

1. Background and Authority

- 1.1 On October 13, 2021, Council of the Corporation of the City of Richmond Hill (“Council”) passed By-law 132-21 under Section 263(1)(b) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended requiring the Richmond Hill City Clerk to conduct a By-election to fill a vacancy in the Office of Mayor (the “2022 By-election”).
- 1.2 Pursuant to Section 11 of the *Municipal Elections Act, 1996*, S.O., 1996, c.32, as amended (the “Act”), the City Clerk (“Returning Officer”) is responsible for conducting elections (including By-elections) in the City of Richmond Hill.
- 1.3 Subsection 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, Council 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 Subsection 42(1)(b) of the Act provides that a municipal Council may enact a by-law authorizing voters to use an alternative voting method that does not require voters to attend at a voting place in order to vote.
- 1.6 Subsection 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
- 1.7 On October 13, 2021 Council of the Corporation of the City of Richmond Hill enacted By-law 133-21 authorizing the use of alternative voting methods, namely Internet Voting (also known as online voting), as an additional voting method (in addition to Vote Tabulators) for the purpose of voting in the 2022 By-election.
- 1.8 Clause 42(3)(a)(ii) of the Act requires the Returning Officer to establish procedures and forms for the use of for any alternative voting method authorized by by-law.
- 1.9 Paragraph 42(4)1.ii of the Act requires the Returning Officer to establish the procedures referred to in paragraph 1.8 above 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 2022 By-election.
- 3.2 The procedures only apply to the use of Internet Voting in the 2022 By-election. The use of Tabulators shall be subject to the Tabulator Procedures.
- 3.3 The Declaration of Emergency shall apply to these Procedures, and:
 - (a) In accordance with Section 53(2) of the Act, on declaring an emergency, the Returning Officer shall make such arrangements as he or she considers advisable for the conduct of the election; and
 - (b) In accordance with Section 53(3) of the Act, the arrangements made by the Returning Officer, if they are consistent with the principles of this Act, prevail over anything in the Act and the Regulations made under the Act.
- 3.4 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.
- 3.5 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.
- 3.6 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 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) 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.
- 3.7 The Returning Officer may appoint Designated Election Officials for the purposes of implementing these Procedures and may designate their titles and duties. Such appointments shall normally be in writing, but may, under the authority of Declaration of Emergency, be made by any other means deemed appropriate by the Returning Officer. Any oath required of any Designated Election Official may, under the authority of Declaration of Emergency, be administered in-person, electronically, or by any other means deemed appropriate by the Returning Officer.
- 3.8 These Procedures may be amended as deemed necessary by the Returning Officer. Copies of the revised or amended Procedures shall be provided to all Candidates electronically via email.

- 3.9 These procedures are subject to change as a result of the Declaration of Emergency, and as prescribed in Section 53 of the Act.

4. Ballots

- 4.1 The Ballot for Internet Voting shall be an electronic ballot accessed by a Voter using the Internet Voting System that shall include the names of each Candidate listed in alphabetical order by surname or single name.
- 4.2 The Ballot shall include a Designated Voting Space next to each Candidate's Name.
- 4.3 There shall appear on the Ballot instructions that direct the Voter how to mark their Ballot.

5. Secrecy and Interference

- 5.1 The Returning Officer and the Internet Voting Provider shall maintain and aid in maintaining the secrecy of voting.
- 5.2 The Internet Voting Provider shall ensure that the Internet Voting System maintains and aids in maintaining the secrecy of voting.
- 5.3 No person shall interfere or attempt to interfere in the 2022 By-election by obtaining or attempting to obtain:
- (a) a Voter ID Number and/or Voting PIN that belongs to another Voter; or
 - (b) a Voter ID Number and/or Voting PIN when not eligible to do so because they are not a Voter or they have already voted.
- 5.4 No person shall interfere or attempt to interfere with a Voter while in the process of accessing the Internet Voting System or attempt to interfere in the voting process while using the Internet Voting System unless expressly requested and authorized by the Voter.
- 5.5 No person shall obtain or attempt to obtain information about how a Voter intends to vote or has voted.
- 5.6 Any Designated Election Official requested by a Voter to assist them with voting is required to maintain the secrecy of the vote cast by the Voter and shall vote according to the instructions and wishes of the Voter.

6. Security and Integrity

- 6.1 The Internet Voting System provided by the Internet Voting Provider has undergone rigorous testing, including security testing, to ensure the integrity of the Election.
- 6.2 Access to the Internet Voting System is monitored and controlled through a series of system features and services both internally and through data centre services provided by the Internet Voting Provider.
- 6.3 The Internet Voting Provider offers no single point of failure for the Internet Voting System. All servers are replicated and all networking appliances, databases, and other components are duplicated to ensure there is no disruption of service.

- 6.4 The Internet Voting System includes various audit logs as determined by the Internet Voting Provider. To preserve the secrecy of the vote, none of the audit logs can be used to identify how a Voter remotely marked his or her Ballot.
- 6.5 The Internet Voting System maintains an electronic Ballot image record for auditing and recount purposes. The image does not contain any information that can be used to identify the Voter who cast the Ballot.
- 6.6 Should a Denial of Service Attack occur or be suspected to occur at any point during the election process, the Internet Voting Provider will open an investigation to determine if it is an attack and take the required measures to mitigate the attack to ensure there is no disruption of service.

7. Voter Information Package (VIP)

- 7.1 The Voters' List Management Provider will provide the Voters' List data to the Internet Voting Provider for the preparation of the Voter Information Package (VIP) to be sent to all Voters.
- 7.2 The Internet Voting Provider will prepare the Voter Information Package under the direction of the Returning Officer.
- 7.3 The Voter Information Package will include all of the information Voters will require to cast their vote using the Internet Voting System, including the URL for the Voting Site, a Voter ID Number, a Voting PIN for use by a Voter to access the Internet Voting System, and any other information deemed relevant by the Returning Officer. The Voter Information Package will also include information on how a Voter can vote using Vote Tabulators according to the Vote Tabulator Procedures.
- 7.4 Prior to the Voting Period, the Returning Officer will send a Voter Information Package via Canada Post to each Voter whose name appears on the Voters' List as of the date that the Voter Information Package is printed.
- 7.5 Any undeliverable Voter Information Packages will be returned to the Returning Officer's attention by Canada Post and will be stored within a secure area.
- 7.6 Where a Voter notifies a Designated Election Official concerning a lost Voter Information Package, or a Voter Information Package that was never received, the Designated Election Official shall determine whether a Voter Information Package was mailed to the Voter.
- 7.7 Where a Voter Information Package was mailed to the Voter but was not received or was received but subsequently lost:
 - (a) the Designated Election Official shall confirm the qualifying and mailing address of the Voter;
 - (b) the Voter shall satisfy the Designated Election Official that they did not receive a Voter Information Package or did receive it and subsequently lost it;
 - (c) the Designated Election Official shall disable the Voting PIN that was not received/lost and electronically mark the Voting PIN as not being received/lost by the Voter;
 - (d) the Voter shall be required to answer questions or otherwise verify their identity to the satisfaction of the Designated Election Official prior to the

issuance of a new Voter Information Package and/or their Voter ID Number and/or Voting PIN; and,

- (e) after verifying their identity to the satisfaction of the Designated Election Official, the Voter will be issued a new Voter Information Package and/or their Voter ID Number and/or Voting PIN.
- 7.8 Where a Voter's date of birth, or part of their date of birth, is missing on the Voters' List, they will have the option either updating the Voters' List online or by telephoning a Designated Election Official. If the Designated Election Official is satisfied by the Voter's identity, in accordance with the procedures in paragraph 7.7, the Designated Election Official will update the date of birth in the Voters' List Management System to allow the Voter to access the Internet Voting System to cast their Ballot.
- 7.9 The Returning Officer will establish a process to deliver a Voter Information Package and/or their Voter ID Number and/or Voting PIN to any Voter added to the Voters' List during a period of time that is to be defined, where the Returning Officer has determined that it is not feasible to deliver the Voter Information Package by Canada Post and still allow the Voter to vote before the end of voting on Voting Day. The process may include, at the Returning Officers sole discretion, the delivery of VIP by electronic means such as email.

8. Internet Voting Process

- 8.1 Voters will be able to cast their Ballot using the Internet Voting System at any time during the Voting Period.
- 8.2 The Voting Site is hosted by the Internet Voting Provider and is accessible through the URL provided to Voters in the Voter Information Package.
- 8.3 At the start of the Voting Period, the Returning Officer or a member of the Election Management Team shall, using the Administrative Site, Zero the Application (i.e. to ensure that the total votes for all Candidates are zero) and Open the vote.
- 8.4 Voters will enter the Voting Site and will be required to:
- (a) enter their Voter ID Number;
 - (b) enter their Voting PIN;
 - (c) enter their Date of Birth in the format determined by the Returning Officer;
 - (d) complete a Captcha Challenge;
 - (e) read and accept the mandatory Declaration and Offences Statement;
 - (f) complete their Ballot by following the instructions provided by the Internet Voting System;
 - (g) once completed, Voters will be able to review their votes and/or change their selection as many times as desired before casting their ballot; and,
 - (h) Cast their ballot.
- 8.5 A Voter will not be able to Over-vote.

- 8.6 A Voter is able to choose not to vote for any Candidate by not selecting any Candidate on the Ballot and casting the Ballot.
- 8.7 Once a Voter has selected “Cast Ballot” according to the Internet Voting System instructions no further changes to the vote shall be possible. All Ballots once cast shall be Encrypted and stored according to the Internet Voting System’s design and protocols. The Internet Voting System will notify the Voter that voting is complete and their ballot has been successfully cast.
- 8.8 Once a Voter has cast a Ballot they will not be able to re-enter the Internet Voting System. Once a Ballot is cast, the Voter PIN is disabled and they will be marked as having voted on the Voters’ List.

9. Voting Period

- 9.1 In accordance with Subsection 42(5) of the Act, there shall be no Advance Vote for the 2022 By-election.
- 9.2 Notwithstanding paragraph 9.1, there shall be a continuous Voting Period beginning at 10:00 a.m. on Tuesday, January 18, 2022, and ending at 8:00 p.m. on Voting Day, during which a Voter can vote using the Internet Voting System.
- 9.3 Voters who have logged in to the Internet Voting System before the close of voting at 8:00 p.m. on Voting Day and begun the Internet Voting Process as outlined in Section 8.4 of these procedures will have thirty (30) minutes to complete their vote, even if that thirty (30) minute period extends beyond the close of voting at 8:00 p.m. on Voting Day.
- 9.4 Any Voter who arrives at a queue or check-in at a Vote Centre for the purpose of voting before the close of voting at 8:00 p.m. on Voting Day will be given an opportunity to vote as soon as possible under the circumstances, even if that opportunity occurs after the close of voting at 8:00 p.m. on Voting Day. The Returning Officer may direct that the voting hours set in the Internet Voting System be extended, as required to allow the voting of any Voter who arrives at a queue or check-in at a Vote Centre for the purpose of voting before the close of voting at 8:00 p.m. on Voting Day.

10. Disruption of Voting

- 10.1 Throughout the Voting Period, if at any time while using the Internet Voting System prior to casting their ballot there is a Disruption of Service or the system times out, a Voter will be required to log back into the system and restart the voting process.
- 10.2 If a Voter is unsure if their vote was cast, a Designated Election Official will review the status of the Voter to determine if a vote was cast or not:
 - (a) if cast, the Designated Election Official will confirm with the voter that their Ballot was accepted; or,
 - (b) if the status is ‘not voted’, the voter will be advised that the vote was not cast and that the Voter should be able to re-enter the system and restart the voting process.

- 10.3 The Designated Election Official referred to in paragraph 10.2 will be available during the Voting Period either by telephone during days and hours as determined by the Returning Officer, or at a Vote Centre.
- 10.4 Once a Voter has cast a Ballot they will not be able to re-enter the Internet Voting System.

11. Voters' List

- 11.1 The Voters' List will be web-based and hosted by the Voters' List Management Provider.
- 11.2 The Voters' List Management System and the Internet Voting System shall be linked by such systems and processes as determined by the Voters' List Management Provider and Internet Voting Provider as is necessary for the integration of the Voters' List and Internet Voting System.
- 11.3 The Voters' List Management System will automatically be updated by the Internet Voting System to note when a Ballot has been cast by a Voter.
- 11.4 At a certain time of the evening to be determined by the Returning Officer, on each day of the Voting Period not including Voting Day, the Returning Officer will prepare a list of the names of Voters who have voted using either the Internet Voting System or Vote Tabulators. The Returning Officer will provide a copy of this list via email to all Candidates in accordance with the Act.
- 11.5 For greater certainty, and in accordance with the Act, the Returning Officer shall not provide Candidates with a list of voters having voted on Voting Day, including any person who voted after those shown in the list of names of Voters who voted on Sunday, January 23, 2022 provided by email to all Candidates.
- 11.6 After the close of Voting on Voting Day, the list of voters who have voted is deemed to be in the Ballot Box.
- 11.7 Notwithstanding anything in Sections 11.5 and 11.6 and the Act to the contrary, and pursuant to the authority of the Declaration of Emergency, the Returning Officer, or any other Designated Election Official, may use the Voters' List, including any list of Voters' who have voted, for the purpose of contact tracing in respect to the COVID-19 pandemic unless the Returning Officer has approved contact tracing procedures and processes that do not utilize the Voters' List.

12. Testing and Auditing of the Internet Voting System

- 12.1 Prior to the start of the Voting Period, the Returning Officer will conduct comprehensive testing of the internet voting platform.
- 12.2 The test(s) shall include:
 - (a) Creating Test Voters in the Voters' List Management System.
 - (b) Creating Voting PINs for the Test Voters;
 - (c) Checking the system which is used for activating Voting PINs throughout the revision process;

- (d) Zeroing the Application (i.e. ensure that the vote totals for all Candidates are zero) using the Administrative Site;
 - (e) Open the Voting using the Administrative Site;
 - (f) Attempting to use a Voter ID Number and Voting PIN more than once;
 - (g) Voting a predetermined number of voters;
 - (h) Close the Voting and tabulate the votes using the Administrative Site;
 - (i) Create and run reports using the Administrative Site;
 - (j) Test, if applicable, the loading of the results in the Reports Tally System;
 - (k) Balancing a predetermined number of votes with those cast;
 - (l) Any other functions as determined appropriate by the Returning Officer.
- 12.3 Notwithstanding the generality of Section 12.2, the test shall include at least one “mock election” using the names of all Candidates. The Returning Officer will verify the results of the mock election using a pre-determined test file.
- 12.4 The Returning Officer will notify all Candidates of the date and time of the testing of the Internet Voting System and procedures. In accordance with the authority granted the Returning Officer under the Declaration of Emergency and Section 53 of the Act, the Returning Officer may provide in another procedure or policy that Candidates shall not be permitted to attend the testing of the Internet Voting System as a result of the COVID-19 coronavirus pandemic. Any such policy or procedure shall apply notwithstanding anything in the Act or these procedures to the contrary.
- 12.5 The Returning Officer may appoint a member of the Elections Management Team and/or another person, to audit the functioning of the Internet Voting System during the Voting Period. Any Audit of the system will be limited to those auditing functions already incorporated into the Internet Voting System.

13. Storage of Voting Results

- 13.1 Results from the Voting Period will be securely stored and Encrypted by the Internet Voting Provider until release by the Returning Officer or Election Management Team after the close of voting on Voting Day.

14. Voting Results

- 14.1 Following the close of voting on Voting Day, the Returning Officer, witnessed by at least one other member of the Election Management Team, shall use the Internet Voting System to Decrypt the voting results according to the processes and procedures of the system established by Internet Voting Provider.
- 14.2 Results from Internet Voting will be combined with the results from the votes cast using Vote Tabulators in the City’s tally and reporting system.
- 14.3 In accordance with the authority granted the Returning Officer under the Declaration of Emergency and Section 53 of the Act, the Returning Officer may provide in any other procedure or policy that Candidates shall not be permitted to attend at the location where the election results are decrypted as a result of the

COVID-19 coronavirus pandemic. Any such policy or procedure shall apply notwithstanding anything in the Act or these procedures to the contrary.

15. Unofficial and Official Vote Results Reporting

- 15.1 The total of the votes from the Voting Period will not be made available until after the close of voting on Voting Day.
- 15.2 Results from Internet Voting will be combined with the results from the votes cast using Vote Tabulators in the City's tally and reporting system.
- 15.3 The Returning Officer will review, validate and publish unofficial vote results from the City's tally and reporting system to the City's website.
- 15.4 Official vote results will be made available to the public and Candidates by the Returning Officer in accordance with the provisions of the Act.

16. Recounts

- 16.1 In accordance with the Act, a recount of Ballots cast by internet shall be conducted in the same manner outlined in Section 14 of these Procedures.

17. Vote Centres

- 17.1 The Returning Officer will establish one or more Vote Centres for the 2022 By-election. The Returning Officer will determine the days and hours during the Voting Period during which Vote Centres will be open, except that all Vote Centres shall be open on Voting Day from 10:00 a.m. to 8:00 p.m.
- 17.2 As may be required, a Vote Centre is a voting place within the meaning of Section 46 of the Act.
- 17.3 Voters' can obtain support at Vote Centres with the following election activities:
 - (a) Amending the Voters' List (including any additions, amendments or deletions);
 - (b) Obtaining a Voter Information Package and/or Voting PIN;
 - (c) Accessing the Voting Site and using the Internet Voting System; and/or
 - (d) Voting by paper ballot and Vote Tabulator according to the Vote Tabulator Procedures.
- 17.4 The Returning Officer shall appoint Designated Election Officials to provide the assistance referred to in Paragraph 17.3, each of whom shall be required by written oath or affirmation to maintain and aid in maintaining the secrecy of the vote. An oath or affirmation may be oral or written as determined by the Returning Officer.
- 17.5 A Voter can choose to have one person, who is not a Designated Election Official, Candidate or Scrutineer, provide them any support that the Voter may require at a Vote Centre. Each person so selected will be required to take any oath or affirmation established by the Returning Officer for this purpose. An oath or affirmation may be oral or written as determined by the Returning Officer.
- 17.6 No campaigning or any campaign material is permitted at any Vote Centre. For the purpose of this paragraph, Vote Centre includes the entire property on which the Vote Centre is situated, including on or in any structure on the property, and the

public land (such as parks, sidewalks, boulevards and highways) immediately adjacent to the property. Campaigning means any activity (other than Voting) by a Candidate (including any person under direction of a Candidate), or Third-party Advertiser. Campaign material includes, but is not limited to: (a) campaign signs; (b) campaign decals or signs placed anywhere that is visible on a vehicle; (c) brochures; (d) buttons; and, (e) clothing that is the colour associated with a particular candidate as evidenced by any other campaign material as determined by the Returning Officer or a Designated Election Official.

18. No Voting Proxy

- 18.1 In accordance with Subsection 42(5) of the Act, the provisions of Section 44 of the Act, Appointment of voting proxy, shall not apply to the 2022 By-election.
- 18.2 Notwithstanding the generality of paragraph 18.1, and for greater certainty, no voting proxy shall be issued for the 2022 By-election which is being conducted by both alternative voting methods and vote counting equipment, namely Internet Voting and Vote Tabulators.

19. Accessibility

- 19.1 The Internet Voting System conforms to the WCAG 2.0 standard which meets the current requirements for the *Accessibility for Ontarians with Disabilities Act*.

20. Candidate Prohibited Activities

- 20.1 Candidates, and any other person under the direction of a Candidate, are not permitted to assist Voters in casting their Ballot or using the Internet Voting System. This includes providing the use of any devices to Voters for Internet Voting.
- 20.2 Candidates, and any other person under the direction of a Candidate, are not permitted to ask Voters for their Voter Information Package or Voting PIN.
- 20.3 Candidates, and any other person under the direction of a Candidate, are not permitted to publish, share or promote the Voting Site URL.

21. Scrutineers

- 21.1 Notwithstanding anything in these procedures to the contrary, having regards for the situation of the COVID-19 pandemic at any given time during the 2022 By-election, and pursuant to the authority of the Returning Officer under the Declaration of Emergency, the Returning Office may implement any policy and/or procedures, and amend the same as determined by the Returning Office, in respect to the in-person participation of Scrutineers for any matter under these Procedures.
- 21.2 The procedures referred to in Section 21.1 may provide that no Scrutineer shall be permitted to physically attend any facilities used by the Election Management Team or any Vote Centre, except as may otherwise be required under any other procedure applying to the 2022 By-election as approved by the Returning Officer.

22. Destruction of Election Records and Internet Voting Data

- 22.1 In accordance with the Act, all election records will be securely maintained for 120 days after declaring the results of the election or, if a recount is required under the Act, until that recount is finally disposed of. This includes any data stored in the Internet Voting System.
- 22.2 All data related to Internet Voting will be secured off-line for the required duration by the Internet Voting Provider and shall be deleted following the rules and regulations as set out in the Act after that date has passed, and in accordance with any direction of the Returning Officer.

23. Emergency

- 23.1 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 being conducted in accordance with the principles of the Act.
- 23.2 Upon declaring an emergency, the Returning Officer is authorized to make any arrangements they consider advisable for the conduct of the election.
- 23.3 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.
- 23.4 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.
- 23.5 The emergency continues until the Returning Officer declares that it has ended.
- 23.6 In response to the COVID-19 coronavirus pandemic, the Returning Officer Declared an Emergency under the Act on October 14, 2021. A copy of the Declaration of Emergency is reproduced as Appendix "B".

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 by internet without being entitled to do so;
 - (b) Vote more than once in this By-election;
 - (c) Induce or procure a person to vote by internet 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) Without authority, supply their Internet Voting information to anyone for the purpose of allowing them to vote;
 - (f) Take, open or otherwise deal with Internet Voting information without having authority to do so;
 - (g) 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 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 a 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 a Voter's vote;
- v. attempt to do any of the above.

25. Mail Tampering – Criminal Offence and Prosecution

25.1 The *Criminal Code of Canada* states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.

25.2 In order to ensure the integrity and confidence of the internet voting process, the Returning Officer will investigate or cause to be investigated all complaints about possible mail tampering as it relates to election-related documents provided to Voters by the Returning Officer.

Approval:

“Signed version on file in the Office of the Clerk”

Stephen M.A. Huycke
City Clerk & Returning Officer
Richmond Hill By-election 2022

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Appendix “A” Definitions

In these Procedures,

“2022 By-election”	means the by-election being conducted under Section 65 of the Act to fill the vacancy in the Office of Mayor.
“Act”	means the <i>Municipal Elections Act, 1996</i> , S.O., 1996, c. 32 as amended.
“Administrative Site”	means the part of the Internet Voting System used by the Returning Officer or Elections Management Team to manage the system functions as required.
“Ballot”	means the electronic Ballot in the Internet Voting System that displays the names of all Candidates.
“Captcha Challenge”	means a type of challenge-response test used to ensure that the response provided is not generated by a computer.
“Candidate”	means a person who has filed a Nomination Paper to fill the vacancy in the Office of Mayor 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.
“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.
“Declaration and Offences Statement”	means the declaration Voters must take prior to voting via the internet; it confirms they are eligible to vote in the 2022 By-election and advising them of the penalties prescribed by the Act.
“Declaration of Emergency”	means, in respect to the 2022 By-election, the declaration of emergency issued by the Returning Officer pursuant to Section 53 of the Act on October 14, 2021 in response to the COVID-19 coronavirus pandemic (reproduced in Appendix “B”).
“Decrypt”	means the act of deciphering or decoding data that has been encrypted.
“Denial of Service Attack” or “DOS”	means an action that prevents or impairs the authorized use of networks, systems, or applications by exhausting resources such as central processing units (CPU), memory, bandwidth, and disk space.
“Designated Election Official”	means a person designated by the Returning Officer to assist in the conduct of 2022 By-election.

“Disruption of Service”	means an unlikely disconnection that a Voter may encounter during the internet voting process. If a Disruption of Service occurs, the Voter must log back into the system and restart the voting process.
“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.
“Encrypt”	means the act of ciphering data using a secret code so as to be unintelligible to unauthorized parties.
“Internet Voting”	means an alternative voting method by which a Voter casts his/her Ballot using a secure web-based online voting system.
“Internet Voting Provider”	means the vendor retained by the City to provide the Internet Voting System.
“Internet Voting System”	means the entire system including, but not limited to, hardware, programing and processes, provided by the Internet Voting Provider that allows a Voter to remotely mark a Ballot and vote online in the 2022 By-election.
“Over-vote”	means the process by which a Voter selects more candidates than permitted for a particular Office on the Ballot. The Internet Voting System does not allow for Over-votes.
“Returning Officer”	means the person appointed under the Act to preside over the 2022 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 2022 By-election, including, but not limited to, the testing of the Internet Voting System and Vote Tabulators, the voting at a Voter Centre or Special Voting Location, and the tabulation of any votes cast.
“Special Voting Location”	means a Vote Centre 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.
“Under Votes”	means the process by which a Voter selects less than the permitted number of candidates for a particular Office. The Internet Voting System does allow for Under-votes.

“Vote Centre”	means a physical location designated by the Returning Officer where a Voter can receive assistance from a Designated Election Official in the use of the Internet Voting System or vote using Vote Tabulators.
“Vote Tabulator Procedures”	means the procedures established by the Returning Officer for the use of Vote Tabulators.
“Vote Tabulators”	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 Vote Centre; and (b) facilitate the uploading of voting data to a centralized vote compilation system.
“Voter”	means a person who, as of Voting Day, is: a) is a Canadian citizen; b) is at least 18 years old; c) a resident of Richmond Hill or the owner or tenant of land or spouse of such owner or tenant of land; and, d) is not otherwise prohibited from voting.
“Voter ID Number”	means the unique alphanumeric code assigned by the Voters’ List Management Provider to each Voter on the Voter’s List used by the Internet Voting System to identify the voter.
“Voter Information Package”	means the package of information containing election information sent by the Returning Officer to all Voters.
“Voters’ List”	means the list of all Voters supplied by the Municipal Property Assessment Corporation and revised by the Returning Officer for use in the 2022 By-election.
“Voters’ List Management Provider”	means the vendor retained by the City to electronically manage the Voters’ List.
“Voters’ List Management System”	means the electronic system supplied by the Voters’ List Management Provider to manage the Voters’ List.
“Voting Day”	means the day on which the final vote is to be taken in the 2022 By-election (January 24, 2022).
“Voting Period”	means the continuous period of time beginning at 10:00 a.m. on Tuesday, January 18, 2022, and ending at 8:00 p.m. on Voting Day, during which a Voter can vote using the Internet Voting System.

“Voting PIN”	means the unique alphanumeric code randomly generated by the Internet Voting Provider for each Voter on the Voters’ List, that is used by a Voter to access the Internet Voting System during the Voting Period for the purpose of voting in the 2022 By-election. Once a Voting PIN has been used to cast a Ballot, it is automatically disabled in the Internet Voting System and cannot be used again to access the system.
“Voting Site”	means the website with a URL unique to the 2022 By-election, accessed by a Voter during the Voting Period for the purpose of casting a Ballot.
“Zero”	means the process through the Administrative Site by which the Returning Officer or Election Management Team ensures that the Internet Voting System shows no votes for any Candidate, to be performed during testing and before opening of Voting for the Voting Period.

Appendix “B”



2022 By-election

Declaration of Emergency

Municipal Elections Act, 1996 (Section 53)

2022 By-election to fill the vacancy in the Office of Mayor

Whereas, the Richmond Hill City Clerk (the “Clerk”), pursuant to By-law 132-21, passed by Council of the City of Richmond Hill on October 13, 2021, is required to conduct a By-election to fill the vacancy in the Office of Mayor, (the “2022 By-election”);

And whereas, pursuant to clauses 65(4)1 and 65(4)2 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended (the “Act”), the Clerk has set Nomination Day for the 2022 By-election to be Friday, December 10, 2021, and Voting Day is on Monday, January 24, 2022;

And whereas subsection 53(1) of the Act provides that the Clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act;

And whereas subsection 53(2) of the Act provides that on declaring an emergency, the Clerk shall make such arrangements as he or she considers advisable for the conduct of the election;

And whereas section 53(3) of the Act provides that the arrangements made by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it;

And whereas it is well established in law that the principles of the Act are that:

- (a) The secrecy and confidentiality of individual votes is paramount;
- (b) The election should be fair and non-biased;
- (c) The election should be accessible to the 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) 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.

And whereas subsection 53(4) of the Act provides that an emergency declared by the Clerk continues until the Clerk declares that it has ended;

And whereas subsection 53(5) of the Act provides that, if made in good faith, the Clerk’s declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness;

2022 By-election
Declaration of Emergency
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And whereas, in response to the COVID-19 coronavirus disease (“COVID-19”), the Government of Ontario has declared an *Emergency Management and Civil Protection Act* (the “EMCPA”), and that the Orders 8/21, 25/21, 55/21 and 305/21 under the EMCPA remain in effect;

And whereas, the Government of Ontario enacted the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17*, and has under subsection 2(1) of that Act continued various orders made under the EMCPA that are still in effect;

And whereas regulations made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* establish what can generally be described as rules to protect the health and safety of Ontarians;

And whereas, in response to COVID-19, the City of Richmond Hill declared an emergency on March 20, 2020, pursuant to section 4 of the EMCPA, and the declaration of emergency remains in effect;

And whereas, it is reasonable to anticipate that COVID-19 will continue to constitute a significant public health and safety danger that could result in serious harm to persons throughout the period of the 2022 By-election;

And whereas, it is reasonable to anticipate that COVID-19 will likely prevent the 2022 By-election from being conducted in accordance with the Act;

Now therefore, in respect of the 2022 By-election, I, Stephen M.A. Huycke, City Clerk and Returning Officer for the City of Richmond Hill:

1. Do hereby declare that an emergency exists because of the continued outbreak of the COVID-19 coronavirus communicable disease pandemic (“COVID-19 pandemic”); and
2. That this declaration of emergency is made good faith for the sole purpose of ensuring that the 2022 By-election is conducted in accordance with the principles of the Act during the COVID-19 pandemic.

Signed at the City of Richmond Hill, Province of Ontario, this 14th day of October, 2021

“Signed version on file in the Office of the Clerk”

Table of Amendments and Revisions

Version	Version Approval Date	Revisions	Reason
1.0	November 17, 2021	None – Original	