



Use of Vote Tabulators and Accessible	City Clerk – Election Office
Vote Tabulators Procedure	Procedure No: EO-10-22

Table of Contents

1. Purpose.....	1
2. Application.....	1
3. Legislative Authority.....	2
4. Definitions.....	3
5. General	7
6. Voting Hardware and Software.....	7
7. Storage and Security	7
8. Pre-Voting Day Procedures.....	8
9. Voting Place Procedure.....	13
10. Candidates and Scrutineers.....	13
11. Set Up Procedures at Voting Place: Vote Tabulator.....	13
12. Set Up Procedures at Voting Place: Accessible Vote Tabulator.....	15
13. Voting Procedure for Electors.....	16
14. Malfunctioning Tabulator or Tabulator Failure.....	18
15. Ballots where the Tabulator Detects no Votes.....	19
16. Ballots where the Tabulator Detects More Votes than the Elector is Entitled to Mark.....	20
17. Damaged or Defective Ballots, Paper Misread, Ambiguous Marks, Invalid Ballots.....	21
18. Paper Jam (Front Slot).....	22
19. Paper Jam (Exit Slot).....	25
20. Closing of the Voting Place during the Advance Poll.....	26
21. Closing of the Voting Place on Election Day.....	27
22. Malfunctioning Tabulator at the Close of Regular Polls on Election Day.....	28
23. Production of Election Results from the Advance Polls, Institutional Polls, Special Advance Polls and Special Vote By Mail.....	29
24. Tabulation of Votes from Institutional Polls and Special Advanced Polls.....	30
25. Tabulation of Votes from the Special Vote By Mail.....	31
26. Retention of Election Documents.....	31
27. Applicable Legislation.....	31
28. Appendix A".....	32

Use of Voting and Vote Counting	City Clerk – Election Office
Equipment	Procedure No.: EO-10-22

1. Purpose

- 1.1 This document outlines the City of Hamilton's procedures for the use of Vote Tabulators and Accessible Vote Tabulators in the City of Hamilton's municipal elections.
- 1.2 This Procedure has been established with regard to and in a manner consistent with the principles of the MEA which are:
 - i. The secrecy and confidentiality of the voting process is paramount;
 - ii. The election shall be fair and non-biased;
 - iii. The election shall be accessible to the voters;
 - iv. The integrity of the process shall be maintained throughout the election;
 - v. There is to be certainty that the results of the election reflect the votes cast;
 - vi. Voters and candidates shall be treated fairly and consistently; and
 - vii. The proper majority vote governs by ensuring that valid votes are counted and invalid votes are rejected so far as reasonably possible.

2. Application

- 2.1. This Procedure applies to the City Clerk, Election Officials designated by the City Clerk, City of Hamilton Information Technology staff, Equipment Vendor, Candidates and Scrutineers during City of Hamilton municipal elections and by-elections.

3. Legislative Authority

- 3.1. The *Municipal Elections Act*, 1996, authorizes the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators provided Council has passed a by-law to authorize such use. A by-law to authorize use of voting or vote-counting equipment applies to a regular election if the by-law is passed on or before May 1 in the year of the election and will apply to a by-election if passed more than 60 days before voting day. *Reference: MEA s. 42(1)(a), 42(2)(a)(b)*
- 3.2. On October 9, 2024 Council for the City of Hamilton passed a by-law to authorize the Use of Optical Scanning Vote Tabulators and to Authorize Use of Internet Voting as an Alternative Voting Method and to repeal By-law 21-147 and By-law 17-059 to authorize the use of voting technology and alternative voting practices.
- 3.3. The City Clerk is responsible for the proper conduct of the Municipal Election in the City of Hamilton. In accordance with the MEA, the City Clerk is required to establish procedures and forms for the use of voting and vote-counting equipment authorized by by-law. *Reference: MEA s. 12(1), 42(3)(a)(i) (4)1,3.*
- 3.4. The City Clerk is required to establish these Procedures and provide a copy of these Procedures to all Candidates at the time their nomination is filed. *Reference: MEA s. 42(3)(b), 42(4)1*
- 3.5. Where the Procedures and Forms established by the City Clerk are consistent with the principles of the MEA, they will prevail over anything in the MEA and the regulations made under the MEA. *Reference: MEA s. 42(4)2*

4. Procedure

Definitions

“**Accessible Vote Tabulator**” means Dominion Voting’s ImageCast Evolution (ICE) Accessible Voting Optical Scan Ballot Tabulator voting equipment that accepts and records votes and tabulates the results using various accessible input devices (Audio Tactile Interface (ATI), “sip and puff”).

“**Advance Poll**” refers to a designated Voting Place on Saturday January 4, 2025, Sunday January 5, 2025, and any other date established by the City Clerk where voting is open to all eligible Electors within their designated Ward.

“**AVS**” means an Accessible Voting Specialist and is a person appointed by the City Clerk and to whom the City Clerk has delegated powers and duties in relation to the operation of Accessible Vote Tabulators.

“**Ballot**” means a ballot containing names of the Candidates whose nomination was certified by the City Clerk, except those who were acclaimed.

“**Ballot Box**” means designated boxes (cardboard or otherwise) provided to Election Officials for the deposit of Ballots received from Electors.

“**Cancelled and Declined Ballot Envelope**” means a designated envelope for the storage of those Ballots that have been cancelled and/or declined.

“**Candidate**” means a person whose Nomination filed under section 33 of the MEA has been certified by the City Clerk.

“**City Clerk**” means the individual appointed by City Council as City Clerk for the City of Hamilton, and who is also the Returning Officer for the Election.

“Democracy Suite Software” means Dominion Voting’s election project database software that allows for the designing of Ballots, tabulation set up, tallying, reporting and auditing.

“DRO” means a Deputy Returning Officer and is a person appointed by the City Clerk and to whom the City Clerk has delegated powers and duties in relation to the Election.

“EA” means an Election Assistant and is a person appointed by the City Clerk and to whom the City Clerk has delegated powers and duties in relation to the Election.

“Election” means the 2025 HWDSB Ward 4 by-election.

“Election Day” means the day on which the final vote is to be taken in an Election.

“Election Official” means a person appointed by the City Clerk and to whom the City Clerk has delegated powers and duties in relation to the. An Election Official includes an MDRO, TDRO, DRO, EA, AVS, and RO.

“Elector” means a person who meets the qualifications to vote in a Municipal Election as prescribed by the MEA.

“Equipment Vendor” means the manufacturer or the distributor, including consultants and third parties, who provide vote counting equipment to the City. For the 2025 HWDSB Ward 4 By-election, the Equipment Vendors are Elections Ontario and Dominion Voting Systems.

“Institutional Poll” refers to a Voting Place provided on the premises of specific institutions as required under section 45(7) of the MEA and which is available on Election Day to all Electors who are residents of the institution.

“MEA” means the *Municipal Elections Act, 1996*, as amended.

“Memory Card” is a removable, battery-sustained storage device (similar to a diskette) supplied by the Equipment Vendor that stores the tabulated totals from each tabulator.

“MDRO” means a Managing Deputy Returning Officer and is a person appointed by the City Clerk and to whom the City Clerk has delegated powers and duties in relation to the Election.

“Privacy Sleeve” is a paper folder in which a Ballot can be placed so as to conceal the Elector’s selection as marked on the face of the Ballot.

“Programming” means the setup and downloading of Voting Place number and name, races, list of Candidates and options for the return of different Ballot types onto a Memory Card using Dominion Voting’s Democracy Suite software.

“Regular Poll” refers to a Voting Place on Election Day where voting is open to all Electors within their designated voting subdivision, excluding Institutional Polls.

“Results Report” means a report generated by the Vote Tabulator and the Accessible Vote Tabulator at the close of voting on Election Day, showing the total votes cast for each Candidate and each by-law or question.

“RO” means a Revisions Officer and is a person appointed by the City Clerk to whom the City Clerk has delegated powers and duties in relation to the Election.

“Scrutineer” means a person appointed in writing by a Candidate to represent the Candidate during voting and at the counting of votes at a specific Voting Place.

“Special Advance Poll” refers to a designated Voting Place other than an Advance Poll or a Poll on Election Day, with dates and times to be determined by the City Clerk

“Status Report” means a report generated by the Vote Tabulator and the Accessible Vote Tabulator at the start of voting on the second and each subsequent day of Advance Poll.

“TDRO” means a Tabulator Deputy Returning Officer and is a person appointed by the City Clerk to whom the City Clerk has delegated powers and duties in relation to the Election.

“Vote Tabulator” means the Dominion Voting Systems ImageCast Precinct (IPC) voting tabulator that optically scans the Ballots to read and record the votes and tabulate the results.

“Voting Day” means Advance Polls, Special Advance Polls and Election Day.

“Voters’ List” means a document prepared by the City Clerk, which lists the names, and voting entitlement of eligible Electors as provided to the City by Elections Ontario in accordance with the MEA.

“Voting Day” means all days during which voting occurs, including Advance Polls, Special Advance Polls, and polls on Election Day.

“Voting Place means the physical location (building) and its surrounding property (where appropriate) designated by the City Clerk as a place where Electors may attend to cast their vote in the Election.

“Voting Screen” means a place in the polling station where an Elector goes to mark their Ballot in private.

“Voting Subdivision” means the sub-area of the municipality, also known as Wards and Polls.

“Zero Report” means a report generated by the Vote Tabulator and the Accessible Vote Tabulator prior to the start of voting on the first day of Advance Poll and on Election Day, showing all vote counters as zero.

5. General

- 5.1.** For the Election, the City of Hamilton will be using Vote Tabulators and Accessible Vote Tabulators leased from the Equipment Vendor.

6. Voting Hardware and Software

- 6.1.** The table in Appendix "A" of this Procedure identifies the integrated system of voting hardware and software to be used during the Election.

7. Storage and Security

- 7.1.** All Vote Tabulators, Accessible Vote Tabulators, Memory Cards, Ballots and other election supplies shall be securely stored at the City Clerk’s designated location before and after use at the Voting Places during the Election.

8. Pre-Voting Day Procedures

8.1. Tabulator Maintenance and Functionality Testing

- 8.1.1. The Equipment Vendor shall conduct full maintenance of all Vote Tabulators and Accessible Vote Tabulators prior to dispatching to the City of Hamilton and will load the memory card with candidate ballot information according to the Clerk certified candidates.
- 8.1.2. Election Officials will conduct full logic and accuracy testing of all Vote Tabulators and Accessible Vote Tabulators on receipt, prior to Voting Days.

8.2. Appearance of Ballots

- 8.2.1. A space for marking the Ballot shall appear to the right of each Candidates' name. and to the right of each answer to any by-law or question.
- 8.2.2. The instruction on the Ballot shall direct Electors to vote by marking the space to the right of the Candidate of choice and the answer to any by-law or question.

8.3. Tabulator Programming

- 8.3.1. The Equipment Vendor will be responsible for programming the Vote Tabulators and Accessible Vote memory cards based on configuration information supplied by City of Hamilton Information Technology staff.
- 8.3.2. The Vote Tabulator memory cards shall be programmed with candidates for each race, so that:
 - a) The tabulator Results Report can be produced indicating the number of votes cast in that race and for the answer to any by-law or question;

- b) The tabulator produces an error message for the TDRO or Designated Election Official to determine if the Ballot:
 - i. has no votes in any of the designated voting spaces;
 - ii. has more votes in the designated voting spaces than an Elector is entitled to mark on a Ballot (over voting);
 - iii. is damaged or defective or has been marked in such a way that it cannot be properly processed;
 - iv. does not have the DRO's initials in the designated box on the front of the Ballot; or
 - v. is a valid City of Hamilton Ballot but is not valid for the designated Voting Subdivision.

- c) a Ballot is accepted by the Vote Tabulator if there are less votes in the designated voting spaces than an Elector is entitled to mark on the Ballot, providing that a mark has been detected for at least one office.

8.3.3. The Accessible Vote Tabulators shall be programmed so that:

- a) a Results Report can be produced indicating the number of votes cast for each Candidate and for the answer to any by-law or question;

- b) the Elector is able to review and confirm their selected Candidate for each office and for the answer to any by-law or question where applicable, prior to casting the Ballot;

- c) the Elector is notified and has an opportunity to adjust their selection or cast the Ballot if the Accessible Vote Tabulator determines that the Ballot has no votes in any of the designated voting spaces;

- d) a Ballot is returned to the AVS or Designated Election Official if the Accessible Vote Tabulator determines that the Ballot:
 - i. is damaged or defective or has been marked in such a way that it cannot be properly processed;
 - ii. does not have the DRO's initials in the designated box on the front of the Ballot; or
 - iii. is a valid City of Hamilton Ballot but is not valid for the designated Voting Subdivision.
- e) a Ballot is accepted by the Accessible Vote Tabulator if the Elector does not make a selection for every race they are eligible to cast a vote for, but wishes to cast to ballot.

8.4. Logic and Accuracy Testing

- 8.4.1. Prior to the first day on which a vote is held, Election Officials shall:
 - a) test each Vote Tabulator to ensure it accurately counts the votes cast for all Candidates and answers to any by-law or question where applicable; and
 - b) test each Accessible Vote Tabulator to ensure it accurately marks and counts the Ballots and votes cast for all Candidates and answers to any by-law or question where applicable.
- 8.4.2. City of Hamilton Information Technology Staff will ensure that safeguards are taken when testing the Vote Tabulators and Accessible Vote Tabulators to ensure that the system, as defined in Appendix "A" of this Procedure, or any part of it used for

tabulating and marking votes is isolated from all other applications or programs and that no remote devices are capable of gaining access to them.

- 8.4.3. The test for each Vote Tabulator shall be conducted by:
- a) loading the Memory Card into the Vote Tabulator designated for that Voting Subdivision;
 - b) producing a Zero Report before the test to confirm that no Ballots have been cast and no votes are stored in the Memory Card;
 - c) tabulating a pre-audited group of Ballots including each Ballot style to be used for the designated Voting Subdivision, ensuring that each Candidate is voted for at least once;
 - d) ensuring the Vote Tabulator processes Ballots as specified in section 8.3.2.
 - e) producing a Results Report; and
 - f) comparing the test results against the pre-determined results.
- 8.4.4. The test for each Accessible Vote Tabulator shall be conducted by:
- a) loading the Memory Card into the Accessible Vote Tabulator designated for that Voting Subdivision;
 - b) producing a Zero Report before the test to confirm that no Ballots have been cast and no votes are stored in the Memory Card;
 - c) tabulating a pre-audited group of Ballots including each Ballot style to be used for the designated Voting Subdivision, ensuring that each Candidate is voted for at least once;

- d) inserting a blank Ballot of each style for the designated Voting Subdivision and marking each Ballot according to a predetermined number of votes for each Candidate and answers to any by-law or question, using audio and each type of accessible input device;
- e) ensuring the Accessible Vote Tabulator processes Ballots as specified in section 8.3.3;
- f) producing a Results Report; and,
- g) comparing the test results against the pre-determined results.

8.4.5. Any errors detected in the testing of the Vote Tabulators and Accessible Vote Tabulators shall be identified, corrected and the test repeated until the desired test results are achieved.

8.5. **Completion of Testing**

8.5.1. At the completion of the testing, the City Clerk or a designated Election Official shall:

- a) Clear the test results from each Memory Card and seal it inside the memory card slot of the Vote Tabulator or Accessible Vote Tabulator;
- b) securely store the Vote Tabulators and Accessible Vote Tabulators containing the Memory Cards until they are deployed to a Voting Place for use during the Voting Days
- c) retain all testing-related documentation, including test procedures and results, in accordance with section 88 of the MEA.

9. Voting Place Procedure

- 9.1. A Vote Tabulator shall be used in each Voting Place during the Advance Polls and Regular Polls.
- 9.2. Vote Tabulators or Accessible Vote Tabulators will not be used onsite for Institutional Polls and Special Advance Polls and Ballots will be deposited directly into a secured Ballot Box. Vote counting will be conducted in accordance with section 23 of this procedure.
- 9.3. An Accessible Vote Tabulator shall be available at every Voting Place during the Advance Polls and during Regular Polls.

10. Candidates and Scrutineers

- 10.1. Candidates and Scrutineers' rights, roles and responsibilities at the Voting Place are outlined in the MEA. *Reference: 47 MEA*
- 10.2. To protect the secrecy of the vote, Candidates and Scrutineers are prohibited from accompanying and assisting Electors at the Voting Screens or at an Accessible Vote Tabulator during marking of the Ballot.
- 10.3. Candidates and Scrutineers are prohibited from examining or objecting to a Ballot while it is being fed into a Vote Tabulator.

11. Set Up Procedures at Voting Place: Vote Tabulator

- 11.1. Approximately 20 minutes before the Voting Place is to open, the TDRO will prepare the Ballot Box and Vote Tabulator by ensuring that both the primary and auxiliary compartments in the Ballot Box are empty. Candidates or Scrutineers are entitled to be present to inspect the Ballot Box.

- 11.2. After inspection, the TDRO will close and seal the Ballot Box, initialing each seal. Any Candidate or Scrutineer present may also initial or sign each seal in the area provided.
- 11.3. The TDRO will setup the Vote Tabulator on top of the Ballot Box.
- 11.4. The TDRO will produce a Zero Report of all totals in the Memory Card of the Vote Tabulator.
- 11.5. The Zero Report shall only be produced on the first day of use during Advance Polls and on Election Day. On second and subsequent days of Advance Polls, a Status Report is produced, showing the number of Ballots cast to date.
- 11.6. The Zero Report and any Status Reports shall remain affixed to the Vote Tabulator until the results are printed by the Vote Tabulator after the close of voting on Election Day.
- 11.7. Candidates and/or Scrutineers may be present when the TDRO produces the Zero Report or Status Report.
- 11.8. If the Zero Report total is not zero for all Candidates or for answers to any by-laws or questions, the TDRO shall immediately notify the City Clerk or other designated Election Official.
- 11.9. If a Zero Report cannot be printed, the TDRO will immediately notify the City Clerk, or designated Election Official.
- 11.10. Until the Vote Tabulator is made operational or is replaced and a Zero Report is printed and signed, the TDRO will process Ballots by placing them in the auxiliary compartment of the Ballot Box.
- 11.11. The TDRO will sign the Zero or Status Report. Any Candidate or Scrutineer present may also initial or sign the Zero or Status Report.

12. Set Up Procedures at Voting Place: Accessible Vote Tabulator

- 12.1. Approximately 20 minutes before the Voting Place is to open, the AVS will prepare the Ballot Box and Accessible Vote Tabulator by ensuring that both the primary and auxiliary compartments in the Ballot Box are empty. Candidates or Scrutineers are entitled to be present to inspect the Ballot Box.
- 12.2. After inspection, the AVS will close and seal the Ballot Box, initialing each seal. Any Candidate or Scrutineer present may also initial or sign each seal in the area provided.
- 12.3. The AVS will setup the Vote Tabulator on top of the Ballot Box.
- 12.4. The AVS will produce a Zero Report of all totals in the Memory Card of the Accessible Vote Tabulator.
- 12.5. The Zero Report shall only be produced on the first day of use during Advance Polls and on Election Day. On second and subsequent days of Advance Polls, a Status Report is produced, showing the number of Ballots cast to date.
- 12.6. The Zero Report shall remain affixed to the Accessible Vote Tabulator until the results are printed by the Accessible Vote Tabulator after the close of voting on Election Day.
- 12.7. Candidates and/or Scrutineers may be present when the AVS produces the Zero Report.
- 12.8. If the Zero Report total is not zero for all Candidates or for answers to any by-laws or questions, the AVS shall immediately notify the City Clerk or other designated Election Official.
- 12.9. If a Zero Report cannot be printed, the AVS will immediately notify the City Clerk, or designated Election Officials.

12.10. Until the Accessible Vote Tabulator is made operational or is replaced and a Zero Report is printed and signed, the AVS will process Ballots by placing them in the auxiliary compartment of the Ballot Box.

12.11. The AVS will sign the Zero Report or Status Report. Any Candidate or Scrutineer present may also initial or sign the Zero or Status Report.

13. Voting Procedure for Electors

13.1. Upon arrival at the Voting Place, an Elector will be asked for information to verify that they are on the Voter's List.

13.2. If the Elector does not appear on the Voter's List, they will be directed to the RO who will update their information and add their name to the Voter's List. The RO will then direct the Elector to the DRO.

13.3. Electors who are on the Voter's List will be directed to a DRO.

13.4. The DRO will ask the Elector for the prescribed identification or statutory declaration, find their name on the Voter's List, and strike it off.

13.5. Where an Accessible Vote Tabulator is available at the Voting Place, and where the Elector wishes to use the Accessible Vote Tabulator, they will advise the DRO of their request.

13.6. The DRO will initial the Ballot, place it in a Privacy Sleeve issue and provide the Ballot to the eligible Elector.

13.7. The DRO will then either direct the Elector to the Voting Screens to mark their Ballot with the marker provided or direct the Elector to the AVS to vote using the Accessible Vote Tabulator.

- 13.8. To mark a Ballot manually, the Elector shall:
- 13.8.1. proceed to a Voting Screen and vote by marking the oval beside the Candidate(s) of their choice and/or beside the answer to any by-law or question.
 - 13.8.2. After marking the Ballot manually, the Elector shall place the Ballot into the Privacy Sleeve and proceed to the TDRO.
 - 13.8.3. The TDRO shall ensure that the DRO's initials are on the front of the Ballot.
 - 13.8.4. Where the DROs initials are not on the front of the ballot, the TDRO will direct the Elector back to the DRO in accordance with section 13.6 of this Procedure.
 - 13.8.5. The TDRO will position the Privacy Sleeve with the Ballot facing down and feed the Ballot into the Vote Tabulator while the Elector is still in the Voting Place.
 - 13.8.6. The marked ballot will be scanned and tabulated by the Vote Tabulator.
- 13.9. To mark a Ballot using the Accessible Vote Tabulator:
- 13.9.1. The Elector will, in consultation with the AVS, determine the type of accessible input device the Elector requires to mark the Ballot.
 - 13.9.2. The AVS will ensure that the DRO's initials are on the front of the Ballot
 - 13.9.3. Where the DROs initials are not on the front of the ballot, the AVS will direct the Elector back to the DRO in accordance with section 13.6 of this procedure.
 - 13.9.4. The AVS shall attach the accessible input device chosen to the Accessible Vote Tabulator.

- 13.9.5. After listening to or viewing the instructions on the Accessible Vote Tabulator, the Elector shall vote using the accessible input device to select the Candidate(s) of their choice and/or the answer to any by-law or question.
- 13.9.6. The Elector will have an opportunity to review their choices before casting their vote.
- 13.9.7. The Accessible Vote Tabulator will mark the Ballot with the Elector's selection.
- 13.9.8. The marked Ballot will be scanned and tabulated by the Accessible Vote Tabulator.

14. Malfunctioning Tabulator or Tabulator Failure

- 14.1. If the Vote Tabulator or the Accessible Vote Tabulator fails to operate as intended during Advance Polls or Regular Polls, the TDRO or AVS shall inform the MDRO immediately and the MDRO will contact the City Clerk or designated Election Official for technical support.
- 14.2. If the Accessible Vote Tabulator fails to operate, the Elector shall be given the opportunity to mark their Ballot manually and use the Vote Tabulator.
- 14.3. If the Vote Tabulator fails to operate:
 - 14.3.1. In full view of the Elector, the TDRO shall insert the Ballot from the Privacy Sleeve directly into the auxiliary compartment of the Ballot Box.
 - 14.3.2. At the close of voting, the TDRO shall insert the Ballots from the auxiliary compartment of the Ballot Box into the repaired or replaced Vote Tabulator.

15. Ballots where the Tabulator Detects no Votes

- 15.1. The Vote Tabulator shall be programmed to return a Ballot where the tabulator detects no votes in any of the designated voting spaces.
- 15.2. When the Vote Tabulator returns a Ballot in accordance with section 15.1 of this Procedure the TDRO shall:
 - 15.2.1. Press the "Return" button on the Vote Tabulator and advise the Elector that the Vote Tabulator does not recognize any marks made on the Ballot;
 - 15.2.2. Place the returned Ballot in a Privacy Sleeve and return the Ballot to the Elector; and
 - 15.2.3. Instruct the Elector on how to mark the Ballot and redirect them to the Voting Screen.
- 15.3. If the Elector does not want to re-mark the Ballot, the TDRO shall re-feed the Ballot into the Vote Tabulator and press the "Cast" button to accept the Ballot.
- 15.4. If the Elector is not present, the TDRO shall press the "Cast" button to accept the Ballot.
- 15.5. The Accessible Vote Tabulator shall be programmed to prompt the Elector if there have been no votes selected on the entire Ballot. If the Elector does not wish to make a selection, they may confirm and submit their Ballot.

16. Ballots where the Tabulator Detects More Votes than the Elector is Entitled to Mark

- 16.1. The Vote Tabulator shall be programmed to return a Ballot if it detects more votes in the designated voting spaces than an Elector is entitled to mark on a Ballot.
- 16.2. When the Vote Tabulator returns a Ballot in accordance with section 16.1 of this Procedure the TDRO shall:
 - 16.2.1. advise the Elector that the Vote Tabulator detects more than the entitled votes for an office or for an answer to a by-law or question;
 - 16.2.2. instruct the Elector of the number of entitled votes permitted per office or for any answer to a by-law or question; and
 - 16.2.3. ask the Elector if they wish to obtain a replacement Ballot.
- 16.3. If the Elector does not wish to obtain a replacement Ballot, the TDRO will re-feed the Ballot into the Vote Tabulator and press the “Cast” button to accept the Ballot. Only the valid marks on the Ballot will be counted by the Vote Tabulator.
- 16.4. If the Elector wishes to obtain a replacement Ballot, the TDRO will give the original Ballot back to the Elector in the Privacy Sleeve and direct the Elector back to the DRO.
- 16.5. The DRO will check to ensure that their initials are on the top of the original Ballot and will write "cancelled" on the top of the Ballot exposed by the Privacy Sleeve.
- 16.6. The DRO will place the “cancelled” Ballot in the Cancelled and Declined Ballots Envelope.
- 16.7. The DRO shall issue a replacement Ballot to the Elector for marking and direct them to the Privacy Screen to mark their Ballot.

16.8. If the Elector is not present, the TDRO shall press the "Cast" button to accept the Ballot. Only the valid marks on the Ballot will be counted by the Vote Tabulator.

16.9. The Accessible Voting Tabulator shall be programmed to prevent the Elector from casting more votes than they are entitled to cast.

17. Damaged or Defective Ballots, Paper Misread, Ambiguous Marks, Invalid Ballots

17.1. If the Vote Tabulator or Accessible Vote Tabulator does not accept a Ballot because:

- it is damaged or defective; or
- there are stray markings on the paper and the ballot is misread; or
- if the marks on the Ballot are not large enough or dark enough for the Vote Tabulator to process; or
- if the Ballot is an official Ballot but the Tabulator is not configured to accept it, the TDRO or AVS shall:

17.1.1. Remove the Ballot and advise the Elector that the Tabulator did not accept the Ballot.

17.1.2. Re-insert the Ballot, trying different orientations (face-down/headfirst, face-up/headfirst, etc.);

17.1.3. If rejected again, return the Ballot to the Elector in the Privacy Sleeve and direct them to the DRO to obtain a replacement Ballot;

17.1.4. The DRO will check to ensure that their initials are on the top of the original Ballot and shall mark "cancelled" on the top of the Ballot exposed by the Privacy Sleeve;

17.1.5. The DRO will place the "cancelled" Ballot in the Cancelled and Declined Ballots Envelope;

- 17.1.6. The DRO shall issue a replacement Ballot to the Elector for marking and will direct them to the Voting Screen or AVS;
 - 17.1.7. If the Elector refuses to accept a replacement Ballot and the Tabulator still does not accept the Ballot, the DRO shall write "declined" on the top of the Ballot exposed by the Privacy Sleeve and place it in the Cancelled and Declined Ballots Envelope.
- 17.2. If the Elector is not present and the Vote Tabulator or Accessible Vote Tabulator returns the Ballot for any one of the reasons in section 17.1:
- 17.2.1. The TDRO or AVS will place the Ballot in the Privacy Sleeve and return it to the DRO;
 - 17.2.2. The DRO will write "cancelled" across the back of the original Ballot and place it in the Cancelled and Declined Ballots Envelope.

18. Paper Jam (Front Slot)

- 18.1. If a paper jam is detected in the front slot of the Vote Tabulator or the Accessible Vote Tabulator, an error message will be displayed indicating that there has been a paper jam in the front slot.
- 18.2. If this error message is displayed, **this ballot has NOT been counted**, and has become stuck in the Vote Tabulator or Accessible Vote Tabulator.
- 18.3. The TDRO or AVS shall:
 - 18.3.1. explain to the Elector that the Ballot has become stuck in the reader of the Vote Tabulator or Accessible Vote Tabulator and has not been counted;
 - 18.3.2. press the **CLEARED** button to initiate an automated Ballot reversing procedure;

- 18.3.3. if the Ballot is successfully returned without any damage, it can be re-inserted into the Vote Tabulator or Accessible Vote Tabulator;
 - 18.3.4. if the Vote Tabulator or Accessible Vote Tabulator fails to return the Ballot, press the **CLEARED** button again.
 - 18.3.5. If the Vote Tabulator or Accessible Vote Tabulator fails to return the Ballot after 5 attempts, the screen will display the message "PAPER JAM STILL EXISTS" and a SHUT DOWN button will appear to allow the TDRO or AVS to turn off the Vote Tabulator or Accessible Vote Tabulator.
 - 18.3.6. press the **SHUT DOWN** button to turn off the Vote Tabulator or Accessible Vote Tabulator;
 - 18.3.7. if the Ballot is visible from the front slot, manually pull the Ballot out;
 - 18.3.8. ensure there is nothing obstructing the ballot slot;
 - 18.3.9. restart the Vote Tabulator or Accessible Vote Tabulator by unplugging it, waiting 5 seconds and plugging it back into the power outlet;
 - 18.3.10. re-insert the Ballot into the Vote Tabulator or Accessible Vote Tabulator.
- 18.4. If the Vote Tabulator or Accessible Vote Tabulator is still rejecting the Ballot after following the steps outlined in section 18.3 of this Procedure, the TDRO or AVS shall:
 - 18.4.1. place the Ballot back in the Privacy Sleeve and return it to the Elector; and
 - 18.4.2. direct the Elector to the DRO to obtain a replacement Ballot.

- 18.5. The DRO shall ensure that their initials are on the front of the Ballot, shall mark "Cancelled" on the top of the Ballot exposed by the Privacy Sleeve, and place the Ballot in the Cancelled and Declined Ballots Envelope.
- 18.6. The DRO shall issue a replacement Ballot to the Elector and direct them to the Voting Screen or the Accessible Voting Tabulator.
- 18.7. If the Vote Tabulator continues to reject the replacement Ballot, or rejects the Ballot of the next Elector, the TDRO shall:
 - 18.7.1. deposit the Ballot into the auxiliary compartment of the Ballot Box;
 - 18.7.2. advise the MDRO;
 - 18.7.3. The MDRO will contact the City Clerk or designated Election Official immediately for Technical Support.
- 18.8. If the Accessible Vote Tabulator continues to reject the replacement Ballot, or rejects the Ballot of the next Elector, the AVS shall:
 - 18.8.1. ask the Elector if they want to vote using a manually marked Ballot and the Vote Tabulator;
 - 18.8.2. if the Elector requests to use the Vote Tabulator, return the Ballot to the Elector in the Privacy Sleeve and direct them to the Voting Screens;
 - 18.8.3. if the Elector does not wish to use the Vote Tabulator, deposit the Ballot into the auxiliary Ballot Box;
 - 18.8.4. 19.8.4 advise the MDRO of the Accessible Vote Tabulator failure;
 - 18.8.5. 19.8.5 the MDRO will contact the City Clerk or designated Election Official immediately for Technical Support.

- 18.9. If the Elector is not present, or does not wish to obtain a replacement Ballot, the TDRO or AVS shall return the Ballot to the DRO in the Privacy Sleeve for cancellation.

19. Paper Jam (Exit Slot)

- 19.1. If a paper jam is detected in the exit slot of the Vote Tabulator or Accessible Vote Tabulator, an error message will be displayed indicating that there is a paper jam in the exit slot.
- 19.2. If this error message is displayed, **this ballot HAS been counted**, and has become stuck in the Vote Tabulator or Accessible Vote Tabulator.
- 19.3. The TDRO or the AVS shall:
 - 19.3.1. explain to the Elector that the Ballot has become stuck in the Vote Tabulator or Accessible Vote Tabulator but has been counted;
 - 19.3.2. press the **CLEARED** button to initiate an automated Ballot reversing procedure;
 - 19.3.3. if the Ballot is successfully returned, it can be inserted directly into the Ballot Box;
 - 19.3.4. if the Vote Tabulator or the Accessible Vote Tabulator fails to return the Ballot, the TDRO or the AVS will press the **CLEARED** button again;
 - 19.3.5. if the Vote Tabulator or Accessible Vote Tabulator fails to return the Ballot after 5 attempts, the screen will display the message "PAPER JAM STILL EXISTS ..." with a SHUT DOWN button to turn off the Vote Tabulator;
 - 19.3.6. the TDRO or the AVS will press the **SHUT DOWN** button to turn off the Vote Tabulator or Accessible Vote Tabulator;
 - 19.3.7. if the Ballot is visible from the exit slot, the TDRO or the AVS will manually pull the Ballot out and deposit it into the Ballot Box;
 - 19.3.8. The TDRO or the AVS will ensure there is nothing obstructing the ballot slot; and,

- 19.3.9. The TDRO or the AVS will restart the Vote Tabulator or Accessible Vote Tabulator by unplugging it, waiting 5 seconds and plugging it back into the power outlet.
- 19.4. If the Vote Tabulator or Accessible Vote Tabulator is still jammed after following the steps outlined in section 19.3 of this Procedure, the TDRO or AVS shall:
 - 19.4.1. shut down the Vote Tabulator or Accessible Vote Tabulator;
 - 19.4.2. notify the MDRO or the Tabulator failure;
 - 19.4.3. the MDRO must contact the City Clerk or designated Election Official immediately;
 - 19.4.4. deposit the Ballots of subsequent Electors into the Vote Tabulator auxiliary Ballot Box.

20. Closing of the Voting Place during the Advance Poll

- 20.1. Each night of the Advance Poll, after the close of voting, the TDRO and AVS shall:
 - 20.1.1. ensure any Ballots in the auxiliary compartment of the Ballot Box are fed into the Vote Tabulator or Accessible Vote Tabulator;
 - 20.1.2. ensure that the Election results are not generated;
 - 20.1.3. power down and unplug the Vote Tabulator and Accessible Vote Tabulator and place them in the appropriate carrying cases; and
 - 20.1.4. ensure the Vote Tabulator and Accessible Vote Tabulator are securely stored at a location designated by the City Clerk.
- 20.2. Election Staff will pick up sealed Ballot Boxes from polling locations and deliver to City Hall for secure storage at the end of each voting day.

- 20.3. The City Clerk shall provide notice to Candidates of the location where election supplies shall be held.
- 20.4. The City Clerk or Designated Election Official shall not generate Advance Poll results until after the close of voting on Election Day. *Reference: MEA s. 42(6).*

21. Closing of the Voting Place on Election Day

- 21.1. After the close of voting on Election Day, the TDRO and AVS shall:
 - 21.1.1. feed any Ballots from the auxiliary compartment of the Ballot Box into the Vote Tabulator; or Accessible Vote Tabulator;
 - 21.1.2. use the Vote Tabulator or Accessible Vote Tabulator security key to select "Close Poll" to produce two copies of the Results Report.
 - 21.1.3. Sign both copies of the Report;
 - 21.1.4. place the first copy of the Results Report, still attached to the Zero Report, in the Results and Ballot Statements Envelope;
 - 21.1.5. provide the second copy of the Results Report to any Candidates or Scrutineers for review;
 - 21.1.6. power down and unplug the Vote Tabulator or Accessible Vote Tabulator and place them in the appropriate carrying cases;
 - 21.1.7. deliver the Vote Tabulator or Accessible Vote Tabulator, Ballot Box(es) and other Election supplies to the City Clerk's designated location.
- 21.2. At the designated location, an Election Official will:
 - 21.2.1. receive the Vote Tabulators and Accessible Vote Tabulators;
 - 21.2.2. remove the Memory Cards from the Vote Tabulators and Accessible Vote Tabulators;

- 21.2.3. insert the Memory Cards into a laptop computer and transmit the results to the City's results system.

22. Malfunctioning Tabulator at the close of Regular Polls on Election Day

- 22.1. If the Vote Tabulator or the Accessible Vote Tabulator fails to operate at the Voting Place, and will not Close the Poll or produce Results Reports at the close of the voting on Election Day, the TDRO or AVS shall inform the MDRO.
- 22.2. The MDRO shall contact the designated Election Official for instructions.
- 22.3. The City Clerk or their designated Election Official will identify the location with a backup Vote Tabulator or Accessible Vote Tabulator where the results can be produced.
- 22.4. The TDRO or AVS shall:
 - 22.4.1. remove any Ballots from the auxiliary compartment of the Ballot Box, place them into a separate Ballot Box, write the Voting Subdivision and "Auxiliary Compartment Ballots" on the Ballot Box and seal it.
 - 22.4.2. document the Ballots cast shown on the screen of the tabulator if available.
 - 22.4.3. advise all Candidates and Scrutineers present of the City Clerk's designated location where a backup Vote Tabulator or Accessible Vote Tabulator is located to count any auxiliary compartment Ballots and produce results, and their right to be present at that location for the counting of the votes.
 - 22.4.4. deliver the Vote Tabulator or Accessible Vote Tabulator and any Auxiliary Ballot Compartment Box to the City Clerk's designated location.

22.5. At the City Clerk's designated location, in the presence of all Candidates or Scrutineers present, an Election Official shall:

22.5.1. remove the Memory Cards from the malfunctioning Vote Tabulator or Accessible Vote Tabulator and insert them into the backup Tabulator;

22.5.2. verify that the backup Tabulator identifies the same number of Ballots cast as documented on the screen of the original tabulator;

22.5.3. Follow the procedures in section 21 to Close the Poll and produce results.

23. Production of Election Results from the Advance Polls, Institutional Polls, Special Advance Polls and Special Vote By Mail

23.1. Where the City Clerk has not provided a Vote Tabulator at a Voting Place, the Ballots shall be fed into a Ballot Box.

23.2. The City Clerk will designate a place to which the Ballots, Ballot Boxes, and related election supplies will be taken after the close of the voting to be stored in a secure location with Ballot Box seals affixed to the Ballot Box until opened by the City Clerk or designated Election Official on Election Day and tabulated by a Vote Tabulator.

23.3. Candidates will be advised of the date, time and location when Ballots from Advanced Polls, Institutional Polls, Special Advance Polls and Special Vote by Mail are to be tabulated. Candidates and/or a Scrutineer may be present for the counting of votes cast.

23.4. The City Clerk and at least one other Election Official shall be present when the Ballot Boxes are opened and fed through the Vote Tabulator

- 23.5. At the City Clerk's designated location, an Election Official shall generate the results for each Advance Poll, Institutional Poll, Special Advance Poll and Special Vote by Mail at the close of voting by:
 - 23.5.1. starting the Vote Tabulator or Accessible Vote Tabulator with the appropriate Memory Cards inserted, and printing a Status Report;
 - 23.5.2. using the Vote Tabulator or Accessible Vote Tabulator security key to select "Close Poll" to produce two copies of the Results Report.
 - 23.5.3. signing both copies of the Results Report;
 - 23.5.4. placing the first copy of the Results Report, still attached to the Zero Report, in the Results and Ballot Statements Envelope;
 - 23.5.5. providing the second copy of the Results Report to any Candidates or Scrutineers present for review;
 - 23.5.6. powering down the Vote Tabulator or Accessible Vote Tabulator
 - 23.5.7. removing the Memory Cards from the Vote Tabulator or Accessible Vote Tabulator and inserting them into a laptop computer that transmits the results to the City's results system.

24. Tabulation of Votes from Institutional Polls and Special Advance Polls

- 24.1. The City Clerk will designate a location on Election Day where the votes from Institutional and Special Advance Polls will be tabulated.
- 24.2. Candidates, Scrutineers, and the Public will be advised of the location and time of the vote tabulation and are entitled to attend.
- 24.3. Two or more Designated Elections Officials will be present to open the ballot boxes from the Institutional or Special Advance Poll.
- 24.4. Votes will be tabulated in accordance with this procedure.
- 24.5. Results will not be generated until the close of voting on Election Day.

25. Tabulation of Votes from the Special Vote By Mail

- 25.1. The City Clerk will designate a location, and dates and times where votes received through the Special Vote By Mail will be tabulated, in accordance with Procedure EO-11-22: Mail-In Voting Procedure.
- 25.2. Candidates, Scrutineers and the Public will be advised of the location, date(s) and time(s) of the vote tabulation and are entitled to attend.
- 25.3. Votes will be tabulated in accordance with this procedure and section 10 of Procedure E0-11-22: Mail-In Voting Procedure.
- 25.4. Results will not be generated until the close of voting on Election Day.

26. Retention of Election Documents

- 26.1. The City Clerk shall retain and have access to the Memory Cards, Ballots, results tapes, and other election materials that were produced during the pre-election tests.
- 26.2. The City Clerk shall not alter these materials and shall retain them in accordance with section 88 of the MEA.

27. Applicable Legislation

- *Municipal Elections Act*, 1996, S.O. 1996, CHAPTER 32
- Ontario Regulation 101/97 -General (made under the *Municipal Elections Act*)

28. History

Date	Description
April 2022	Policy Approved
October 2024	Policy updated for 2025 HWDSB Ward 4 by-election

APPENDIX “A”

The following tables identify the integrated system of voting hardware and software that the equipment vendor, Dominion Voting, supplies during an election.

Software:

- Democracy Suite Software

Hardware

- ImageCast Precinct Optical Scan Ballot Tabulator
- ImageCast Evolution Accessible Voting Optical Scan Ballot Tabulator
- ImageCast Central Optical Scan Ballot Tabulator System