supplies in the Supply Carrier and seal it with the seal provided to ensure it cannot be re-opened without breaking the seal.
- 14.3 The Designated Election Official shall personally deliver the Vote Tabulator, the envelope containing the Results Tape, the sealed Ballot Transfer Container(s) and sealed Supply Carrier immediately to the location and person designated by the Returning Officer.

15. Vote Tabulator – Malfunction Procedures

- 15.1 If a Vote Tabulator at a Voting Location fails to operate:
 - (a) Subject to Paragraphs 15.1(b) to 15.1(d), the Designated Election Official shall allow voting to continue by directing voters to another Vote Tabulator at the same Voting Location.
 - (b) If there is no operational Vote Tabulator at the same Voting Location, the Designated Election Official shall insert a marked Ballot from the Secrecy Folder, with the initials of the Designated Election Official face down, directly into the Auxiliary Compartment in full view of the Voter.
 - (c) Once the Vote Tabulator becomes operational, the Designated Election Official shall insert the Ballots stored in the Auxiliary Compartment, if any, into the Vote Tabulator according to the Procedures in Section 12.
 - (d) The Designated Election Official shall seal the Auxiliary Compartment with tape provided for that purpose when it is not in use.
- 15.2 At a Voting Location on Voting Day, if 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 Designated Election Official shall:
 - (a) Notify the Designated Election Official and wait for further instructions.
 - (b) Remove and place any Ballots from the Auxiliary Compartment in the Auxiliary Compartment Ballots Envelope and seal the envelope.

- (c) Place all Cancelled and Declined Ballots in the appropriate envelopes, seal the envelopes and place the envelopes in a Ballot Transfer Container.
 - (d) Advise all Candidates and/or Scrutineers present in the Voting Location that:
 - i. The Returning Officer will designate a time and a place for the tabulation of the ballots, and notify the candidates of that date and place; or
 - ii. The Ballots may be tabulated by the Returning Officer at the designated location immediately after they are received from the Voting Location.
 - (e) Candidates, or one Scrutineer, are permitted to be present when the ballots are tabulated.
 - (f) At the designated location, and in the presence of all Candidates and/or Scrutineers, the Returning Officer shall remove the Memory Cards from the inoperable Vote Tabulator, insert the Memory Cards into a back-up Vote Tabulator and feed the Ballots from the Auxiliary Compartment Ballots Envelope into the back-up Vote Tabulator.
 - (g) The Returning Officer shall follow the procedure to close the Vote Tabulator as outlined in Section 14.
- 15.3 If the Designated Election Official is unable to complete the tabulation of the votes because a Memory Card has malfunctioned, the Designated Election Official shall:
- (a) Notify the Designated Election Official and wait for further instructions.
 - (b) Once replacement Memory Cards have been provided, insert the Memory Cards into a back-up Vote Tabulator.
 - (c) Follow the procedures set out in Section 9 to ensure that the totals on the replacement Memory Cards are zero (0) for all Candidates.
 - (d) Remove all Ballots from the Tabulator Stand and feed the Ballots into the Vote Tabulator following the voting instructions outlined in Section 12.
 - (e) If the Vote Tabulator rejects a Ballot that has been retrieved from the Tabulator Stand for any reason other than a Ballot that is Ambiguous or Misread, the Designated Election Official shall, using the Vote Tabulator “CAST” button cause the Vote Tabulator to accept the Ballot.
 - (f) If the Vote Tabulator rejects a Ballot that has been retrieved from the Tabulator Stand because of an Ambiguous Mark or Misread, the Designated Election Official shall place the Ballots in the Special Circumstances Envelope and follow the procedures in Section 16.
- 15.4 If the Designated Election Official is unable to print the results from the Vote Tabulator they shall:
- (a) Remove and reinstall the report tape ensuring it is installed properly;
 - (b) Wait for the “Make sure paper is loaded and everything is OK” message to be displayed;
 - (c) Press the “OK” button; and

(d) If the problem still exists, contact the Designated Election Official, or the Returning Officer immediately for further instructions.

15.5 If the Designated Election Official experiences other technical issues related to the Vote Tabulator in producing results, they shall immediately contact the Designated Election Official for further instructions.

16. Special Circumstances Envelope

16.1 The Returning Officer will determine the time and place for the review of any Ballots in a Special Circumstances Envelope and shall notify the affected candidates who may be present at the time of examination so long as they can attest that they are unaware of the identity of the person(s) who marked the affected Ballot(s).

16.2 If there are any Ballots in a Special Circumstances Envelope, the Designated Election Official shall:

(a) Ensure that all Candidates and or Scrutineers present in the Voting Location have been advised that the Ballot(s) in the Special Circumstances Envelope will be examined by the Returning Officer, normally within 24 hours of the close of the voting;

(b) Remove the Special Circumstances Envelope from the Auxiliary Compartment, seal the envelope, and request that any Candidates and/or Scrutineers present sign the envelope;

(c) The Designated Election Official shall place the Special Circumstances Envelope in the container used to transport the Vote Tabulator, so that it rests on the Vote Tabulator itself;

(d) Place any Ballots that have been tabulated in one or more Ballot Transfer Containers, along with any Cancelled or Declined Ballot Envelopes, seal the Ballot Transfer Container(s) so that they cannot be reopened without breaking the seal; and

(e) Deliver the Tabulator and Ballot Transfer Container(s) to the location designated by the Returning Officer.

16.3 At the designated time and location, the Returning Officer shall remove all Ballots from the Special Circumstance Envelope and determine if the Ballots have valid votes or are a Rejected Ballot.

16.4 The determination of valid votes by the Returning Officer shall be conducted in the following manner:

(a) In full view of any Candidates or Scrutineers present, the Returning Officer shall determine valid votes on a Ballot, having regards to marks made within the Designated Voting Space;

(b) Any Ballot that the Returning Officer determines does not have any valid votes shall be placed in a Rejected Ballots Envelope, which will be placed in the Special Circumstances Envelope; and

(c) Upon completion of the review of the Ballots, all Ballots shall be returned to the Special Circumstance Envelopes, sealed and placed with the Ballot Transfer Container.

- 16.5 The number of Valid Votes as determined by the Returning Officer in accordance with this Section 16 will be added to the unofficial results.
- 16.6 The total number of Rejected Ballots shall be reported by the Returning Officer.

17. Special Voting Location and Unofficial Results

- 17.1 Ballots cast at a Special Voting Location will be tabulated on Voting Day at a time and location determined by the Returning Officer.
- 17.2 The Returning Officer will provide notice to all Candidates of the time and place where Ballots cast at a Special Voting Location will be tabulated. Candidates or one Scrutineer for each Candidate may, on prior notice to the Clerk, be present during the tabulation of the unofficial results.
- 17.3 The results of any Ballot Cast at a Special Voting Location will be tabulated in accordance with the procedures in Section 14 with any necessary modifications.

18. Unofficial Results and Official Results Reporting

- 18.1 Tabulated votes will be compiled in the City's tally and reporting system commencing at the close of voting on Voting Day by uploading the results stored on Memory Cards from every Vote Tabulator, at a location designated by the Returning Officer.
- 18.2 The Returning Officer will review, validate and publish unofficial vote results from the City's tally and reporting system to the City's website.
- 18.3 Official vote results will be made available to the public and Candidates by the Returning Officer in accordance with the provisions of the Act.

19. Recounts

- 19.1 If a recount is held, the recount shall be held in accordance with these procedures subject to the necessary modifications acknowledging that the tabulation of votes will occur at a single location and in the absence of voters. The votes shall be counted in the same manner as the original count, using Vote Tabulators.
- 19.2 If a recount is held, those persons present at the recount are not entitled to examine each Ballot before it's inserted into a Vote Tabulator.

20. Candidates and Scrutineers

- 20.1 Candidates may appoint Scrutineers, in writing, to represent them at a Voting Location.
- 20.2 While in a Voting Location, a Candidate is deemed to be a Scrutineer unless he or she is in the Voting Location to vote as an Eligible Voter.
- 20.3 A maximum of one Scrutineer will be allowed for each Vote Tabulator at a Voting Location.
- 20.4 A Scrutineer must comply with any procedures, complete any form and take any oath or affirmation required by the Clerk related to his or her roles and responsibilities.

- 20.5 To protect the secrecy of the vote, Candidates and Scrutineers at the Voting Location will not be permitted to:
- (a) Monitor the process of casting votes through the use of Vote Tabulators;
 - (b) Monitor or listen to or participate in any conversation or communication between the Voter and the Designated Election Official responsible for the Vote Tabulator, or to view or be apprised of any messages that appear on the LCD screen on the Vote Tabulator.
- 20.6 Despite Paragraph 20.5, Candidates and Scrutineers may request, from time to time, to be advised of the number of Ballots processed by the Vote Tabulator.

21. Proxy Voting

- 21.1 The provisions of Section 44 of the Act, Appointment of voting proxy, shall apply to the 2024 School Board By-election.
- 21.2 The appointment of a voting proxy, and voting by an appointed Proxy Voter shall be in accordance with any Policy or Procedure established by the Returning Officer for that purpose.

22. Accessible Voting

- 22.1 In accordance with the Act, the Clerk will have regard to the needs of Voters with disabilities.
- 22.2 Any Designated Election Official who has taken an oath or affirmation of secrecy from the Clerk may assist a Voter in any manner if he or she is unable to attend to a Voting Screen independently, including: assisting a Voter to mark his or her Ballot behind a Voting Screen, or in the Voter's apartment, room or any other space at a Voting Location or Special Voting Location, or at the Voter's car parked near the Voting Location.
- 22.3 A Voter may request assistance from a friend to mark his or her Ballot properly, provided they have taken an oath or affirmation of secrecy from the Designated Election Official. A friend may only assist a Voter to mark his or her Ballot properly inside the Voting Location behind the Voting Screen, or in any other location provided that it is witnessed by a Designated Election Official.
- 22.4 An Audio Tactile Interface (ATI) and Assistive Devices intended to support an independent voting experience are available during the Advance Vote and on Voting Day at one (1) Voting Location as determined by the Returning Officer.
- 22.5 The following is the process for a Voter using an Audio Tactile Interface (ATI) and Assistive Devices (collectively "assistive devices") to vote:
- (a) A Voter may request, prior to the processing of his or her Ballot, or be offered the use of the assistive devices at the time their name is stricken from the Voters' List.
 - (b) After Voter registration the Designated Election Official shall provide confirmation of the Ballot type to be issued and shall direct or assist the Voter to attend to the Designated Election Official responsible for the assistive devices.

- (c) The Designated Election Official, with the assistance of the Voter, shall determine the preferred Assistive Device, which shall be provided to the Voter, and shall assist the Voter as necessary.
- (d) Using the Security Key, the Designated Election Official selects ACCESSIBLE VOTING from the administrative menu options displayed on the Voter Tabulator's LCD Screen and selects the applicable Ballot.
- (e) Once the Voter has completed their selections using the Assistive Device, a Ballot will be generated for tabulation from the printer attached to the Vote Tabulator.
- (f) The Designated Election Official shall, using a Secrecy folder, remove the Ballot from the printer, enter his or her initials and the voting subdivision number in the designated spaces and feed the Ballot into the Vote Tabulator.
- (g) The Designated Election Official shall monitor the display on the Vote Tabulator to ensure that the number of Ballots cast increases by one for every accessible Ballot cast for the purpose of preparing a reconciliation of the Ballots used each day.
- (h) The processing of other Voter's Ballots may continue even though a Voter is using an assistive device.

23. Retention of Documents and Material

- 23.1 The Returning Officer shall retain the Memory Cards, test materials, Ballots and any other records in the same manner as is provided for in accordance with Section 88 of the Act.

24. Offences and Penalties

- 24.1 In accordance with the Act, a person is guilty of an offence and liable, upon conviction, to a financial penalty if they:
- (a) Vote without being entitled to do so;
 - (b) Vote more than once in this By-election;
 - (c) Induce or procure a person to vote when that person is not entitled to do so;
 - (d) Provide false or misleading information to a person whom this Act authorizes to obtain information;
 - (e) Directly or indirectly,
 - i. offer, give, lend, or promise or agree to give or lend any valuable consideration, in connection with the exercise or non-exercise of an Eligible Voter's vote;
 - ii. advance, pay or cause to be paid money intending that it be used to commit an offence referred to in clause (i), or knowing that it will be used to repay money used in that way;
 - iii. give, procure or promise or agree to procure an office or employment in connection with the exercise or non-exercise of an Eligible Voter's vote;

- iv. apply for, accept or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of an Eligible Voter's vote;
- v. attempt to do any of the above.

25. Emergency

- 25.1 In accordance with the Act, the Returning Officer may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election of being conducted in accordance with the principles of the Act.
- 25.2 Upon declaring an emergency, the Returning Officer is authorized to make any arrangements they consider advisable for the conduct of the election.
- 25.3 The arrangements made by the Returning Officer, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.
- 25.4 If made in good faith, the Returning Officer's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.
- 25.5 The emergency continues until the Returning Officer declares that it has ended.

Approval:

Stephen M.A. Huycke
City Clerk & Returning Officer
2024 School Board By-election

Effective Date: May 10, 2024
Version: 1.0
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Appendix “A” Definitions

In these Procedures,

“2024 School Board By-election”	means the By-election being conducted under Section 65 of the Act to fill the vacancy in the office of York Region District School Board Trustee (Richmond Hill Wards 1, 2 & 4).
“Act”	means the <i>Municipal Elections Act, 1996</i> , S.O., 1996, c.32, as amended.
“Advance Vote” or “Advance Voting”	means the period of time prior to Voting Day when Voters may vote in the election as determined by the Clerk in accordance with Section 43 of the Act. For the 2024 School Board By-election the Advance Vote shall be Saturday, July 13, 2024 and Sunday, July 14, 2024, from 10:00 am to 6:00 pm on either day.
“Ambiguously Marked Ballot”	means a Ballot that the Vote Tabulator reports as having one or more marks that are not capable of being detected with certainty and which will not be accepted by the Vote Tabulator.
“Assistive Device(s)”	means a device such as a Paddle or a Sip-and-Puff device that can be connected to an Audio Tactile Interface (ATI) which allows a Voter to adjust the volume, change the speed and move forward and backward through a Ballot.
“Audio Tactile Interface (ATI)”	means a tethered handheld device attached to a Vote Tabulator used by a Voter to navigate through and make selections on a Ballot which is then printed out on a dedicated printer.
“Auxiliary Compartment”	means the front compartment of the Tabulator Stand where marked Ballots are temporarily stored in the event a Vote Tabulator fails to operate.
“Ballot”	means a paper Ballot which shows the names of all Candidates that will be tabulated using Vote Tabulators.
“Ballot Box”	means the secure container in which voted Ballots are deposited, firstly being the Tabulator Stand, and after the close of the Voting Location, the Ballot Transfer Container(s). It also includes containers into which voted Ballots are deposited at Voting Locations when Vote Tabulators are not immediately utilized, and any Supply Box or Supply Carriers so designated by the Returning Officer deemed to be an extension of the Ballot Box after the close of a Voting Location.

“Ballot Marking Pen”	means the pen provided to the Voter by the Designated Election Official for the purposes of marking a Ballot in the Designated Voting Space.
“Ballot Transfer Container”	means a box, or other container designated by the Returning Officer, that can be sealed and used by a Designated Election Official to transfer voted Ballots that have been tabulated by the Vote Tabulator from a Voting Location to another location or person designated by the Returning Officer. A Ballot Transfer Container that contains voted Ballots is deemed to be part of the Ballot Box.
“Blank Ballot”	means a Ballot without any marks in any of the Designated Voting Spaces.
“Cancelled Ballot”	means a Ballot that a Voter has returned to the Designated Election Official for replacement with a new Blank Ballot.
“Candidate”	means a person who has filed a Nomination Paper to fill the vacancy in the office of York Region District School Board Trustee (Richmond Hill Wards 1, 2 & 4), that has been certified by the Returning Officer in accordance with Section 35 of the Act.
“City”	means the Corporation of the City of Richmond Hill.
“Clerk” or “City Clerk”	means the person appointed as Clerk of the City under Subsection 228(1) of the <i>Municipal Act, 2001</i> , S.O. 2001, c.25, who is the Returning Officer by virtue of that appointment and responsible for conducting elections pursuant to Section 11 of the Act, or his or her designate.
“Day One”	means the first day of the Advance Vote, being Saturday, July 13, 2024.
“Day Two”	means the second day of the Advance Vote, being Sunday, July 14, 2024.
“Declaration of Emergency”	means and Declaration of the Clerk made pursuant to Section 53 of the Act.
“Declined Ballot”	means a Ballot that a Voter returns to the Designated Election Official because the Voter has decided not to vote, and includes a Ballot that a voter declines to remark if the Ballot marked by the Voter cannot be read by the Vote Tabulator. Declined Ballots are not processed by the Vote Tabulator, and are placed in a designated envelope.
“Designated Election Official”	means a person designated by the Returning Officer to assist in the conduct of 2024 School Board By-election.

“Designated Voting Space”	means the space within the box appearing to the right of a Candidate’s name on a Ballot.
“Election Reporting System”	means the hardware and software used to capture voting results recorded on the Memory Card in a Vote Tabulator which are then combined with the voting results of the other Tabulators to determine the total number of votes cast for each Candidate.
“Election Management Team”	means the Returning Officer, and persons designated by the Returning Officer as Assistant Returning Officers, in charge of ensuring the integrity of the election and the voting results, as well as guaranteeing the secrecy of the votes.
“Invalid Ballot”	means the message generated by the Vote Tabulator identifying the Ballot cannot be accepted by that particular Vote Tabulator.
“LCD Screen”	means a liquid crystal display screen on a Vote Tabulator which generates Ballot processing and Vote Tabulator operating messages and allows a Designated Election Official to perform administrative tasks.
“Mark”	means a mark made in the Designated Voting Space on a Ballot which is sufficiently dark or complete to allow a Vote Tabulator to determine the Voter’s voting intention.
"Memory Card"	means one or more removable compact flash cards that are sealed in a Vote Tabulator for the purpose of storing a record of all tabulated votes and vote totals.
“Misread Ballot”	means a Ballot that will not be accepted by the Vote Tabulator because essential Ballot identification markings cannot be found or the Ballot is damaged, defective or otherwise unreadable.
“Over-voted Ballot”	means a Ballot with more Designated Voting Spaces marked for an office than the Voter is entitled to vote for.
“Paddles”	means an Assistive Device connected to an Audio Tactile Interface (ATI) which allows a Voter to apply pressure, such as foot pressure, to make a selection without the use of hands.
"Proxy Voter"	means an Eligible Voter appointed to vote on behalf of another Eligible Voter pursuant to Section 44 of the Act and any procedure established by the Clerk for that purpose.

“Rejected Ballot”	means a ballot that is not accepted by the Vote Tabulator because it was improperly marked, which a Voter declines to remark, including: <ul style="list-style-type: none">a) Over-voted Ballot;b) A ballot marked so that a voter could be identified; andc) A ballot marked in a location prohibited by legislation (i.e. outside the Designated Voting Space).
“Returning Officer”	means the person appointed under the Act to preside over the 2024 School Board By-election, who is the City Clerk.
"Scrutineer"	means a Candidate, or any person appointed by a Candidate in accordance with any rules and procedures established by the Returning Officer, observing any part of the 2024 School Board By-election, including, but not limited to, the testing of the Vote Tabulators, the voting at a Vote Location or Special Voting Location, and the tabulation of any votes cast.
“Secrecy Folder”	means the folder in which a Ballot is placed so as to conceal the names of the Candidates and the marks made by the Voter upon the face of the Ballot but which exposes the initials of the Designated Election Official(s).
“Security Key”	means a key assigned to each Vote Tabulator which allows a Designated Election Official to perform the Vote Tabulators administrative tasks.
“Sip-and Puff Device”	means an assistive device with a pneumatic switch that can be connected to an Audio Tactile Interface (ATI).
“Special Voting Location”	means a Voting Location in an institution or retirement facility referred to in Section 45(7) of the Act with reduced voting hours as established by the Returning Officer pursuant to Section 46(3) of the Act.
“Special Circumstances Envelope”	means the envelope designated to hold Ballots from an Auxiliary Compartment that have been set aside for examination by the Returning Officer after the close of voting.
“Status Tape”	means the status report printed by the Vote Tabulator when the Vote Tabulator is turned-on and includes the identification of the Voting Location and the total number of Ballots that have been scanned by the Vote Tabulator.

“Supply Carrier”	means the container(s) used by the Designated Election Official for forms or supplies that is sealed after the polls close on Voting Day. The Supply Carrier is deemed to be an extension of the Ballot Box after the close of Voting.
“Tabulator Stand”	means a secure container in which Ballots are deposited by the Vote Tabulator with two (2) separate compartments with one being a primary compartment for storing voted Ballots tabulated by the Vote Tabulator and the second being an Auxiliary Compartment to be used in the event that the Vote Tabulator is temporarily inoperable. The Tabulator Stand is deemed to be part of the Ballot Box.
“Vote Anywhere”	means a Voter can choose to vote at any one of the designated Voting Locations to cast a Ballot.
“Voting Location”	means a physical location designated by the Returning Officer where a Voter can vote using Vote Tabulators.
“Vote Tabulator”	means a machine that digitally scans a specified area on a Ballot to read vote(s), store the read vote(s), and tabulate voting results so as to: (a) produce a paper record of the votes cast at a Voting Location; and (b) facilitate the uploading of voting data to a centralized vote compilation system.
“Voter”	means a person who, as of Voting Day, is: <ul style="list-style-type: none">a) a Canadian citizen; andb) at least 18 years old; andc) a resident of the City of Richmond Hill, who lives in Wards 1, 2 or 4; ord) a non-resident owner or tenant of residential property, or spouse of such owner or tenant of residential property, located in Richmond Hill Wards 1, 2 or 4; ande) an English Public School Board supporter; andf) not prohibited from voting under the <i>Municipal Elections Act</i>, or any law.
“Voting Day”	means Monday, July 15, 2024.
“Voting Period”	means the total period of time during which a Voter is able to vote using Vote Tabulators, which for the 2024 School Board By-election is the Advance Vote and Voting Day inclusive.
“Voting Screen”	means a physical barrier designed to provide privacy to a Voter while they mark their Ballot.
“Voting Subdivision”	means a defined geographical area within the City of Richmond Hill where a Voter resides or is the owner or

tenant of land there or the spouse of such owner or tenant of land.

“Zero Report”

means a report printed by a Vote Tabulator at the start of the Voting Period that demonstrates that no votes have being recorded for any Candidate prior to the commencement of Voting.

Table of Amendments and Revisions

Version	Version Approval Date	Revisions	Reason
1.0	May 10, 2024	None – Original	