



2022 Municipal & School Board Elections Procedures

The Corporation of the City of Oshawa
Corporate Services Department
City Clerk Services

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1 Authority

In accordance with the *Municipal Elections Act, 1996*, S.O. 1996, c. 32 (the “Act”), the Clerk, as Returning Officer, is responsible for conducting an election and may provide for any matter or procedure that,

- a) is not otherwise provided for in an Act or regulation; and,
- b) in the Clerk’s opinion, is necessary or desirable for conducting the election.

The procedures and forms established 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.

The Clerk has the right to amend these procedures at any time and for any reason, and will distribute notice of amendment(s) to Candidates and post the amendments on the City’s Website, as applicable.

These procedures are subject to change without notice in case of an emergency as prescribed in section 53 of the Act.

2 Purpose and Application

This document sets out the City of Oshawa’s procedures for in-person voting and Vote-by-Mail on Request in the City’s 2022 Municipal and School Board Elections (“Election”).

These procedures apply to Election Officials designated by the City Clerk, Voters, Candidates and Scrutineers during the City’s Election.

These procedures have been drafted in accordance with the principles of the Act. These principles are generally recognized as being:

- a) the secrecy and confidentiality of the voting process is paramount;
- b) the election shall be fair and non-biased;
- c) the election shall be accessible to the voters;
- d) the integrity of the process shall be maintained throughout the election;
- e) that there be certainty that the results of the election reflect the votes cast;
- f) that Voters and Candidates shall be treated fairly and consistently.

3 Definitions

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

“Advance Voting Days” means a voting opportunity for Voters to vote in person before Voting Day. Advanced Voting Days will take place on specified dates prior to Voting Day as determined by the City Clerk.

“Advance Voting Place” means the physical location (building) and property (where appropriate) designated by the City Clerk where Voters may attend to vote on Advance Voting Days.

“Agent” means an authorized individual acting on behalf of an Eligible Candidate, Candidate or Third Party Advertiser.

“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 piece of paper containing the names of the Candidates in relation to a specific Ward, and the Contest they are running in, as well as any questions submitted to Voters as authorized by the Act.

“Ballot Counting Centre” means the designated location where the mailed Ballots are counted.

“Ballot Marking Device” means a device that produces a human and machine-readable marked paper Ballot from a standard Ballot, completely indistinguishable from a paper Ballot marked by hand.

“Ballot Marking Pen” means the pen provided to the Voter by the D.R.O. for the purposes of marking a Ballot within the Defined Areas on the Ballot.

“Ballot Return Envelope” means the prepaid business reply envelope in which a Voter voting by mail places their signed Voter Declaration Form and sealed Ballot Secrecy Envelope.

“Ballot Return Station” means a place designated by the City Clerk where Ballot Return Envelopes can be delivered by Voters and deposited in a Drop Box up until 2:00pm on Thursday, October 20, 2022.

“Ballot Transfer Container” means a box designated for the collection of returned VbM Packages by designated Election Officials.

“Ballot Secrecy Envelope” means the envelope in which a Voter voting by mail places their marked Ballot.

“Candidate” means a person who has filed a nomination with the Clerk under section 33 of the Act.

“Certified Candidate” means a person whose nomination has been certified under section 35 of the Act.

“Candidate Campaign Advertising” means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election

of a Candidate and includes but is not limited to: lawn signs, brochures, posters, print, radio and electronic ads, etc.

“City” means The Corporation of the City of Oshawa.

“City Clerk” (Clerk) refers to the City Clerk of Oshawa or their designate.

“City Clerk’s Office” means the City Clerk Services office on the 5th Floor of Oshawa City Hall, including the waiting area immediately adjacent to the City Clerk Services office, but does not include the elevators.

“City Hall” means the City of Oshawa administrative building located at 50 Centre Street South, Oshawa, Ontario.

“City Website” means www.Oshawa.ca and any affiliated web page or content on this website.

“Clock” means the Clock publicly displayed in the waiting area immediately adjacent to the City Clerk’s Office.

“Contest” refers to the offices to be elected, including: Regional Chair, Mayor, Regional and City Councillor, City Councillor, and School Board Trustee.

“Defined Period” means the period between the hours of 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 as shown on the Clock.

“Drop Box” means a clearly marked and secure Ballot container located at any Ballot Return Station.

“Election Management Team” refers to the Returning Officer and designates in charge of ensuring the integrity of the configuration and the voting results, as well as guaranteeing the secrecy of the votes.

“Election Official” means a person who has been delegated or assigned election duties/responsibilities by the City Clerk. An Election Official may include an Election Captain, Managing Deputy Returning Officer (M.D.R.O.), Technical Deputy Returning Officer (T.D.R.O.), Deputy Returning Officer (D.R.O.), Revising Deputy Returning Officer (R.D.R.O.), Information Clerk, or any other person delegated, in writing, certain election responsibilities.

“Election Results Centre” means a place in City Hall designated by the Clerk for the tabulation and reporting of results.

“Election Sign” means a device, including its structure and other component parts, that is used or is capable of being used to: (i) promote a Candidate in a municipal election, including an election of a local board or to (ii) influence persons to vote for or against any Candidate or any question or by-law submitted to Voters under section 8 of the Act.

“Eligible Candidate” means a person filing the Candidates’ Form - Nomination Paper who is present at the City Clerk’s Office before or during the Defined Period.

“Friend” means anyone a Voter asks to assist them in order to vote, including accompanying the Voter behind the voting screen area to mark the Ballot.

“Ineligible Candidate” means a person who has not filed the Candidates’ Form - Nomination Paper and who is not present at the City Clerk’s Office during the Defined Period.

“Memory Card” means a card that is removable, where all tabulated vote totals are stored for each Vote Tabulator.

“Poll” means a voting subdivision as designated by the City Clerk under section 18 of the Act.

“Preliminary List of Electors” (P.L.E.) means a list of Voters for the municipality compiled by the Municipal Property Assessment Corporation (M.P.A.C.) and provided to the municipality by July 31 of an election year.

“Provisional Voter” means a Voter voting by mail who has been added to the Voters’ List in order to be issued a VbM Package but who is still required to confirm their identity in order for their Ballot to be counted.

“Results Tape” means a paper record produced by each Vote Tabulator at the close of voting to show unofficial results for each Candidate.

“Returning Officer” means the official who is responsible for conducting the election and announcing the results of the election.

“Scrutineer” means a person appointed by a Candidate, using a Candidates’ Form – Appointment of Scrutineer, to observe the voting process at one or more Voting Places.

“Special Voting Place” means an institution or retirement home as listed under section 45 (7) of the Act.

“Status Report” means a paper record printed by a Tabulator containing Voting Place information, serial number information, total Ballots scanned, and total Voters.

“Third Party Advertiser” means an individual, corporation or trade union that is registered under section 88.6 of the Act.

“Vote-by-Mail (VbM) Package” means a kit sent on request to Voters that includes one Ballot, one Voter Declaration Form, one Ballot Return Envelope, and one Ballot Secrecy Envelope.

“Voter Identification” means a document containing an individual’s name and qualifying address as listed on Schedule 1 of Ontario Regulation 304/13.

“Vote Tabulator” or “Tabulator” means a device that optically scans Ballots to read and record votes and tabulate the results.

“Voter” means a person who meets the qualifications to vote as determined under the Act and appears on the City of Oshawa Voters’ List, or is added to the List during the Revision Period, at a Voting Place.

“Voter Declaration Form” means the form which Voters voting by mail sign to confirm their identity and eligibility before including it in the Ballot Return Envelope.

“Voter Notification Card” (V.N.C.) is an informational card delivered to each address containing Voters whose names appear on the Voters’ List advising them of the Voting Place established for their place of residence on Voting Day.

“Voters’ List” means a document prepared by the City Clerk, which lists the names and voting entitlement of eligible Voters as provided by the Municipal Property Assessment Corporation (M.P.A.C.) in accordance with the Act.

“VoterView” means the City’s Voters’ List management service.

“Voting Place” means the physical location (building) and property (where appropriate) designated by the City Clerk where Voters may attend to vote.

“Voting Day” means Monday, October 24, 2022 from 10:00 am to 8:00 p.m.

“Voting Night” means October 24, 2022, after 8:00 p.m.

“Ward” means a defined area of the City of Oshawa as established by by-law 55-2017 of the Corporation of the City of Oshawa.

“Zero Totals Report” means to a paper record produced by each Vote Tabulator prior to the opening of a Voting Location demonstrating that no votes have been cast.

4 Storage and Security

All Vote Tabulators, Memory Cards, Ballots, Ballot Return Envelopes, and election supplies will be securely stored at the City Clerk’s designated location on arrival, as well as before and after use in tabulation in the same manner as is provided for in the Act for the keeping of election records.

5 Notices

All legislated notices shall be published in a newspaper (if possible) that, in the opinion of the Clerk, is of sufficiently general circulation to notify the voters of the municipality and on the City’s Website.

The Clerk reserves the right to publish advertisements and notices, as deemed appropriate.

6 Polls

For election purposes, the Wards in the City of Oshawa are divided into Polls. In accordance with the Act, the City Clerk shall prepare a Voters' List containing the names of all Voters eligible to vote within the City and the Poll at which they shall vote. In conjunction with the Voters' List, the City Clerk will prepare and make available a map identifying the boundaries of all Wards and Polls within the City of Oshawa.

7 Voting Places

Voters shall attend a Voting Place determined by the City Clerk to cast their Ballot. Voting Places shall be located within or in close proximity to the Poll and in facilities that are accessible to persons with disabilities. On Voting Day, Voting Places will be open for the Voters to vote from 10:00 a.m. until 8:00 p.m.

The City Clerk shall establish Special Voting Places as per section 45 (7) of the Act. The City Clerk may reduce hours of voting for Special Voting Places on Voting Day.

Advance Voting Places shall be established where Voters can cast their Ballot prior to Voting Day. Public notice will be provided concerning the location, dates and voting hours for each Advance Voting Place.

8 Election Officials

The City Clerk shall appoint Election Officials for the purpose of implementing this procedure and may delegate any of the Clerk's power or duties in relation to the election as the Clerk considers necessary as per section 15 of the Act. Such appointments shall be in writing on the Clerk's Form – Appointment and Oath of an Election Official.

The Clerk may continue to exercise the delegated powers and duties despite the delegation.

Upon appointment, all Election Officials shall be required to take an oath of office in accordance with the general principles of the Act.

9 Nominations

9.1 Nomination Period

The City Clerk will give the Notice of Nomination Period and on Monday, May 2, 2022, the nomination period begins. The nomination period will close on Friday, August 19, 2022, when the acceptance of the Candidates' Form - Nomination Paper from Eligible Candidates by the City Clerk or designate will be restricted to the Defined Period.

The Nomination Package including the prescribed forms for all Contests will be available on the City's Website, from Service Oshawa and the City Clerk's Office on or before Monday, May 2, 2022 to Thursday, August 18, 2022 during regular office hours, and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day).

9.2 Filing Nominations

The Nomination Paper (Form 1) is to be filed with the City Clerk in the City Clerk's Office in the following manner:

- In person or through an Agent.
- Between 8:30 a.m. and 4:00 p.m. at the City Clerk's Office from Monday, May 2, 2022 to Thursday, August 18, 2022, and between 9:00 a.m. and 2:00 p.m. on Friday, August 19, 2022 (Nomination Day).
- With the prescribed Candidates' Form – Endorsement of Nomination (Form 2) completed by at least 25 persons endorsing the nomination who are eligible to vote in an election for an office within the municipality, if a regular election was held on the day that the person endorses the nomination.
- With the Declaration of Qualification on the Nomination Paper, signed by the person being nominated.
- With the prescribed nomination filing fee of \$200.00 for Head of Council and \$100.00 for all other offices - the filing fee shall be paid by cash, debit card, certified cheque or money order payable to the City of Oshawa.
- With proof of identity and residence as prescribed in O. Reg. 304/13, as amended.
- With the Freedom of Information ("F.O.I.") Release Form (OFN 8-3)
- With the Request for Voters' List Form (OFN 9-2)

In the case where an Agent is acting on behalf of a person filing a Nomination Paper:

- The Agent must provide their own original identification as prescribed in O.Reg. 304/13 as amended, as well as an original or copy of identification as prescribed in O.Reg. 304/13, as amended, belonging to the person for whom the Nomination Paper is being filed.
- The Agent must provide written authorization from the person for whom the Nomination Paper is being filed. The Candidates' Form – Agent Authorization is available for this purpose, additional, written authorization may be accepted at the discretion of the designated Election Official processing the nomination.

No faxed or other electronically transmitted Nomination Paper will be accepted - original signatures are required.

Eligible Candidates wishing to submit their nomination are encouraged but not required to make an appointment. Eligible Candidates who wish to make an appointment may do so by contacting the City Clerk's Office. Should the number of Eligible Candidates in attendance to register be greater than the number of designated Election Officials, preference will be given to those Eligible Candidates with an appointment.

Nominations will not be accepted outside the dates and times listed above. Eligible Candidates wishing to file after 4:00 p.m. prior to August 19th will be asked to return the following day between 8:30 a.m. and 4:00 p.m.

If, after having filed a nomination form, a Candidate wishes to file a nomination for a different office in the same election, the first nomination shall be deemed to have been withdrawn at the time the second nomination is filed. The 25 signatures endorsing the Candidate's nomination may be transferred. The filing fee is deemed to have been paid with the latest filing if the two nominations are for the same council/board, unless changing offices.

The Clerk shall provide notice of the Official List of Individuals Who Have Filed a Nomination by preparing and, at a minimum, posting the list on the website which is to be updated as each Nomination Paper is filed.

Candidates may withdraw their Nomination by filing in person the Candidate's Form - Withdrawal of Nomination with the Clerk before 2:00 p.m. on Nomination Day, Friday, August 19, 2022, if the person was nominated on or before Nomination Day.

The withdrawal shall be noted on the Official List of Individuals Who Have Filed a Nomination.

9.3 Close of Nominations

At 2:00 p.m. on Friday, August 19, 2022, as shown by the Clock, the City Clerk or designate will publicly announce that the nomination period is closed.

All Eligible Candidates at the City Clerk's Office at the close of the Defined Period will be offered the opportunity to file their Nomination Papers, provided all required documentation is in order. The City Clerk's determination as to the completeness of an Eligible Candidate's Nomination Paper is final. Incomplete Nomination Papers filed by an Eligible Candidate shall not be accepted.

Eligible Candidates present in the City Clerk's Office after the Defined Period shall immediately file their Nomination Papers when called upon by the City Clerk, or designate. Eligible Candidates who do not immediately file their Nomination Papers when called upon, forfeit their right to file their Nomination Papers.

Ineligible Candidates shall be prohibited from filing their Nomination Paper, irrespective of their presence within other areas of City Hall during the Defined Period.

9.4 Certification of Nominations

On or before Monday, August 22, 2022, at 4:00 p.m., the Clerk will do a review of each nomination received to determine qualification and if the nomination complies with the Act. Once satisfied the Candidate is qualified, the Clerk will complete the “Certification by Clerk” section on the Candidates’ Form - Nomination Paper.

If a greater number of Candidates are certified than are required to fill the said office, there will be an election.

If after 4:00 p.m. on Monday, August 22, 2022, the number of Certified Candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the Certified Candidate(s) elected by acclamation. The Clerk shall post a Notice - Declaration of Acclamation to Office.

If the number of Certified Candidates for an office is less than the number of Candidates to be elected, an additional Notice of Nomination Period will be advertised on the website only and additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on Wednesday, August 24, 2022. A Candidate who wishes to withdraw their additional nomination must notify the Clerk in writing before 2 p.m. on Wednesday, August 24, 2022 by filing a Withdrawal of Nomination.

The withdrawal shall be noted on the Official List of Individuals Who Have Filed a Nomination.

Before Thursday, August 25, 2022 at 4:00 p.m., the Clerk will do a review of each nomination received to determine qualification and if the nomination complies with the Act. Once satisfied the Candidate is qualified, the Clerk will complete the “Certification by Clerk” section on the Candidates’ Form - Nomination Paper.

The final list of Certified Candidates will be posted at City Hall and, as a minimum, on the website on or before, Friday, August 26, 2022 using the Official List of Certified Candidates.

9.5 Retention of Identification

All documents and materials filed with or prepared by the City Clerk or any other Election Official under the Act are public records and, until their destruction, may be inspected by any person at the City Clerk’s Office when the office is open.

The City Clerk will retain copies of the identification in a secure manner that prevents unauthorized access for 120 days after declaring the results of the election.

The City Clerk will destroy the identification after the 120 day period has elapsed unless a court orders otherwise or in the event of a recount in accordance with sections 88(2) and 88(3) of the Act.

10 Declaration of Election

If after 4:00 p.m. on Monday, August 22, 2022 the number of certified nominations filed for an office is more than the number of persons to be elected to the office, the Clerk shall declare an election to be conducted.

The Clerk shall give Voters notice of:

- the locations of the Voting Places;
- the dates and times on which the Voting Places will be open for voting;
- the location and hours of operation for the Ballot Return Stations; and,
- the manner in which Voters may vote by mail.

11 Campaigning

11.1 Campaign Advertising

Election Signs are regulated by the City's Election Sign By-law.

All Candidate Campaign Advertising shall identify the Candidate by name, as it appears on the Nomination Paper.

All Candidates shall provide the following information to a broadcaster or publisher in writing:

- the name of the Candidate; and,
- the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the Candidate.

Information contained in/on all campaign material is the responsibility of the Candidate and any questions or concerns should be directed to the Candidate.

The Act provides that while a Voter is in a Voting Place, no one shall attempt, directly or indirectly, to influence how the Voter votes. No Candidate Campaign Advertising nor any material of any nature whatsoever of any Candidate in the Election shall be displayed at, or within a Voting Place or municipal facility, including parking lots and the street directly in front of the Voting Place.

The premises are deemed to include the entire building and the property on which it is located, including the parking lot. Candidate Campaign Advertising or material of any nature whatsoever of any Candidate in the Election found in this location will be removed immediately and disposed of without notice.

11.1.1 Municipal Authority to Remove Advertisements

If the City is satisfied that there has been a contravention of section 88.3 (candidates' election campaign advertisements), the City may require a person who the City reasonably believes contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

11.2 Right of Entry for Campaigners

Campaigners shall have access to rented premises, condominiums and co-operative housing units:

“No landlord shall restrict reasonable access to a residential complex by candidates for election to any office at the federal, provincial or municipal level, or their authorized representatives, if they are seeking access for the purpose of canvassing or distributing election material.” *Residential Tenancies Act, 2006, Section 28*

“No corporation or employee or agent of a corporation shall restrict reasonable access to the property by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly or an office in a municipal government or school board if access is necessary for the purpose of canvassing or distributing election material.” *Condominium Act, 1998, Section 118*

“No non-profit housing co-operative or servant or agent of such a cooperative shall restrict reasonable access to the housing units of the cooperative by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or a school board for the purpose of canvassing or distributing election material.” *Cooperative Corporations Act, 1990, Section 171.24*

Persons in control of apartment buildings, condo buildings, non-profit housing cooperative or gated communities must permit Candidates or their authorized representatives access to the doors to apartments, units or houses between 9:00 a.m. and 9:00 p.m.

If campaigners are experiencing difficulty in gaining access to any of the above premises, they should contact the administering body of the facilities. The Clerk is not responsible for securing access to any buildings for the purpose of canvassing or distributing election material.

11.3 Campaign Finances

Information regarding election finances such as financial responsibilities of Candidates, campaign contributions/fundraising, campaign expenses and financial reporting is available in the Ministry of Municipal Affairs 2022 Candidates' Guide for Ontario Municipal and School Board Elections. This and other documentation can be found on the Ministry website at www.mah.gov.on.ca.

12 Third Party Advertisers

12.1 Registration

To advertise for the Election, Third Party Advertisers must register with the City.

12.1.1 Qualification

The qualifications to be eligible to register as a Third Party Advertiser in the City of Oshawa are established by the Act.

To be eligible as a Third Party Advertiser, they must at the time of being nominated be:

- An individual who is normally resident in Ontario;
- A corporation that carries on business in Ontario; or,
- A trade union that holds bargaining right for employees in Ontario.

12.1.2 Disqualification

The following are not eligible to register as a Third Party Advertiser:

- Municipal Election Candidates;
- Federal and Provincial political parties, constituency associations, registered candidates and leadership contestants; or,
- Federal and Provincial governments, a municipality or local board.

12.1.3 Registration Period

The registration period commences on Monday, May 2, 2022 and continues until Friday, October 21, 2022. The Third Party Advertising Form – Notice of Registration may be filed at the City Clerk's Office between the hours of 8:30 a.m. and 4:00 p.m. Monday to Friday.

12.1.4 Registration Forms

Third Party Advertisers must file their registration on the prescribed Third Party Advertiser's Form – Notice of Registration. The Notice of Registration information is part of the registration package available at Service Oshawa or on the City's Website.

If Third Party Advertisers wish to advertise in other municipalities within the Region of Durham (i.e. for the Regional Chair), they are required to register in each lower-tier municipality they wish to advertise in.

12.1.5 Filing the Registration Form

An agent of the Third Party Advertiser must file the Notice of Registration in person. Faxed and emailed Notices of Registration are not acceptable; an original signature is required. The agent chosen to file on behalf of the Third Party Advertiser must provide proof that they are authorized to act on the corporation or trade union's behalf.

The City Clerk or designate will examine the registration and if deemed compliant, will certify the registration. The Clerk's decision to certify or reject a Notice of Registration is final.

Once registered, the Third Party Advertiser may promote or oppose any Candidate that the Voters in the municipality can vote for (Council, School Board, Regional Chair). When registering, the Third Party Advertiser is not required to identify what Candidate they are supporting or opposing.

12.1.6 Certification of Notice of Registration

The Clerk will review each notice received to determine qualification and if the notice complies with the Act. Once satisfied the third party is qualified, the Clerk will complete the "Certification by Clerk" section on the Notice of Registration if not satisfied the Clerk shall reject the notice. The Clerk's decision is final.

12.1.7 List of Registered Third Parties

A list of registered third parties shall be posted using the Official List of Registered Third Parties, as a minimum, on the City's Website and may also include the phone number and email address provided by the registered third party in the Notice of Registration filed and, if applicable, a hyperlink to the website of the registered third party.

12.1.8 Becoming a Candidate

If a Third Party Advertiser chooses to run as a Candidate at any point during the nomination period (May 2 – August 19, 2022 @ 2:00 p.m.), they will cease to become a Third Party Advertiser once Nomination Papers are filed with the City Clerk. Any advertising or promotions that were incurred by the Third Party Advertiser must be removed.

12.2 Advertising

Once a Third Party Advertiser has registered, there are no restrictions on when or through what media a Candidate or Third Party Advertiser may or may not advertise, however there are mandatory content requirements.

Third party advertisements must contain the following:

- a) The name of the registered third party advertiser
- b) The municipality where the third party advertiser is registered
- c) A telephone number, mailing address or email address where the third party advertiser can be contacted.

If the advertisement is going to be broadcast or published, third party advertisers must also provide this information to broadcasters or publishers.

Third Party Advertisers may not have campaign material in a Voting Place. This includes the entire property of a building that has a Voting Place inside it, including the parking lot.

After Voting Day, Third Party Advertisers must remove any advertisements, including online advertisements.

12.2.1 Election Signs

Third Party Advertisers are responsible for maintaining their Election Signs in the proper condition. This includes replacing signs that have fallen over or are damaged.

Removing Election Signs, relocating them, damaging them, or knocking them over are crimes of mischief under the Criminal Code. Anyone unlawfully caught with an Election Sign may be charged with possession of stolen property

12.2.2 Municipal Authority to Remove Advertisements

If the City is satisfied that there has been a contravention of sections 88.4 (third party advertisements) or 88.5 (mandatory information in third party advertisements) of the Act, the City may require a person who the City reasonably believes contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

12.3 Expenses

12.3.1 Estimated Maximum Third Party Expenses

The Clerk shall calculate the estimated maximum third party expenses for registered third parties on the Clerk's Form - Preliminary Certificate of Maximum Permitted Expenses and provide a copy to the individual filing the registration. The Clerk's calculation is final.

12.3.2 Final Calculation of Third Party Expenses

The Clerk shall, after determining from the number of eligible Voters from the Voters' List, calculate the maximum amount of third party expenses that each registered third party may incur and prepare a Certificate of Maximum Third Party Expenses. The

certificate shall be given to each individual that filed a Notice of Registration for Third Party Advertising in the case of a regular election, on or before September 26, 2022; and in the case of a by-election, within 10 days after the Clerk makes the corrections under subparagraph 4 iii of subsection 65 (4) or subparagraph 3 ii of subsection 65 (5).

The number of Voters to be used in this final calculation is to be the greater of the following:

- a) the number determined from the Voters' List from the previous regular election, as it existed on Nomination Day for the 2018 election, adjusted for changes under sections 24 and 25 of the Act that were approved as of that day;
- b) the number determined from the Voters' List for the current election as it exists on September 15 in the year of the current election, adjusted for changes under sections 24 and 25 of the Act that were approved as of that day.

The Clerk's calculation is final and shall be made in accordance with the prescribed formula in Ontario Regulation 101/97.

12.3.3 Third Party Advertiser Financial Reporting

In accordance with section 88.29 of the Act, a registered third party shall file with the Clerk of the municipality in which he, she or it registered, the Third Party Advertiser Form – Financial Statement – Auditor's Report with auditor's report, each in the prescribed form, reflecting the registered third party's campaign finances in relation to third party advertisements, on or before 2 p.m. on December 31 in the year of the election.

12.3.4 Notice of Penalties

The Clerk shall, at least 30 days before the filing date, provide a Notice of Penalties – Registered Third Parties to every Registered Third Party that registered in the City.

13 Voters' List

13.1 Qualifications of Voters

A person is entitled to be a Voter at an election held in a local municipality if, on Voting Day they:

- a) Reside in the local municipality or is the owner or tenant of land in the local municipality, or the spouse of such owner or tenant;
- b) Are a Canadian citizen;
- c) Are at least 18 years old; and,
- d) Are not prohibited from voting under subsection 17(3) of the Act or otherwise, by law.

Where a Voter qualifies at more than one location in the municipality, the Voter may vote only once for each Contest and the qualifying address to determine eligibility for voting shall be the Voter's place of residence as per subsection 20(7) of the Act.

It is possible for a Voter's name to appear on the Voters' List of more than one municipality. That Voter may be eligible to vote in both municipalities. For example, a person listed as a resident Voter in one municipality and a non-resident Voter in another municipality is entitled to vote in each, provided they are not voting for the same Contest more than once. For example, School Board votes must be cast in the municipality where the Voter resides.

13.2 Persons Prohibited From Voting

The following are prohibited from voting:

- a) A person who is serving a sentence of imprisonment in a penal or correctional institution.
- b) A corporation.
- c) A person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44 of the Act.
- d) A person who was convicted of the corrupt practice described in subsection 90 (3) of the Act, if Voting Day in the current election is less than five years after Voting Day in the election in respect of which they were convicted.

13.3 Preliminary List of Electors (PLE)

The Preliminary List of Electors (P.L.E.) prepared by M.P.A.C. shall be delivered to the Clerk by July 31, 2022 if no date is agreed upon with M.P.A.C. or prescribed by the Minister.

The P.L.E. shall contain the name and address of each person who is entitled to be a Voter and any additional information the Clerk needs to determine for which Contests each Voter is entitled to vote, such as school support. The P.L.E. shall contain a preliminary list for each of the City's Wards.

The Clerk shall, to the best of their ability and legislative authority, ensure that a Voter's name appears on the P.L.E. for a local municipality only once.

13.3.1 Correction of Errors

The Clerk shall correct any obvious errors in the P.L.E. prior to September 1, 2022 and notify M.P.A.C. This notification can occur when the “Final List of Changes” to the Voters’ List is sent to M.P.A.C. after the election (see the Final List of Changes section below). However, those changes affecting a Ward and Voting Place designation, missing streets, buildings or subdivisions, should be forwarded to M.P.A.C. in time for inclusion in the September Exceptions files that MPAC provides. Notification to M.P.A.C. should be sent in an email to the municipality’s Municipal Relations Representative.

The Clerk may use any information that is in the municipality’s custody or control when correcting the P.L.E. for obvious errors.

13.4 Certification of Voters List

The corrected P.L.E. becomes the Voters’ List once it is reproduced and certified by the Clerk on or before September 1, 2022.

13.5 Requests for Copies of Voters’ List

Upon receipt of written request using the Candidates’ Form – Request for Voters’ List, but not until September 1, the Clerk shall give every Candidate a copy of the part of the Voters’ List that contains the names of the Voters who are entitled to vote for that Contest. For example, if a Candidate is running in Ward 2, they only receive the part of the Voters’ List pertaining to Ward 2, not the entire Voters’ List. Each Candidate will be required to sign the Candidates’ Form - Declaration of Proper Use of the Voters’ List.

13.6 Access to the Voters’ List

The Act states that the Voters’ List cannot be posted in a public place and can be used only for election purposes.

In accordance with the Municipal Freedom of Information Protection of Privacy Act, R.S.O. 1990, c. M.56 (“M.F.I.P.P.A.”), personal information about another person, other than the person an Election Official is speaking with, is not to be provided, including whether or not the individual is on the Voters’ List.

13.7 Amendments to the Voters’ List

13.7.1 Application for Change of Own Name

A Voter may apply to add, correct information or remove themselves from the Voters’ List between September 1, 2022 to October 16, 2022 at anytime through the online voters’ list tool, by calling Service Oshawa or visiting Service Oshawa in person during

normal business hours, at any Advance Voting Place in person, or on October 24, 2022 at a Voting Place from 10:00 a.m. until 8:00 p.m.

During the revision period a Voter may apply to add, correct information or remove themselves from the Voters' List by either:

- a) Completing the amendment application using the City's online voters' list tool.
- b) Attending Service Oshawa in person to request an amendment be made;
- c) Calling Service Oshawa to request an amendment be made; or,
- d) Attending an Advance Voting Place or Voting Place and requesting an amendment be made.

A Voter cannot remove a family member's name from the Voters' List, except in the case of a deceased person.

13.7.2 Removal of Deceased Person's Name

A person may request to remove a deceased person's name from the Voters' List up to 8:00 p.m. on October 24, 2022.

Between September 1, 2022 and October 16, 2022 by contacting City Clerk Services during normal business hours. If the Clerk or designated Election Official is satisfied the person has died, the person's name will be removed from the Voters' List.

At an Advance Voting Place, or on October 24, 2022 from 10:00 a.m. until 8:00 p.m. at a Voting Place a person may make an application requesting that a deceased person's name be removed from the Voters' List by using the Voters' Form - Application for Removal of Deceased Person's Name from the Voters' List and providing proof of identity and residence as prescribed in the List of Voter Identification Requirements.

13.7.3 Number of Voters to Determine Candidates' Expenses

On, September 15, 2022, the Clerk or their designate will determine the total number of Voters on the Voters' List. This number will be necessary to calculate the Clerk's Form - Preliminary Certificate of Maximum Permitted Expenses and the Clerk's Form - Certificate of Maximum Permitted Expenses for the 2022 Municipal Election.

13.7.4 Interim List of Changes

The Clerk shall, during the period beginning on September 15, 2022 and ending on September 26, 2022, prepare an Interim List of Changes to the Voters' List. The Interim List of Changes shall be given to each person who received a copy of the Voters' List and to each Certified Candidate.

13.7.5 Final List of Changes

The Final List of Changes shall be provided to M.P.A.C. by Friday, November 23, 2022 upon the Clerk's authorization.

14 Ballots

In accordance with the Act, the Ballots will contain the names of all Candidates. The Clerk has discretion to select coloured paper and other colouring for the Ballot(s).

Voters will be instructed to mark their Ballot by filling in the designated space to the right of the name of the Candidate of their choice.

The above shall apply with necessary modifications to Ballots for by-laws or questions.

In accordance with subsection 41(2) of the Act, the following additional rules apply to Ballots:

- Only the names of Certified Candidates shall appear on the Ballot;
- The Candidates' names shall appear on the ballot in alphabetical order, based on their surnames and, in the case of identical surnames, their forenames;
- If the Candidate wishes and the Clerk agrees, another name that the Candidate also uses may appear on the Ballot instead of or in addition to their legal name;
- No reference to a Candidate's occupation, degree, title, honour or decoration shall appear on the Ballot;
- If the surnames of two or more Candidates for a Contest are identical, or, in the Clerk's opinion, so similar as to cause possible confusion, the Clerk shall differentiate the Candidates as the Clerk considers to be appropriate in the circumstances;
- A space for marking the Ballot shall appear to the right of each Candidate's name, or in the case of a by-law or question, to the right of each answer; and
- All Ballots for the same Contest or relating to the same by-law or question shall be identical or as nearly alike as possible.

15 Vote Tabulators

Each Voting Place other than Special Voting Places shall have at least one Vote Tabulator. Vote Tabulators will also be used at each Advance Voting Place. Vote Tabulators will not be used at Special Voting Places due to the small number of Voters. All Ballots cast at a Special Voting Place will be sealed in the Ballot Box and transported by the respective Election Officials to a Voting Place determined/identified by the City Clerk and tabulated on Voting Day using the Vote Tabulator at that Voting Place.

Prior to use in any Voting activities, each Vote Tabulator shall be tested to ensure it accurately scans and counts Ballots as intended by the Voter. The certification process shall be completed as outlined in the Vote Tabulator Logic and Accuracy Testing Procedure, which will be developed and approved by the City Clerk prior to testing.

16 Scrutineers

16.1 Appointment

Candidates may appoint Scrutineers to represent them, by completing the Candidates' Form - Appointment of Scrutineer in accordance with subsection 16(5) of the Act. Scrutineers must show their written appointment form to Election Officials upon entry and upon request in accordance with subsection 16(6) of the Act.

16.2 Responsibilities of Scrutineer

Each Scrutineer shall be responsible for their conduct, rights and prohibitions as set out in these procedures and on the Candidates' Form – Appointment of Scrutineer. Candidates and their Scrutineers are advised to be aware of the opportunities for scrutinizing the election as established by the Clerk pursuant to section 42 of the Act.

No Candidate or Scrutineer has a right to interfere with an Election Official in the discharge of their duties. If a Candidate or Scrutineer is found to be obstructive in any way, they will be removed by an Election Official.

Upon being approved to enter any of the Voting Place, every Candidate and Scrutineer shall, at all times while in any of the Voting Places, wear the assigned Identification Card in such a manner that it can be easily seen by the Election Officials.

Scrutineers shall make no attempt to directly or indirectly influence how a Voter votes.

Scrutineers are not allowed to enter a voting screen at a Ballot Return Station or to be in a position to witness how a Voter marks their Ballot.

Scrutineers shall not display any campaign material or literature anywhere within the Voting Place or the boundaries of the property where the Voting Place is located and includes the parking lot. Candidates, supporters and Scrutineers are not permitted to wear campaign material, handout campaign material or park a vehicle displaying campaign material in the parking lot and the street directly in front of the Voting Place of the Ballot Return Station and Ballot Counting Centre. Anyone breaking these rules will be asked to remove the campaign material immediately.

Scrutineers shall not touch any election equipment, materials, and/or documents including but not limited to: Tabulators, computers, envelope openers, Ballots, Ballot Secrecy Envelopes, Voter Declaration Forms, and Ballot Return Envelopes.

Scrutineers shall provide any necessary supplies themselves, as sitting directly at the tables provided for Election Officials is not permitted.

Cell phones and/or other electronic communications or recording devices are not permitted in any Voting Place or Ballot Counting Centre.

16.3 Number Per Candidate

Pursuant to section 42(4) of the Act, only one Scrutineer per Vote Tabulator will be permitted in the Voting Place or Ballot Counting Centre to be a witness at a time. If a Candidate or another Scrutineer working on behalf of the same Candidate enters the Voting Place or Ballot Counting Centre, the prior Scrutineer shall be required to leave.

16.4 Powers of Scrutineer

Scrutineers are permitted to inspect, without touching, the Ballots, the Voters' list and all other papers, forms and documents relating to the vote but not so as to delay the opening or operation of a Voting Place or Ballot Counting Centre.

If a Voter is objected to by a Scrutineer, the Election Official shall note the objection in VoterView and require the Voter to take a prescribed oath of qualification prior to the issuance of a Ballot.

Election Officials have the final word as to whether a Voter is qualified to cast a Ballot. To uphold the secrecy of the vote, Scrutineers will not be permitted to examine or object to Ballots as they are being processed by way of the Vote Tabulator.

Candidates and Scrutineers may also be present for the opening of the Ballot Return Envelopes on the date and time designated by the City Clerk for such openings for the purpose of striking Voters' names from the Voters' List.

Scrutineers and Candidates wishing to observe the count shall be at the Ballot Counting Centre prior to 8 p.m. on Voting Day. No one other than Election Officials will be admitted to the Ballot Counting Centre after 8 p.m. on Voting Day.

17 Requesting a Vote-by-Mail Package

Voters may request a VbM package starting on August 12, 2022 by the following methods:

- a) Online, through the City's Website; or
- b) By telephone, by calling Service Oshawa; or
- c) In person by visiting Service Oshawa.

The deadline for Voters to request a VbM Package is September 12, 2022. If a Voter requests a VbM Package after September 12, 2022, they will be instructed that they must vote in-person.

Only the Voter may request a VbM Package. Candidates and Third Party Advertisers and their agents, or any agent acting on the Voter's behalf, cannot request VbM Packages.

If a VbM Package is being requested online, the Voter will first be required to use the online Voters' List system to verify that they are on the Voters' List.

- a) If found on the Voters' List and all Voter details are correct, the Voter's request will be recorded and placed in the VbM request queue for approval by a designated Election Official.
- b) If not found on the Voters' List, or if found on the Voters' List but with any incorrect details, the Voter will be:
 1. Directed to add or update their information on the Voters' List;
 2. Required to upload a scan or photo of acceptable identification "that verifies their name and qualifying address" as set out in the List of Voter Identification Requirements; and
 3. Placed in the Voters' List amendment queue for review and approval by a designated Election Official.
 4. Automatically placed in the VbM request queue.

If a VbM Package is being requested via telephone, the phone operator will first ask details of the Voter necessary to verify that they are on the Voters' List and their information is correct:

- a) If found on the Voters' List and all Voter details are correct, the phone operator will use the online application system to record the Voter's request and place them in the VbM Request queue for approval by a designated Election Official and the phone operator will inform the Voter that they shall;
 1. include a copy of acceptable identification, as set out in the List of Voter Identification Requirements, with their returned VbM Package in order for their Ballot to be accepted.
- b) If not found on the Voters' List, or if found on the Voters' List but with any incorrect details, the phone operator will inform the Voter that they can:
 1. Request a VbM Package themselves by using the online application system and following the steps set out in the previous section; or,

2. Be added to the Voters' List, with the assistance of the phone operator, as a Provisional Voter, which will require them to include a copy of acceptable identification, as set out in the List of Voter Identification Requirements, with their returned VbM Package in order for their Ballot to be accepted; or,
3. Attend the City Clerk's Office to make the amendment in-person; or,
4. Vote in-person during one of the Advance Voting Days or on Voting Day.

If a VbM Package is being requested in-person, a designated Election Official will use the online Voters' List system to verify the Voter is on the Voters' List.

- a) If found on the Voters' List and all Voter details are correct, the Voter's request will be recorded and placed in the VbM request queue for approval by a designated Election Official.
- b) If not found on the Voters' List, or if found on the Voters' List but with any incorrect details, the Voter will be:
 1. Directed to add or update their information on the Voters' List;
 2. Required to provide acceptable identification "that verifies their name and qualifying address" as set out in the List of Voter Identification Requirements; and,
 3. Automatically placed in the VbM request queue.

If a Voter requested a VbM Package and was approved to receive the package, does not receive their package, or if the package is lost or destroyed, or if the Voter marks the ballot incorrectly prior to submitting the package, a replacement VbM Package may be issued. After September 12, 2022, the Voter, must attend the City Clerk's Office to obtain a replacement VbM Package. A Voter's Form - Re-Issuance Request will need to be completed prior to the issuance of a replacement VbM Package.

18 Processing a Vote-by-Mail Request

On a daily basis once the application period for VbM Packages has begun, a designated Election Official will review the Voters' List amendment queue and the identification uploaded by the Voter.

- a) If the uploaded identification fulfils the requirements set out in the List of Voter Identification Requirements, the designated Election Official will approve the amendment request, note the type of identification provided, and place the Voter in the VbM Request queue. The uploaded identification will be deleted.

- b) If the uploaded identification does not fulfil the requirements set out in the List of Voter Identification Requirements or if the uploaded identification is illegible, the designated Election Official will deny the amendment request and the uploaded identification will be deleted.
 1. The designated Election Official will contact the Voter to inform them of the reason for the denial and explain what needs to be corrected before the Voter can restart the process.

On a daily basis once the application period for VbM Packages has begun, a designated Election Official will review the VbM request queue and:

- a) If there are no issues or irregularities with the request, approve the Voter for receiving a VbM Package; or
- b) If there is an issue or irregularity, flag for further review by a senior designated Election Official. The Voter may be contacted for more information.

19 Voting by Mail

VbM Packages will be mailed to approved Voters after the close of the request period. Each package will contain:

- Ballot
- Instructions for returning the Ballot, with a detachable Declaration Form that the Voter must sign and return
- Ballot Secrecy Envelope, for inserting the marked Ballot
- Ballot Return Envelope, with pre-paid postage, for inserting the signed declaration form and sealed Ballot Secrecy Envelope

To vote, the Voter will mark the Ballot for their preferred Candidate and:

1. Place the marked Ballot in the blank secrecy envelope and seal the envelope; and
2. Place the signed declaration form and sealed secrecy envelope into the outer envelope and seal the outer envelope.
3. If the Voter was added to the Voters' List as a Provisional Voter, the Voter will also include a copy of acceptable identification in the outer envelope.

The Voter will return their completed, pre-paid VbM Package by either:

- a) Placing the package in any Canada Post mailbox prior to October 10, 2022 for receipt by the City Clerk's Office prior to October 20, 2022; or,

- b) Placing the package in a secure Ballot Drop Box located in any Ballot Return Station on or before 12:00 p.m. on October, 20, 2022.

Only the Voter or an individual authorized by the Voter may return a completed VbM Package. Candidates and Third Party Advertisers cannot collect or return completed Ballot Return Envelopes on behalf of Voters.

20 Collecting Ballot Return Envelopes

Ballot Return Envelopes sent via mail will be delivered by Canada Post to the location set by the City Clerk.

Twice per week, designated Election Officials will collect Ballot Return Envelopes that have been deposited into Ballot Drop Boxes at each Ballot Return Station and place them into a Ballot Transfer Container before sealing the container. The Election Officials will complete the Clerk's Form – Ballot Drop Box Receipt at each location. The Election Officials will deliver the Ballot Transfer Containers and Ballot Drop Box receipts to the location set by the City Clerk, and store them securely.

On October 20, 2022 after 12:00 p.m., City Staff will collect the Ballot Return Envelopes and will place a seal indicating that the period to drop of Vote-by-Mail is now closed on the opening of the Ballot Drop Box in order to ensure no Ballot Return Envelopes can be inserted in the Ballot Drop Box. City Staff will initial the seal. City Staff will make arrangements to remove the Ballot Drop Boxes from their locations. The empty Ballot Drop Boxes will be stored in a secure location as designated by the Clerk.

After 12:00 p.m. October 20, 2022, Ballot Return Envelopes will not be processed but should be returned to City Clerk Services for destruction. The voter will be asked to swear and sign the Oath of Qualification and will be provided with a copy to take to their voting location on Voting Day. City Clerk Services staff will note in the voting software that the Vote-by-Mail package has been returned and the voter has not voted.

If the total number of Ballot Return Envelopes which were issued are received prior to October 20, 2022, the Ballot Drop Boxes will be sealed and removed by City Staff.

21 Collecting Ballot Return Envelopes from City Hall Mailroom

From the period of September 28, 2022 to October 20, 2022 all Ballot Return Envelopes delivered by Canada Post to the City Hall Mailroom will be received as follows:

Mailroom staff will call City Clerk Services staff to advise the mail has been received and whether there are any Ballot Return Envelopes included in the delivery.

Designated Election Officials will meet in the mailroom to pick up the Ballot Return Envelopes.

The Mailroom Clerk will place the Ballot Return Envelopes in the designated Ballot Transfer Container. The Designated Election Officials will place a seal on the Container and will initial the seal along with the Mailroom Clerk.

The Designated Election Officials will then return the Ballot Transfer Containers and Ballot Drop Box receipts to the location set by the City Clerk, and store them securely.

22 Processing Ballot Return Envelopes

The City Clerk will designate dates and times to open the Ballot Return Envelopes at the Ballot Counting Centre and notify Candidates of the dates, times and location.

In accordance with the dates and times set by the City Clerk, A team of designated Election Officials will retrieve the Sealed Ballot Transfer Containers, and deliver them to the Ballot Counting Centre. A designated Election Official, in the presence of at least one other Election Official will unseal each Ballot Transfer Container and open each Ballot Return Envelope and remove the contents.

If the declaration form is unsigned:

All items will be returned to the outer envelope and the package will be placed in a box labelled "Rejected – Unsigned Ballot Declaration" and securely stored. The Ballot will not be tabulated.

If the declaration form is signed:

1. Using the Voter barcode on the declaration form, the Election Official will find the Voter in VoterView.
2. If the Voter is marked in VoterView as a Provisional Voter, the designated Election Official will examine the Voter's copy of identification:
 - a) If the copy of identification is missing, illegible, or otherwise does not fulfil the requirements set out in the List of Voter Identification Requirements, the copy of identification will be destroyed and all other items will be returned to the outer envelope and placed in a box labelled "Rejected – Provisional Voter: Missing or Invalid ID" and stored in a secure location as designated by the Clerk. The Voter will not be marked as having voted.
 - b) If the copy of identification fulfils the requirements set out in the List of Voter Identification Requirements, the designated Election Official will:
 - i. Note the type of acceptable identification provided on the included declaration form, and,
 - ii. Destroy the copy of identification once verified.

3. If the Voter has not already been marked as having voted, the designated Election Official will now mark that Voter as having voted.
4. If the Voter has already been marked as having voted, the designated Election Official will write “Rejected – Marked Voted” on the outer envelope, and sign and date it.
 - a) The VbM Package will be placed in a box labelled “Rejected Mail-In Ballots” and securely stored. The Ballot will not be tabulated.
5. If the marked Ballot is found to have been left loose in the outer envelope instead of having been sealed in a separate secrecy envelope, the Election Official will place the Ballot in a new secrecy envelope.
6. The Secrecy Envelope will be placed in a Ballot Transfer Container labelled “Approved Ballot Secrecy Envelopes”.
7. The Election Officials will place any other material including declaration forms and outer envelopes in the box marked “VbM: Other Material for Destruction”.
8. The Election Officials will seal the Ballot Transfer Container labelled “Approved Ballot Secrecy Envelopes.” The seals are to be placed in such a manner so that the Ballot Transfer Container cannot be opened without breaking or tampering with the seal.
9. A Candidate or their Scrutineer may initial the seal placed on the Ballot Transfer Container by the Election Official.

If a Ballot Return Envelope is received and the City Clerk is unsure as to whether the contents meet the requirements of this policy, the package may be set aside during processing and securely stored. The sealed secrecy envelope will be opened by an Election Official on the tabulation dates determined by the Clerk as per Section 27 of these procedures to verify if the Ballot Return Envelope contains all of the required documents and therefore process it in accordance with this policy.

23 Procedures at the Voting Place

23.1 Prior to Opening the Voting Place – Regular Voting Places

Every Voting Place will have a Managing Deputy Returning Officer (M.D.R.O.) who will supervise and direct activities within the Voting Place and a Tabulator Deputy Returning Officer (T.D.R.O.) who will be responsible for the proper functioning and use of the Vote Tabulator. Prior to opening the Voting Place, the M.D.R.O. and T.D.R.O. shall:

1. Ask all Election Officials and any Candidates or Scrutineers present to congregate at the Vote Tabulator Station;
2. Confirm both Ballot Box compartments are empty;

3. Seal the Ballot Box using the seals provided in the T.D.R.O. supplies kit. Place the seals entitled “Ballot Box Seal - During Voting Hours” on the Ballot Box, fill in the Poll information and sign, along with the M.D.R.O., above the line that states “Tabulator Deputy Returning Officer Signature”. The seals are to be placed in such a manner so that the Ballot Box cannot be opened without breaking or tampering with the seal;
4. A Candidate or their Scrutineer may initial the seal placed on the Vote Tabulator stand by the T.D.R.O.;
5. Verify the integrity of the seals used to secure the Memory Cards;
6. Plug the power adapter into the extension cord. Plug the extension cord into the wall which will turn on the Vote Tabulator.
7. Place the Vote Tabulator onto the Ballot Box and affix and sign the “During Voting Hours” seals on both sides of the Vote Tabulator in order to prevent any Ballots from being inserted into the Ballot Box without first being processed through the Vote Tabulator;
8. Once the election files have been loaded, the Vote Tabulator will emit an audible beep and display “Please insert Security Key to authenticate election files”;
9. Enter the device password using the keypad on the operator screen;
10. Press “Enter” when complete, or “Cancel/Clear” to correct an error;
11. Confirm the accuracy of the date and time and adjust if required;
12. Generate a Zero Totals Report:
 - a) From the Administrative Menu press the “Utilities” button, then press the “Reports” button.
 - b) Select “Election Report”. Press the “Zero” button to print the Zero Totals Report. Choose the number of copies required using the keypad (1 copy for inspection by a Candidate or Scrutineer who is present). Press the ‘Enter’ button to print the reports;
13. Remove the first Zero Totals Report and give it to the M.D.R.O., who will verify that the heading at the top of the Zero Totals Report indicates the correct Voting Place, lists all Candidates/Contests and any questions on the Ballot in the exact order as they appear on the Ballot, and all totals are ‘0’;
14. Along with the M.D.R.O., check the Ballots Cast counter on the operator screen of the Vote Tabulator to ensure it displays zero;
15. Along with the M.D.R.O., sign the Zero Totals Report. Any Candidates or Scrutineers present may also sign the Zero Totals Report. Once signed, the M.D.R.O. will affix one copy in a location that is visible to Candidates, Scrutineers and Voters throughout the day;
16. The second Zero Totals Report (or the last Zero Totals Report printed if

additional copies are requested by a Candidate/Scrutineer) must remain attached to the Vote Tabulator until after the close of voting. The Zero Totals Report may be rolled and paper clipped to avoid it being ripped or damaged.

17. To open the Poll, press the “Open Poll” button displayed on the Administrative Menu.
18. The Vote Tabulator will prompt the T.D.R.O. to print additional reports. They will press the “Cancel” button on the operator screen to open the Poll.
19. The Vote Tabulator will display “System Ready” on the operator screen, indicating that the Vote Tabulator is ready to accept Ballots.

23.2 Voting Procedures

23.2.1 Information Clerk

The Information Clerk will welcome each Voter to the Voting Place.

If the Voter possesses a V.N.C., the Information Clerk will direct them to the Ballot issuing area where the D.R.O.s are waiting to serve them.

If the Voter does not possess a V.N.C. and is not sure if they are on the Voters’ List, the Information Clerk will direct the Voter to the R.D.R.O. who will verify whether they are on the Voters’ List.

23.2.2 Revising Deputy Returning Officer (R.D.R.O.)

If the Voter does not appear on the Voters’ List, or their information is listed incorrectly, they will be required to work with the R.D.R.O. to add their name, or correct their information on the Voters’ List.

The R.D.R.O. will request Voter Identification to verify the identity of the applicant. If the Voter cannot produce acceptable Voter Identification, the R.D.R.O. will advise the Voter that they will be required to complete the Voters’ Form - Declaration of Identity.

The R.D.R.O. will verify with the Voter whether they need to be added to the Voters’ List, or correct the information contained on the Voters’ List.

- a. If the Voter needs to be added to the Voters’ List, the R.D.R.O. will search for the Voter’s address in VoterView.
- b. If the Voter needs to correct their information on the Voters’ List, the R.D.R.O. will search for the Voter in VoterView.

The R.D.R.O. will record the Voter’s current address in Oshawa for which they are qualified to vote.

The R.D.R.O. will confirm with the Voter whether they are the owner/tenant/resident, or spouse of the owner/tenant at the qualifying address.

The R.D.R.O. will ask the Voter questions concerning the Voter's school board support to ensure the Voter is issued the correct Ballot.

If the R.D.R.O. is satisfied that the Voter is entitled to have their name added to the Voters' List or their information corrected, the R.D.R.O. will complete the amendment to the Voters' List.

If the Voter has not already voted, the R.D.R.O. will follow the procedures outlined below for the Deputy Returning Officer in order to issue the Voter a Ballot.

23.2.3 Deputy Returning Officer (D.R.O.)

Each D.R.O. is responsible for issuing Ballots to Voters. When a Voter attends at the D.R.O. station, the D.R.O. will require each Voter to provide Voter Identification. If a Voter is on the Voters' List but is unable to provide acceptable Voter Identification, the D.R.O. will require the Voter to complete the Voters' Form - Declaration of Identity prior to a Ballot being issued and later note beside the Voter's name on the Voters' List that the declaration was taken.

The D.R.O. will then confirm that the Voter's name is shown on the Voters' List.

If the Voter is not marked as having voted, the D.R.O. will ask the Voter if they have voted in this election in person or by mail. If the Voter confirms they have voted in this election, they will be refused a ballot and the D.R.O. will mark the Voter as having voted on the Voters' List and make a note whether the Voter has voted previously in person or by mail.

If the Voter has not already voted, the D.R.O. will review the School Support column to determine the type of Ballot to be issued. If the Voter is a French language school board supporter, the D.R.O. will inquire with the Voter as to whether they have voted for a French School Board Trustee within the same school board area in another municipality. If yes, the D.R.O. shall issue a No School Support Ballot to the Voter. The D.R.O. will then mark the Voter as having voted on the Voters' List to indicate that a Ballot has been issued.

If the Voter refuses to take the Declaration of Identity, they will not be given a ballot and "refused to take oath" shall be noted on the Voters' List and the individual will be asked to leave the Voting Place.

On the Clerk's Form - Numerical Record of Voters Who Have Voted, the D.R.O. will place a diagonal mark across the printed figure corresponding to the number of Voters to whom the D.R.O. has issued a Ballot.

The D.R.O. will initial the Ballot prior to providing it to the Voter.

The D.R.O. will provide the Voter with a Secrecy Folder containing the appropriate Ballot and a Ballot Marking Pen and will advise the Voter that they will need to completely fill in the Defined Area located to the right of the name of the Candidate(s) for which they wish to vote. The D.R.O. will note to the Voter that once they have completed marking the Ballot, it is to be delivered to the T.D.R.O. with the top of the Ballot containing the D.R.O. initials visible. The T.D.R.O. will then process the Ballot through the Vote Tabulator.

Declined Ballot

If a Voter receives a Ballot and returns the Ballot to the D.R.O. and states they are declining to vote, the D.R.O. will write “Declined” on the Ballot, place the Ballot in the “Declined Ballots” envelope, and ask the Voter to leave the Voting Place. The D.R.O. will then write “Declined Vote” opposite the Voter’s name on the Voters’ List. The Voter is not entitled to receive another Ballot if they return to the Voting Place.

Over-Voted Ballot

If a Voter Over-votes for any Contest, the Vote Tabulator will alert the T.D.R.O. of the fact that they have Over-voted for one or more Contests. The T.D.R.O. will clarify with the Voter if that is the Voter’s intent. If it is not, the T.D.R.O. will return the Ballot out of the Vote Tabulator and direct the Voter back to the D.R.O. who issued the original Ballot for a replacement. The D.R.O. will write “Cancelled” on the top of the Ballot and will place the Ballot in the “Cancelled Ballots” envelope and issue a new Ballot to the Voter.

Misread Ballot

If the Ballot is rejected by the Vote Tabulator because it is misread or has been marked in a way that prevents it from being processed, the T.D.R.O. will return the Ballot to the Voter and will direct the Voter to the D.R.O. who issued the original Ballot for a replacement. The D.R.O. will place the Ballot in the “Misread Ballots” envelope and issue a new Ballot to the Voter.

If the Voter is not present to re-examine or be issued a replacement Ballot, the T.D.R.O. will place the Ballot into the auxiliary compartment of the ballot box.

Voting Proxy

If a Voter is unable to vote in person and does not wish to vote by mail, they may choose to appoint another qualified Voter to vote on their behalf. The appointment must be completed using the prescribed Voters’ Form - Appointment of Voting Proxy, in accordance with the City Clerks’ procedures for appointing a Voting Proxy.

A Voter who has been appointed as a Voting Proxy is entitled to:

- Receive a Ballot provided the Voter they are voting on behalf of is on the Voters' List at that Voting Place; and,
- Receive a Ballot at their own Voting Place to cast their own vote.

A Voting Proxy may only act as a proxy for:

- One Voter who is not a relative; or,
- One or more Voters who are immediate family members, including spouses, siblings, parents, children, grandparents, or grandchildren.

Upon receipt of a Voters' Form - Appointment of Voting Proxy, the D.R.O. will request identification (as defined in the List of Voter Identification Requirements) to verify the identity of the proxy. The D.R.O. will verify that the form has been certified by the City Clerk and will administer the oath of proxy voting. The D.R.O. will note "Proxy Voter Affirmed" with the Voter's name on the Voters' List and will follow the normal process for issuing a Ballot. The D.R.O. will retain the Voters' Form - Appointment of Voting Proxy and will place it in the envelope marked "Voters' Forms - Declaration of Identity/Appointment of Voting Proxy".

Where Voting is Objected

If a Candidate, Scrutineer or Election Official questions or objects to a Voter's eligibility to vote, or their identity, the D.R.O. will record the name of the individual who is objecting and the nature of the objection on the Voters' List.

The D.R.O. will require the Voter to complete the prescribed Oral Oath of Qualification.

If the Voter refuses to complete the oath, the D.R.O. will write the words "Refused to Affirm" on the Voters' List and will not issue a Ballot. The individual will be asked to leave the Voting Place. If the Voter completes the oath, the D.R.O. will write the words 'Affirmed' on the Voters' List and will issue the appropriate Ballot.

Where the Voter is Marked as Having Voted

If a Voter applies for a Ballot and the Voters' List indicates that the Voter has already cast a Ballot or has been mailed a VbM Package, but the Voter states that they have not voted, the D.R.O. will administer the Oath of Qualification and have the voter sign the Oath, and note on the Voters' List that the Voter has taken the oath. The D.R.O. will then issue a Ballot to the Voter. If the Voter refuses to complete the Oath, the D.R.O. will write "Refused to Affirm" on the Voters' List and will not issue a Ballot. The individual will be asked to leave the Voting Place.

23.2.4 Tabulator Deputy Returning Officer (T.D.R.O.)

Once a Voter has finished marking their Ballot, they will deliver the Ballot within the Secrecy Folder with the D.R.O. initial visible to the T.D.R.O. The T.D.R.O. will ask the Voter to remain at the Vote Tabulator Station until the Ballot has been processed. In the presence of the Voter, and without removing the Ballot from the Secrecy Folder, the T.D.R.O. will verify the initials of the D.R.O. on the Ballot and insert the Secrecy Folder into the feed area of the Vote Tabulator face down until the Vote Tabulator draws the Ballot from the Secrecy Folder.

If the Ballot is processed successfully, the T.D.R.O. will thank the Voter and ask the Voter to leave the Voting Place. If the Ballot is not processed successfully, as outlined below, the T.D.R.O. will explain to the Voter why the Ballot was not accepted, based on the message provided by the Vote Tabulator, and offer the Voter the opportunity to receive a new Ballot, if required.

Jammed Ballots

If a Ballot gets stuck in the Vote Tabulator, the operator screen will display “Paper Jam Detected...” and will not accept any Ballots for insertion until the jam has been cleared.

Ballots which jam at the front slot facing the T.D.R.O. have not been counted and shall not be permitted to fall into the Ballot Box.

In order to resolve a jam occurring in the front slot, the T.D.R.O. should gently remove the Ballot and re-insert it into the Tabulator. The T.D.R.O. should not have to break a seal to clear a jam. Ballots which jam at the exit slot facing the Ballot Box and cannot be accessed from the front of the Vote Tabulator have been scanned, the results saved and the counter increased and should be deposited into the Ballot Box once the jam has been cleared. The Ballot causing the jam shall not be permitted to pass through the Vote Tabulator again.

Jams occurring in the exit slot may require seals applied to secure the Vote Tabulator to the Ballot Box to be broken.

To clear a paper jam, the T.D.R.O. will use the following procedure:

1. Position the Secrecy Folder over the Ballot to preserve the secrecy of the Voter’s choices;
2. Review the message displayed on the operator screen of the Vote Tabulator to determine where the jam has occurred;
3. If the Ballot can be accessed from the front of the Vote Tabulator, carefully pull the Ballot out, press the “Cleared” button to clear the jam message and, if the Ballot is undamaged, attempt to reinsert the Ballot into the Vote Tabulator;
4. If the Ballot is damaged, explain to the Voter that the Ballot was damaged

and needs to be remarked. Ask the Voter to return the ballot to the D.R.O. who will issue a new Ballot;

5. If the Vote Tabulator fails to clear the jam after three attempts, the T.D.R.O. will advise the M.D.R.O. of the issue and continue attempting to clear the jam. After five attempts to clear the jam the Vote Tabulator will display the message “Paper Jam Still Exists...” with the “Shut Down” button in the lower right corner;
6. Press the “Shut Down” button to turn off the Vote Tabulator;
7. Notify the M.D.R.O. the issue with the Vote Tabulator has not been resolved and the need to break the seals to clear the jam.
8. Follow the procedures as outlined in the “Breaking Ballot Box Seals” section.

If the T.D.R.O. cannot clear a paper jam, they will not halt the voting process. The T.D.R.O. will continue feeding any Ballots delivered by Voters into the auxiliary compartment until the jam is resolved.

Loss of Power

In the event of a loss of power, the Vote Tabulator features an internal backup battery which allows the Vote Tabulator to continue accepting Ballots for approximately 2 hours. During this time, a battery will be displayed in the top left corner of the operator display and the LED status lights on the front of the Vote Tabulator will be orange.

If the power outage lasts beyond the 2 hour window, the Vote Tabulator will prompt the T.D.R.O. to shut down the Vote Tabulator. If this occurs, the T.D.R.O. will press the “Shutdown” button to turn off the Vote Tabulator and unplug the power supply from the wall. They will continue processing Ballots into the auxiliary compartment of the Ballot Box.

When power is restored, the T.D.R.O. will plug the power supply back into the wall. This will turn the Vote Tabulator on.

The T.D.R.O., in the presence of the M.D.R.O. and any interested Candidates or Scrutineers in attendance, will proceed as follows to re-open the Poll:

1. Once the election files have been loaded, the Vote Tabulator will emit an audible beep and display “Please insert Security Key to authenticate election files”;
2. The T.D.R.O. will press the Security Key to the Vote Tabulator and enter the device password and press “Enter” when complete;
3. The T.D.R.O. will confirm the date and time if prompted;
4. Once complete, the Vote Tabulator will display the Administrative Menu;

5. The T.D.R.O. will press the “Open Poll” button to re-open the Poll. The Vote Tabulator will alert the T.D.R.O. to the fact that the Poll is already open and that the results are not zero. The T.D.R.O. will press the “Confirm” button to confirm the re-opening of the Poll;
6. The Vote Tabulator will generate a Status Report displaying the Voting Place information and the number of total Ballots cast. The T.D.R.O. will review the report to ensure the Total Ballots cast line equals the number of Ballots Cast displayed on the operator display. If the numbers match, the T.D.R.O. will sign the report along with the M.D.R.O.;
7. Candidates or Scrutineers may visually inspect the report and initial it if they choose;
8. The T.D.R.O. will press the “No” button when prompted to generate additional copies of the report;
9. The Vote Tabulator should read “System Ready” on the operator display and is now ready to accept Ballots.

Breaking Ballot Box Seals

There are circumstances that may require the seals securing the Vote Tabulator to the Ballot Box to be broken. These circumstances include a Ballot jammed in the exit slot at the rear of the Vote Tabulator, or an error or failure which requires the complete replacement of the Vote Tabulator.

In the event that the seals need to be broken, the T.D.R.O. will utilize the following procedure:

1. Ensure that the following individuals are present to observe the process:
 - i. The M.D.R.O.;
 - ii. All interested Scrutineers or Candidates who are present in the Voting Place;
2. Break each seal securing the Vote Tabulator to the Ballot Box;
3. Resolve the error which required the seals to be broken (either by clearing the jam or by replacing the Vote Tabulator);
4. Place the Vote Tabulator back into position on the Ballot Box;
5. Along with the M.D.R.O., sign and reapply the appropriate number of seals to ensure that no Ballots can be deposited into the Ballot Box without first passing through the Vote Tabulator;
6. Once the Vote Tabulator is again operational, feed each Ballot delivered to the T.D.R.O. by a Voter into the Vote Tabulator;
7. If the issue with the Vote Tabulator is not resolved, the M.D.R.O. will contact the City Clerk’s Office for additional technical support and the T.D.R.O. will continue accepting Ballots using the auxiliary compartment.

Vote Tabulator Must be Replaced

If the Vote Tabulator must be replaced, the T.D.R.O. will advise the M.D.R.O. The M.D.R.O. will immediately contact the City Clerk's Office for assistance. If a replacement Tabulator is required, the City Clerk's Office will arrange for one to be delivered to the Poll. Replacement Tabulators will have been tested in accordance with the Tabulator testing procedures prior to Voting Day.

While waiting for the replacement Tabulator, the T.D.R.O. will open the auxiliary compartment on the Ballot Box to continue the voting process.

Once the Vote Tabulator is replaced, the T.D.R.O. will follow the procedures for setting up the Vote Tabulator as outlined at the beginning of Section 22.1.

All Ballots received by the T.D.R.O. and placed in the auxiliary compartment of the Ballot box while the Vote Tabulator was inoperable will be processed through the replacement Vote Tabulator at the close of voting.

Blank Ballot

If the Vote Tabulator detects a Blank Ballot, the T.D.R.O. will explain to the Voter that no marks were detected on the Ballot, and:

1. Ask the Voter if they would like the Ballot returned and advise the Voter that once the Ballot is accepted by the Vote Tabulator the Voter will not receive a new Ballot;
2. If the Ballot is returned to the Voter, instruct the Voter concerning the Ballot marking process and allow the Voter to return to the Voting Place to mark the Ballot correctly; or,
3. If the Voter indicates they would like to cast a blank Ballot, allow the Vote Tabulator to accept the Ballot.
4. If the Voter is not present to re-examine and properly mark their Ballot, the T.D.R.O. will allow the Vote Tabulator to accept the ballot.

Ambiguous Mark

If the Vote Tabulator detects an Ambiguous Mark, it will automatically return the Ballot. The T.D.R.O. will explain to the Voter that the Ballot was not counted because an Ambiguous Mark was detected and the Voter's intent cannot be determined for one or more Contests. There are two possible types of Ambiguous Marks:

1. The Voter has made a mark that is too light or too small which needs to be darkened in order to be clearly counted as a vote. In this case, the T.D.R.O. will ask the Voter to review the Ballot to ensure it is clearly marked and allow the Voter to return to the Voting Screen to mark the Ballot correctly.

2. The Voter has inadvertently made a small mark in a Defined Area where they had not intended to, in which case the T.D.R.O. will direct the Voter to the D.R.O. to obtain a new Ballot in order to ensure all Defined Areas are blank except for the ones they have clearly marked as votes. The D.R.O. shall mark the Ballot “Cancelled,” place the Ballot in the ‘Cancelled Ballots’ envelope, provide another Ballot to the Voter, and provide instructions to the Voter on how to properly mark the Ballot.
3. If the Voter declines the opportunity to re-mark a replacement Ballot, they will be directed to the D.R.O., who will follow the process for Declined Ballots.
4. If the Voter is not present to re-examine or be issued a replacement Ballot, the T.D.R.O. will allow the Vote Tabulator to accept the ballot.

Over-Voted Ballot

If the Vote Tabulator detects more votes for a Contest than is allowed, the T.D.R.O. will explain to the Voter the Ballot has not yet been counted because the Voter has filled in too many choices. It may be that the Voter has inadvertently made a mark where the Vote Tabulator can read it. The T.D.R.O. will:

1. Offer the Voter the choice of having the Ballot returned or accepted by the Vote Tabulator (in which case only the correctly marked Contests will be tabulated) and explain that once the Ballot is accepted, the Voter cannot receive a new Ballot;
2. If the Voter requests the Ballot be returned, the T.D.R.O. shall press the “Return” button and return the Ballot from the Vote Tabulator into the Secrecy Folder and direct the Voter to the D.R.O. who issued the Ballot for a replacement. The D.R.O. will place the Ballot in the “Cancelled Ballots” envelope, deliver another Ballot to the Voter, and provide instructions to the Voter on how to properly mark the Ballot; or,
3. If Over-Voting is the Voter’s intention, the T.D.R.O. will allow the Vote Tabulator to accept the Ballot by pressing the “Cast” button. The Vote Tabulator will not record the votes with respect to Candidates for which the Voter has Over-Voted, but will accept votes for Candidates where there is no Over-Vote.
4. If the Voter is not present to re-examine and be issued a replacement Ballot, the T.D.R.O. will allow the Vote Tabulator to accept the Ballot by pressing the “Cast” button to ensure any properly marked Contests are counted.

Misread Ballot

If the Ballot is rejected by the Vote Tabulator because it is misread, has been marked in a way that prevents it from being processed, or is damaged or

defective, the T.D.R.O. will direct the Voter to the D.R.O. who issued the original Ballot for a replacement. The D.R.O. will place the Ballot in the “Misread Ballots” envelope and issue a new Ballot to the Voter.

If the Voter declines the opportunity for a replacement Ballot or if the Voter is not present to be issued a replacement Ballot, the D.R.O. will follow the process for a Declined Ballot.

23.3 Close of Voting Procedures

At 8:00 p.m. sharp, the M.D.R.O. will declare the Voting Place closed, shall ensure that only authorized individuals remain in the Voting Place and shall close the doors. All Voters who are inside the Voting Place or in line to enter the Voting Place at 8:00 p.m. are entitled to vote. The Information Clerk or a designated Election Official shall distribute an Eligibility Card to each Voter waiting in line to enter the Voting Place at 8:00 p.m. The Information Clerk will ask each Voter for the Eligibility Card prior to them entering the Voting Place after 8:00 p.m. The M.D.R.O. will ask that any Ballots that have not been processed through the Vote Tabulator be brought forward as soon as possible. The only people entitled to remain in the Voting Place for the tabulation of election results are Election Officials and any Candidates or Scrutineers who were in the Voting Place prior to the close of the doors at 8:00 p.m. No individual (Voters, Scrutineers, Candidates or spouses) may enter the Voting Place after 8:00 p.m. to witness the count and no Candidate or Scrutineer who leaves the Voting Place after the close of voting shall be permitted to re-enter.

Once the remaining Voters have cast their Ballots and left the Voting Place, the T.D.R.O. will open the auxiliary compartment of the Ballot Box and process any Ballots which were deposited in the compartment throughout the day. The M.D.R.O. will be in attendance at the Vote Tabulator during this process in the event there are any Ballots which are rejected by the Vote Tabulator, due to Ambiguous Marks or a Misread Ballot.

If there are Ballots which are rejected by the Vote Tabulator in the Auxiliary Compartment of the Ballot Box, the T.D.R.O. with the supervision of the M.D.R.O. will feed them through the Vote Tabulator again to ensure they cannot be read. If they cannot be processed, the T.D.R.O. will give the Ballot to the M.D.R.O. who will place them in the “Voter Not Present” envelope, seal the envelope and complete the Ballot type information on the envelope for recording on the Clerk’s Form - M.D.R.O. Statement.

23.3.1 Closing the Vote Tabulator

After all Ballots have been processed through the Vote Tabulator, the T.D.R.O. will contact the security key to the sensor located on the top of the Vote Tabulator.

From the Administrative Menu, the T.D.R.O. will select the “Close” option and enter the device password to close the Poll, followed by the “Enter” button.

The Vote Tabulator will prompt the T.D.R.O. to confirm they wish to close the Poll. Once the Poll has been closed, the Poll cannot be reopened without administrator privileges. The T.D.R.O. will press the “Yes” button to close the Poll.

The Vote Tabulator will automatically print one copy of the Election Results Report, attached to the Zero Totals Report, which will be signed by the T.D.R.O. and M.D.R.O., as well as any Candidates or Scrutineers who wish to do so. The Election Results Report and Zero Totals Report will be provided to the M.D.R.O. who will append the reports to the M.D.R.O. Statement.

The Vote Tabulator will ask the T.D.R.O. if they wish to print additional copies of the Election Results Report. The T.D.R.O. will press “Yes” to print an additional copy and will sign the second Election Results Report, along with the M.D.R.O., and shall provide it to the M.D.R.O. to be attached to the duplicate copy of the M.D.R.O. Statement once completed.

The T.D.R.O. will also print one additional copy of the Election Results Report for any Candidates or Scrutineers present to inspect.

Once the additional copy has been printed, the T.D.R.O. will press the “No” button to exit the results printing screen and will be returned to the Administrative Menu. The T.D.R.O. will then press the “Power Down” button to power off the Vote Tabulator. Before doing so, the Vote Tabulator will ask the T.D.R.O. to confirm the direction to power off the Vote Tabulator. The T.D.R.O. shall press the “Yes” button to confirm the direction to shut down the Vote Tabulator.

The T.D.R.O. will place four seals titled “Ballot Box Seal – After Close of Vote” on the Ballot Box, ensuring that no additional Ballots can be placed in the Ballot Box and that it cannot be re-opened without breaking the seals. The T.D.R.O. will fill in the Ward and Poll information and sign the seal, along with the M.D.R.O., in the respective spaces provided.

The T.D.R.O. will pack up the Vote Tabulator, with the Memory Cards intact, and transport the Vote Tabulator back to the Election Results Centre. The T.D.R.O. will provide the Vote Tabulator to Election Management Team and shall remain at the Election Results Centre until the Voting Place results have been verified and uploaded to the City’s Election Reporting System.

23.3.2 D.R.O. Ballot Account Forms

Each D.R.O. will be required to successfully complete the Clerk’s Form - D.R.O. Ballot Account. Once completed, the D.R.O. will provide the form to the Clerk’s Form - M.D.R.O. for use in completing the M.D.R.O. Statement.

23.3.3 Completion of the M.D.R.O. Statement

The M.D.R.O. will be required to complete the Clerk's Form - M.D.R.O. Statement using information contained on each Clerk's Form - D.R.O. Ballot Account, or Clerk's Form - Special D.R.O. Ballot Account Form.

23.3.4 Items to be Placed in Auxiliary Compartment

The following items will be placed in the "Envelope for Auxiliary Compartment of the Ballot Box":

- Duplicate copy of the M.D.R.O. Statement with duplicate copy of the Election Results Report attached.
- Duplicate copy of each D.R.O. Ballot Account.
- Duplicate copy of each Numerical Record of Voters Who Have Voted.
- Duplicate copy of each Certificate and Receipt for Ballots Form.
- Each envelope containing Cancelled, Misread and Declined Ballots for each D.R.O. or Special D.R.O.
- Each Voters' Form - Appointment of Voting Proxy.
- Every copy of the Voters' List used at the Voting Place, as applicable.
- All Declarations of Identity.

Once all items identified above have been placed in the Auxiliary Compartment, a seal or duct tape shall be used to secure the compartment.

23.3.5 Election Supplies

All remaining election supplies, unused forms, unused Ballots, signs and other materials will be placed into the supply bag provided by the Election Management Team to each M.D.R.O. or Special D.R.O.

Once all of the supplies have been placed in the bags, the bags shall be sealed with a plastic tie through the eye of the zipper and case tab, ensuring the tie locks to prevent the reopening of the bag.

The M.D.R.O. will return all election supplies to the Election Supplies Return Centre located at the Oshawa Public Library Main Branch Auditorium at 65 Bagot Street.

23.3.6 Special Voting Places

Election Officials assigned to Special Voting Places will return completed forms and return sealed Ballot Boxes and materials in the manner and to the Voting Place determined by the City Clerk. Completed Ballots will be tabulated on Voting Day. Prior to Voting Day, the City Clerk will advise all Candidates by email of the location of the Voting Place where Special Voting Place Ballots will be tabulated.

23.3.7 Special Voting Places – Quarantine Procedures

In the event of a quarantine at an institution, the first priority is the safety of the people present, including voting place staff.

The Special Deputy Returning Officer shall immediately notify the City Clerk or designate of the quarantine. Where there is a matter of a public health nature, like an infectious disease outbreak at the Voting Place on Voting Day, the Special Deputy Returning Officer, with the assistance of a staff person who works at the facility, will issue a Special Voting Package to each elector in the quarantine area who requests to vote.

Each Special Voting Package will contain:

1. A folded ballot, secrecy envelope, outer envelope and an Oath of Qualification to any Voter who is a resident of the Special Voting Place and requests to vote.
2. Where applicable, the Special Deputy Returning Officer will also include an Application to Amend the Voters' List.
3. A Voter who receives a voting package at a Special Voting Place:
 - a. Marks the ballot with their selections;
 - b. Folds the ballot, places it into the secrecy envelope, and seals the secrecy envelope;
 - c. Places the sealed secrecy envelope in the outer envelope along with the signed Oath of Qualification and Application to Amend the Voters' List (if applicable) and does not seal the outer envelope;
 - d. Returns the completed unsealed voting package to the staff person who works at the facility who will return the package to the Special Deputy Returning Officer;
 - e. The Special Deputy Returning Officer will remove the Oath of Qualification and Application to Amend the Voters' List forms from the outer envelope.
 - f. The Special Deputy Returning Officer will add the voter's name to the Voters' List (if applicable) ;
 - g. Inserts the sealed secrecy envelope containing the ballot into the ballot box; and,
 - h. Records the Voter as having voted.

24 Advance Voting

One or more Election Captains will supervise an Advance Voting Day. At the first Advance Voting Day, an Election Captain will open the Voting Place following the procedures as set out under Section 22 – Procedures at the Voting Place.

At the close of each Advance Voting Day, an Election Captain will proceed as follows:

- a) Check the Auxiliary Compartment of the Ballot Box to ensure that all Ballots have been processed through the Vote Tabulator;
- b) Generate and sign two (2) Status Reports from the Vote Tabulator showing the total number of Ballots processed by the Vote Tabulator on that day;
- c) Power off the Vote Tabulator;
- d) Seal the Ballot Box to prevent any additional Ballots from being deposited into the Ballot Box;
- e) Return the signed Status Reports generated by the Vote Tabulator, the Vote Tabulator, all sealed Ballot Box(es), forms, election documents and supplies to the City Clerk or their designate for safekeeping.

Prior to the opening of the next Advance Voting Day, an Election Captain will proceed as follows:

- a) Power on the Vote Tabulator;
- b) Generate a Status Report showing the total number of Ballots processed and verify that this total is equal to the number of Ballots processed according to the Status Report printed at the close of the previous Advance Voting Day;
- c) If the number of Ballots processed is equal to the total as listed at the close of the last Advance Voting Day, sign and display the list along with the signed lists from previous Advance Voting Day(s) in public view;
- d) Reopen the Poll and continue processing Ballots through the Vote Tabulator;
- e) If the number of Ballots processed is not equal to the total as listed at the close of the last Advance Voting Day, notify the City Clerk immediately and process all Ballots using the Auxiliary Compartment of the Ballot Box until the issue is resolved.

The total of all votes cast at Advance Voting Days will be tabulated after 8:00 p.m. on Voting Day and will include those votes cast at the Voting Place established at City Hall on Voting Day.

Vote Tabulators deployed at all Advance Voting Places and at the Voting Place established at City Hall on Voting Day will be equipped with the Ballot Marking Device and other assistive devices to permit the casting of Ballots by individuals with accessibility needs. The Vote Tabulator will record the vote in the same manner as a paper Ballot.

25 Accessibility

25.1 Accessible Voting Technologies – Advance Voting

The Advance Voting Day held at City Hall will be equipped with Vote Tabulators and Ballot Marking Devices, which permit the independent casting of Ballots by individuals

with accessibility needs or those who cannot mark a paper Ballot with a Ballot Marking Pen.

The system consists of the following components:

- a) An Image-Cast Vote Tabulator;
- b) A Voting Handheld Controller and a set of headphones that a Voter uses to interact with the system;
- c) An external printer for printing the audio session Ballot once the Voter has made their selections; and
- d) Other input interfaces as necessary to accommodate a Voter's individual needs, including:
 1. Sip and Puff Input Interface; or,
 2. Paddle Button Input Interface.

The Voter uses headphones to hear an audio presentation of the Ballot and the handheld controller to control the voting session and select Candidates. The Voter can also use the other available assistive devices such as sip and puff or paddles if they are unable to use their hands to press the selection buttons on the handheld controller.



Figure 1 - Handheld Controller

When a Voter wishes to use the accessible voting feature, the T.D.R.O. will assist the Voter into position behind a privacy screen at the Vote Tabulator . The T.D.R.O. will then key in the Ballot ID number on the Vote Tabulator.

The Voter will hear an audio presentation of the Ballot through the available headphones and use the Handheld Controller or other assistive devices, as necessary, to adjust the volume, speed of the audio presentation, move between Contests, and select votes. The audio presentation will confirm votes selected for Voter verification.

When the Voter has made and confirmed all their selections, they will use the Handheld Controller or optional interface devices to direct the Ballot Marking Device to print a paper Ballot. The Ballot Marking Device will automatically process a standard paper Ballot, printing markings in the Defined Area for the Candidate(s) chosen by the Voter.

The printed Ballot is indistinguishable from a Ballot marked by hand. The Ballot Marking Device contains a library of random hand-made marking images that it uses to print the Ballot so the printed markings in the Defined Area look just like marks made by hand with a Ballot Marking Pen. This feature ensures that if the paper Ballots are later reviewed by Election Officials, they will be unable to determine which Ballots were marked by hand or by the Ballot Marker Device.

The Ballot then emerges from the Ballot Marking Device into a Secrecy Folder. The T.D.R.O. will insert the Ballot into the Vote Tabulator and the Vote Tabulator will process the Ballot in a manner that is no different from any other Ballot delivered to the T.D.R.O..

While an accessible voting session is underway, the Vote Tabulator can continue processing Ballots delivered to the T.D.R.O. by other Voters, allowing the Vote Tabulator to handle both voting channels and maintain the flow of Voters through the Voting Place.

25.2 Accessible Voting Technologies – Voting Day

A Voting Place will be located at City Hall on Voting Day specifically designated for persons with accessibility needs and one (1) companion. The same Vote Tabulator used at City Hall will be used to process the ballots and Voting Packages from the Special Voting Places on Voting Day. When results are tabulated at the close of voting on Voting Day, the results from the Special Voting Places and Voting Day at the Voting Place located at City Hall will be consolidated and reported as one total.

25.3 Voting Assistance

Persons with disabilities may be accompanied by a Friend within the Voting Place. In addition, the M.D.R.O. in each Voting Place can assist the Voter in casting their vote. Prior to entering the voting booth, the M.D.R.O. shall, in conjunction with the person with the disability, determine the extent to which they need assistance and the best way in which this assistance can be provided. This may include actually marking the Ballot as directed by the person with the disability. Where a Voting Place is located in an institution or retirement home, Election Officials can attend on voters in their specific living areas or at their bedsides to assist them to vote. All Election Officials are sworn to an Oath of Secrecy.

26 Tabulator Return

After completing their duties at the Voting Place, the T.D.R.O. will return the Vote Tabulator to the Election Results Centre. At the Elections Results Centre, the T.D.R.O. will deliver the Vote Tabulator to an Election Official who will confirm that the Vote Tabulator returned is the same Vote Tabulator assigned to the Vote Place. The Election Official will also verify the integrity of the seals applied to the Vote Tabulator to confirm that they are the same seals applied in advance of Voting Day and that the seals have not been modified or tampered. Once satisfied that the Vote Tabulator and seals pass the verification, a member of the Election Management Team will remove one seal securing one of the two Memory Cards found in the Vote Tabulator. The Memory Card will be inserted into a Memory Card reader and the results downloaded and verified using the Results Reporting Software. Once verified, the results from the Voting Place will be tabulated and electronically published to a publicly available results display. The same steps will be completed until all Vote Tabulators have been delivered and the results from each Voting Place downloaded and published. All results tabulated on Voting Night are considered “unofficial” results until “official” results are declared.

27 Tabulation of Mail-In Ballots

At pre-determined dates set by the City Clerk, designated Election Officials will meet at the Election Results Centre to open the sealed Secrecy Envelopes and tabulate the Ballots.

Candidates and Scrutineers are permitted to attend the tabulation of the VbM Ballots. The City Clerk shall provide advance notice to Candidates of the scheduled times and location.

The Designated Election Official will open the Ballot Transfer Container labeled Approved Vote by Mail Ballots, remove and open each envelope one at a time. The Ballots will be run through a Vote Tabulator by the other Designated Election Official.

Should a Vote Tabulator reject a Ballot during the tabulation process, it will be re-fed through the Tabulator.

If the Tabulator rejects the Ballot again, the ballot will be placed in a box labelled “For Adjudication”.

When all Ballots have been fed through the Vote Tabulator, all Tabulators, Memory Cards, Ballots, and other election supplies will be returned to secure storage.

The VbM results will not be accessed or generated until Voting Night as per the procedures in Section 26.

28 Adjudication of Mail-In Ballots

A designated Election Official will remove Ballots from the “For Adjudication” box for examination.

If the designated Election Official concludes that the voter intent is unclear, or if the Ballot is unmarked or over-voted, the Ballot will be placed in a box labelled “No Voter Intent”.

- a) A designated Election Official will display the Ballot for Candidate and Scrutineer inspection.
- b) The designated Election Official will re-feed the Ballot into the Tabulator and press the button under “Count as Marked” until the Ballot is drawn into the Tabulator.

If the designated Election Official concludes that the voter intent is clear, they will prepare a Replacement Ballot in full view of any Candidates or Scrutineers, mark the Ballot in accordance with their interpretation of the Voter’s intent, and initial the replacement Ballot in the “D.R.O.” box.

- a) The designated Election Official will paperclip the original Ballot on top of the replacement Ballot and place in a box labelled “Clear Voter Intent”.
- b) The designated Election Official will display the original and Replacement Ballots side-by-side for Candidate and Scrutineer inspection.
- c) The designated Election Official will place the original Ballot in a box labelled “Adjudicated Ballots – Original” and the replacement Ballot will be fed through the Tabulator.

If a Candidate or Scrutineer objects to the designated Election Official’s interpretation of Voter intent, the City Clerk or designate will:

- a) Examine the Ballot and make the final determination of voter intent.
- b) Write “Candidate or Scrutineer objection” on the back of the original Ballot and, if necessary, the Replacement Ballot.
- c) Depending on their determination, feed the Ballot through the Tabulator.

29 Notice of Results

After 8:00 p.m. at the final close of Voting on Voting Day, Unofficial Results will be tallied as per the procedures in Section 26.

The Unofficial Results displayed on Voting Night are for information only and are unofficial. The results are not official until declared as such by the City Clerk.

The Council Chamber in City Hall will be used to present Unofficial Election Results to the media and public. The Clerk shall cause vote results to be published to the City's website.

As soon as possible after Voting Day, the Clerk shall declare the Official Results using the Clerk's Form - Declaration of Election Results and post the results at City Hall and on the City's Website.

As soon as possible after Voting Day, the Clerk shall make the following information available at no charge for viewing by the public on the City's Website or in another electronic format:

- a) The number of votes for each Candidate.
- b) The number of declined and Rejected Ballots.
- c) The number of votes for the affirmative or negative on a by-law or question.

30 Recounts

A Recount shall be held as determined by the City's Recount Policy. This procedure does not apply to recounts on votes on a by-law or question or on a recount as provided for in section 60(3) of the Act.

30.1 Persons That May Attend a Recount

The following persons may be present at a recount under sections 56, 57 or 58 of the Act that relates to an office:

- The Clerk and any other Election Official appointed to assist with the recount.
- Every Candidate for the office involved.
- The applicant, if any, who applied to the courts for the recount.
- A lawyer representing each Candidate for the office involved or the applicant to the court order.
- A Scrutineer for each recount station established by the Clerk as appointed by each Certified Candidate for the office involved or the applicant to the court order.
- Where the recount applies to a by-law or question, such Scrutineers as council, a local board or the Minister appoints. The method of determining the number of Scrutineers to be appointed for these types of recounts is provided in subsections 61(3) and 61(4) of the Act.
- Where Scrutineers are appointed under subsections 61(3) or (4) of the Act, an equal number must be appointed for each possible response to the by-law or for or against a question. A maximum of one for each possible answer (or for/against a question) may be present for each Recount Station.

- Any other person authorized by the City Clerk.

30.2 Date of Recount

The Clerk shall set the date, time and place for the recount within the following prescribed time frames:

- In the case of tied vote, within 15 days after the Clerk's official declaration of the results of the election.
- In the case where a court has ordered a recount, within 15 days after the day the Clerk receives a copy of the order.
- In the case where a recount is held as a result of a resolution passed by a council or local board, within 15 days after the resolution is passed.
- In the case where a recount is held on the order of the Minister, within 15 days after the order is made.

30.3 Notice of Recount

The Clerk shall give notice of the date, time and place established for the recount to the following:

- All Certified Candidates for the office which is the subject of the recount;
- Where the recount is requested by resolution, the council or local board which passed the resolution;
- The Minister when an order has been made;
- The applicant in the case of a court order;
- In the case of a recount concerning an office, by-law or question which includes electors of another municipality the Clerk who was responsible for the conduct of the vote in the other municipality. (e.g. in the case of the election of the chair of a regional municipality, the trustees of a police village or the members of a school board)

Notice shall be given as soon as possible the Clerk considers adequate to give reasonable notice or to convey the information. Notice shall be given by email.

30.4 Conducting a Recount

In accordance with the Act, a recount of Ballots cast via the Vote Tabulator shall be conducted in the same manner as outlined in Section 22 of these procedures.

Prior to a recount:

- a) On a date selected by the Clerk, the Vote Tabulators to be used shall be randomly drawn. Those persons listed in Section 29.1 of these procedures may attend. The draw may also be webcast.
- b) The number of Vote Tabulators to be used will be equal with the number used in that Ward for a local contest or equal to the largest number used in a single Ward for an at-large contest. For example, if a recount is required for Ward One and 7 Tabulators were used on Voting Day, 7 Tabulators will be used for the recount. If a recount is required for the Mayoral Contest and the highest number of Tabulators used in a single Ward was 12, 12 Tabulators will be used.
- c) The Vote Tabulators selected by random draw shall be tested.
- d) The Ballots to be counted are those cast for the contest for which the recount is required.
- e) Candidates, their lawyer(s) or Scrutineer(s) will not be permitted to examine or touch the Ballots, nor are they permitted to dispute the validity of a Ballot or the counting of votes on a Ballot as the Ballots are being fed into the Vote Tabulators by the Election Official(s).

The City Clerk shall brief the Candidates and their lawyers who are present on the process to be followed in the conduct of the recount.

An Election Official designated by the Clerk shall receive the Ballot Box(es) from one Poll and the corresponding Memory Card. In full view of any Scrutineers present, the Election Official shall:

1. open the box and remove all Ballots;
2. insert the corresponding Memory Card into the Tabulator;
3. cause a "Zero Totals Report" to be printed; and
4. feed the Ballots face down into the Tabulator.

Should a Vote Tabulator reject a Ballot during the tabulation process, it will be re-fed through the Tabulator.

If the Ballot is rejected again, the Ballot shall be referred for examination. The Election Officials examining the Ballot will follow the procedures set out in Section 27 of these procedures.

This process will be completed for each Ward and Poll as applicable.

After all the Ballots from each Ward and Poll as applicable, have been fed into the Tabulator, the designated Election Official shall:

1. print the Results Tape;
2. remove the Memory Card from the Tabulator;

3. place the Ballots back into Ballot Box A, seal it and return the box with the Memory Card to the Ballot Distribution Station; and,
4. deliver the Results Tape to the City Clerk or their designated Election Official.

30.5 Recount Results

The City Clerk shall post for inspection a copy of the Results Tapes from each of the Tabulators in a designated area onsite as they are produced.

The results from each Ward and Poll will be compiled.

The City Clerk shall announce the results of the recount and provide copies of the City Clerk's statement of the results of the recount to all Candidates.

The City Clerk shall secure all materials from the recount.

30.6 Breaking a tied vote after a Recount

If the recount results in a tied vote, the City Clerk shall choose the successful Candidate by lot, as outlined in the Act.

31 Retention of Records

The City Clerk will retain, at the completion of the count, all Ballots, Vote Tabulator verification and certification records, Voting Place documents, elections reports and other completed election forms and documents for the same period as established by section 88 of the Act.

32 Emergency Situations

The City Clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election from being conducted in accordance with the Act. This authority relates not only to the conduct of the vote but also to any aspect of the election process. When declaring an emergency, the City Clerk will make such arrangements as they considers advisable for the proper conduct of the election. Such arrangements, if they are consistent with the principles of the Act, prevail over anything in the Act and regulations made under it. The emergency continues until the City Clerk declares it has ended. If the declaration of any emergency is done in good faith, the declaration and the related arrangements will not be reviewed or set aside by a court on account of unreasonableness or supposed unreasonableness.

33 Statement of Certification

In accordance with subsection 42 (3) of the Act, I hereby certify that these procedures shall be followed for the 2022 Municipal and School Board Elections in the City of Oshawa.

Dated at the City of Oshawa, in the Regional Municipality of Durham this 1 day of June, 2022.



Mary Medeiros
City Clerk and Returning Officer
Corporation of the City of Oshawa

34 Index of Forms

Below is a list of the forms referred to throughout these procedures. The prescribed forms under the Act and the forms listed here may be used in the conduct of the 2022 Municipal and School Board Elections. The Clerk reserves the right to alter or eliminate these forms or use additional forms as may be necessary for the conduct of the 2022 Municipal and School Board Elections.

- Candidate's Form - Agent Authorization
- Candidate's Form - Appointment of Scrutineer
- Candidate's Form - Declaration of Proper Use of the Voters' List
- Candidate's Form - Endorsement of Nomination (Form 2)
- Candidate's Form - Nomination Paper (Form 1)
- Candidate's Form - Request for Voters' List
- Candidate's Form - Withdrawal of Nomination
- Clerk's Form - Appointment and Oath of an Election Official
- Clerk's Form – Ballot Drop Box Receipt
- Clerk's Form – Certificate of Maximum Permitted Expenses
- Clerk's Form D.R.O. Ballot Account
- Clerk's Form - Declaration of Election Results
- Clerk's Form - Eligibility Card
- Clerk's Form - M.D.R.O. Statement
- Clerk's Form - Preliminary Certificate of Maximum Permitted Expenses
- Clerk's Form - Numerical Record of Voters Who Have Voted
- Clerk's Form - Special D.R.O. Ballot Account
- List of Voter Identification Requirements
- Notice - Declaration of Acclamation to Office
- Notice of Nomination Period
- Notice of Penalties - Registered Third Parties
- Official List of Certified Candidates
- Official List of Registered Third Parties
- Third Party Advertiser's Form - Financial Statement - Auditors Report (Form 8)
- Third Party Advertiser's Form - Notice of Registration (Form 7)
- Unofficial List of Candidates
- Voter's Form - Application for Removal of Deceased Person's Name from the Voters' List
- Voter's Form - Appointment of Voting Proxy (Form 3)
- Voter's Form - Declaration of Identity (Form 9)
- Voter's Form - Re-Issuance Request

35 Index of Amendments

1. Section 13.7 amended August 31, 2022 to establish where and at what time applications for revisions to the Voters' List may be made under sections 24 and 25 of the Act.
2. Section 13.7.2 amended October 3, 2022 to revise the procedure to remove a deceased person from the Voters' List.
3. Section 19 b) Voting by Mail amended October 3, 2022 to include the 12:00 p.m. deadline.
4. Section 20 amended October 3, 2022 to clarify deadlines and procedures for collecting Ballot Return Envelopes and providing a process for Ballot Return Envelopes after the 12:00 p.m. October 20, 2022 deadline has passed.
5. Section 21 added October 3, 2022 to provide for an internal process to collect Ballot Return Envelopes delivered by Canada Post to City Hall mailroom.
6. Section 27 amended October 3, 2022 to add to the process for the Tabulation of Mail-In Ballots.
7. Section 23.6.7 added October 17, 2022 to add a procedure for Special Voting Places under quarantine
8. Section 25.2 amended October 17, 2022 to add the location for the tabulation of Special Voting Places ballots.