



CITY OF PETERBOROUGH

PROCEDURES FOR USE OF VOTE TABULATORS



City of Peterborough Procedures for the Use of Vote Tabulators

Overview

The Municipal Elections Act, 1996, (the “Act”) gives the authority to the City Clerk, as Returning Officer, to establish procedures and forms for voting and vote-counting equipment within the municipality. The Act further gives authority to the City Clerk to provide for any matter or procedure that is not provided for in the Act.

On Election Day a vote tabulator will be used at each voting location, which will accept a paper ballot, or an audio ballot for electors with visual or mobility impairment.



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Declaration

In accordance with Section 12(1) of the *Municipal Elections Act, 1996*, I hereby certify that the attached procedures shall be followed in conducting the 2006 Municipal Elections in the City of Peterborough.

August 25, 2006

DATE

NANCY WRIGHT-LAKING
CITY CLERK/RETURNING
OFFICER



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Definitions

1 In this procedure,

"Act" means the *Municipal Elections Act, 1996*.

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

"Deputy Returning Officer" (DRO) means the person designated by the Clerk to perform certain election functions.

"Memory Card" means a card that is a removable, battery-sustained Memory, where all tabulated vote totals are stored.

"Secrecy Folder" means the folder in which a ballot can be placed so as to conceal the name of the candidates and the marks made by the voter upon the face of the ballot, but which exposes the initials of the Deputy Returning Officer(s).

"Vote Tabulator" means a machine that digitally scans a specified area on a ballot to read the vote(s) and tabulate the results.

Application of Procedure

2. (a) This procedure applies to an election conducted by the Clerk of the City of Peterborough, passed under the authority of Section 42 of the Act, which authorizes the use of Vote Tabulators in the Voting Location. Bylaw 06-105, is the City of Peterborough By-Law in respect to Vote Tabulators.
- (b) Where this procedure does not provide for any matter, an election to which this procedure applies shall be conducted in accordance with the principles of the Act. These principles are generally recognized as being:
- i. the secrecy and confidentiality of individual votes is paramount;
 - ii. the election should be fair and non-biased;
 - iii. the election should be accessible to the electors;
 - iv. the integrity of the process should be maintained throughout the election;
 - v. there be certainty that the results of the election reflect the votes cast; and
 - vi. electors and candidates should be treated fairly and consistently.



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Deputy Returning Officers

3. The Clerk shall appoint election officials for the purposes of implementing this procedure and may designate their titles and duties. Such appointments shall be in writing and the election officials shall take an oath administered by the Clerk.

Voting Subdivisions

4. The Clerk may divide the Municipality into voting subdivisions.

Ballots

5. (a) There shall appear on the ballot to the right of each candidate's name a Designated Voting Space for the marking of the ballot.
- (b) A box shall appear on the ballot to the right of each of the candidates' name, one box per each candidate's name. Electors will mark an X in the box with the special pen provided.
- (c) Ballots shall be coded by Ward.

Programming of the Vote Tabulators

6. (a) The Vote Tabulator shall be programmed to produce a printed record of the number of votes cast for each candidate.
- (b) The Vote Tabulator shall be programmed so that the following ballots are returned to the Deputy Returning Officer (the "DRO"),
 - i. a ballot without marks in any of the Designated Voting Spaces, as determined by a Vote Tabulator.
 - ii. a ballot with more Designated Voting Spaces marked for an office than the elector is entitled to vote for, as determined by a Vote Tabulator.
 - iii. a ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by a Vote Tabulator.



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Logic and Accuracy Testing of Vote Tabulators

7. (a) Prior to Election Day, the Clerk shall test the Vote Tabulators to ensure that they will accurately count the votes cast for all candidates.
- (b) When testing the Vote Tabulators, adequate safeguards shall be taken to ensure that the system or any part of it that is used for processing and tabulating votes, is isolated from all other applications or programs and that no remote devices are capable of gaining access to the Vote Tabulator.
- (c) The Clerk shall give notice of the date and time of the testing of the Vote Tabulators to the candidates.
8. (a) The test shall be conducted by,
 - i. Powering up the Vote Tabulator.
 - ii. Loading the Memory Card into the Vote Tabulator.
 - iii. Printing a "Zero Totals Report".
 - iv. Tabulating a pre-audited group of ballots including ballots that fall into each of the categories of ballots described in subsection 6(b) and ballots on which are recorded a predetermined number of votes for each candidate.
 - v. Printing the results from the Vote Tabulators.
 - vi. Reading the Memory Cards.
 - vii. Comparing the output of the tabulation against the pre-audited results.
- (b) If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected and the test repeated until an errorless test is achieved and certified by the Clerk.
- (c) The Clerk shall, at the completion of the test, clear the vote totals from the Memory Card and the Vote Tabulator backup function.
- (d) The Clerk shall retain and have access to the pre-audited group of ballots referred to in clause 8(a)(iv), the results tapes that were produced during the test and other materials used in the programming of the Vote Tabulators.
- (e) The Clerk shall not alter or make changes to the materials referred to in Subsection 8(d).



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Candidates and Scrutineers

9. (a) A candidate may have a scrutineer at each Voting Location. (If the candidate attends the Voting Location, the scrutineer must vacate the Voting Location).
- (b) To protect the secrecy of the vote, candidates and scrutineers shall not be permitted to examine the ballots or to object to ballots or to the counting of votes in a Voting Location when the ballots are being fed into the Vote Tabulator by the DRO.

Procedure at the Voting Location

10. (a) If a Vote Tabulator is used in a Voting Location, the DRO shall, before opening the Voting Location, and, in the presence of all scrutineers then present, cause the Vote Tabulator to print a copy (the "Zero Totals Report") of all totals in its Memory Card, confirming zero vote totals.
- (b) If the vote totals are zero for all candidates, the DRO shall ensure that the Zero Totals Report remains affixed to the Vote Tabulator until the final vote results are printed by the Vote Tabulator after the close of the Voting Location.
- (c) If the vote totals are not zero for all candidates, the DRO shall immediately notify the Clerk or Returning Officer and conduct the vote using the Auxiliary Compartment until the Vote Tabulator is made operational or the Clerk provides another Vote Tabulator at the Voting Location. If a replacement Vote Tabulator is used Section 10(a) and (b) shall be implemented for the replacement tabulator.

Procedure for Marking Ballots and Use of Vote Tabulators at the Voting Location

11. (a) The Clerk shall delegate to a DRO the authority to initial a ballot and place the appropriate sub-poll number on the ballot before the ballot is provided to an elector. Such delegation shall be in writing.
- (b) The DRO shall, at the same time as the ballot is delivered, provide a Secrecy Folder to each elector.
- (c) Upon receiving the ballot, the elector shall:
 - i. Proceed to the voting compartment.
 - ii. Vote by marking an **X** in the box to the right of the name of the candidate of his or her choice using the pen provided.



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- (d) After marking the ballot in the voting compartment the elector shall:
- i. Insert the ballot into the Secrecy Folder with the DRO's initials and the appropriate sub poll number still visible.
 - ii. Leave the compartment without delay.
 - iii. Deliver the Secrecy Folder containing the ballot to the Machine Operator at the Vote Tabulator.
 - iv. Wait while the Machine Operator enters the ballot into the Vote Tabulator.
- (e) The Machine Operator shall, in the presence of the elector and without removing the ballot from the Secrecy Folder, verify the initials of the DRO, and:
- i. Insert the Secrecy Folder containing the ballot, with the initials of the DRO face down, into the feed area of the Vote Tabulator and slide the ballot from the Secrecy Folder until the ballot is drawn into the Vote Tabulator; or
- (f) If a Vote Tabulator is available in the Voting Location but fails to operate:
- i. The Machine Operator shall insert the ballot from the Secrecy Folder, with the initials of the DRO face down, directly into the Auxiliary Compartment in full view of the elector; and
 - ii. The DRO shall insert the ballots into the Vote Tabulator from the Auxiliary Compartment once the Vote Tabulator becomes operational.
- (g) If a ballot described in clause 10(e)(ii) is returned by the Vote Tabulator and the elector who delivered the ballot is still present, the Machine Operator shall,
- i. Advise the elector that the Vote Tabulator detects more votes for an office that the elector is entitled to vote for.
 - ii. Ask the elector if he or she wishes another ballot and, if so, mark the original ballot "cancelled" and place it in the cancelled ballot envelope.
 - iii. Deliver another ballot to the elector.
 - iv. Instruct the elector to mark the ballot in accordance with the instructions on the ballot.



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(h) Procedure for Audio Ballot:

- i. Any elector may choose to take advantage of the audio ballot option (although typically this would be an elector with either visual or mobility impairment).
- ii. The DRO, upon determining the elector's need/desire for an audio ballot, marks the elector's name off the Voters' List in the usual manner, and provides the elector with a Ballot marked "audio".
- iii. The elector is requested to proceed to the Machine Operator's work area. It may be more convenient for the DRO to assist the elector to the work area.
- iv. Upon receiving the Ballot marked "audio", the Machine Operator sets the audio ballot up with the appropriate ballot, then escorts the elector into the private voting compartment.
- v. The Machine Operator confirms that the elector is ready to proceed to vote. The Machine Operator requests the elector to notify them in some manner when they are ready to leave the voting compartment.
- vi. The Machine Operator returns the ballot marked "Audio" to the Deputy Returning Officer, who will place it in the appropriate envelope provided.
- vii. While the audio ballot is being cast, the Vote Tabulator may still be used to cast paper ballots into the ballot box.
- viii. The Machine Operator monitors the display on the Vote Tabulator. Note that the total number of ballots will increase by one for each audio ballot cast.

Procedure for Closing the Voting Place during the Advance Voting

12. The DRO shall, after the close of the advance voting:

- (a) Check the back-up compartment of the ballot box for ballots to ensure all ballots have been processed.
- (b) Print two copies of the report of ballots processed through the unit and place one in the secrecy envelope, leave the second attached to the Vote Tabulator.
- (c) Remove the memory card and place it in the secrecy envelope.
- (d) Turn the Vote Tabulator off.
- (e) In full view, remove the Vote Tabulator from the top of the ballot box.
- (f) Seal the ballot box to ensure the box cannot be re-opened without breaking the seals and cover the ballot slot.



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- (g) Make out a statement, in duplicate, addressing the number of:
 - i. Ballots received from the Clerk
 - ii. Audio ballot requests forms received from Clerk
 - iii. Ballots used
 - iv. Cancelled paper ballots and cancelled audio ballots
 - v. Defective ballots
 - vi. Unused ballots
- (h) Sign and place the original copy of the statement in the Special Packet to be delivered to the Clerk.
- (i) Provide the duplicate copy of the statement of all ballots that have been counted by the Vote Tabulator to the Clerk to file with the voters' list.
- (j) Ensure that the original signed statement, Zero Totals Report and the duplicate copies of Application to Amend the Voters' List forms are all placed in the Special Packet. Seal the Special Packet and set aside for delivery to the Clerk.
- (k) Place all other used forms, unused forms and supplies into the supply duffle bag. Seal the duffle bag in such a way so that it cannot be reopened with breaking the seal.
- (l) The Deputy Returning Officer shall deliver the supply duffle bag, all ballot boxes, voting compartments, the Vote Tabulator and the Special Packet to a location determined by the Clerk.

Advance Voting Results

- 13. (a) The total of the votes from an advanced voting location shall not be made available until after 8:00 p.m. on Election Day.
- (b) The Clerk shall give candidates notice of the location designated by the Clerk for the purpose of counting the Advanced Voting results.
- (c) Once a candidate or their scrutineer enters the Advanced Vote counting room, at a time and place designated by the Clerk, they shall not leave until after 8:00 p.m. on Election Day.



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Procedure for Closing the Voting Place on Voting Day

14. (a) If a Vote Tabulator has been used to tabulate the votes cast in a Voting Location on Election Day, the DRO shall, after the close of the voting, check the Auxiliary Compartment for ballots to ensure all ballots have been processed and shall immediately,
 - i. Place the first copy of results tape that includes the Zero Totals Report in the statement envelope.
 - ii. Print two copies of the report of ballots processed through the Vote Tabulator.
 - iii. Sign one copy of the report of ballots tape from the Vote Tabulator then place in the secrecy envelope provided and permit any scrutineers who are present and wish to sign the results tape to do so.
 - iv. Leave the second copy of the report of ballots attached to the Vote Tabulator;
 - v. Remove the Memory card and place in the secrecy envelope and seal.
 - vi. Remove the Vote Tabulator from on top of the ballot box.
 - vii. Seal the ballot box and initial the seal, then allow any scrutineer who is present and wishes to initial the seal on the ballot box to do so;
 - viii. Make out a statement in duplicate addressing the number of:
 - ballots received from the Clerk,
 - audio ballot request forms used,
 - ballots used,
 - cancelled ballots,
 - defective ballots,
 - unused ballots,
 - unused audio ballot request forms.
 - ix. Sign and place the original copy of the statement in the statement envelope.
 - x. Personally deliver the secrecy envelope with the report of ballots tape and the Memory Card to the Clerk at City Hall for processing.
 - xi. Place all other used forms, unused forms and supplies into the Supply duffle bag. Seal the duffle bag in such a way so that it cannot be reopened without breaking the seal.
 - xii. Direct the Machine Operator to personally deliver the Vote Tabulator, unused ballots and other election supplies to the location and person designated by the Clerk.



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- (b) If a Vote Tabulator has been used to tabulate votes cast in a Voting Location on Election Day, but the tabulation of the votes cannot be completed because the Vote Tabulator is not operating or cannot be made to operate within a reasonable time following the close of the voting, the DRO shall, after the close of the voting and after determining the tabulation cannot be completed, do the following:
- i. Remove the Memory card and place it in the secrecy envelope.
 - ii. Remove the Vote Tabulator from on top of the ballot box.
 - iii. Seal the ballot box and initial the seal, then allow any scrutineer who is present and wishes to initial the seal on the ballot box to do so.
 - iv. Communicate to all candidates or scrutineers present in the Voting Location that the vote counting location will be City Hall and their right to be present at this location.
 - v. Personally deliver the secrecy envelope, Vote Tabulator, the ballot box and all cancelled and declined ballots to the Clerk at City Hall where a back-up Vote Tabulator is located.
 - vi. Direct the Machine Operator to personally deliver the unused ballots and other election supplies to the location and person designated by the Clerk.
 - vii. At City Hall, in the presence of all scrutineers, remove the Memory card from the secrecy envelope, insert the Memory card into a back-up Vote Tabulator.
 - viii. Print two copies of the report of ballots tape from the Vote Tabulator.
 - ix. Sign one copy of the report of ballots tape from the Vote Tabulator and permit any scrutineers who are present and wish to sign the results tape to do so.
 - x. Leave the second copy of the report of ballots tape attached to the Vote Tabulator.
 - xi. Remove the Memory card from the Vote Tabulator.
 - xii. Provide the signed copy of the report of ballots tape and Memory card to the Clerk for processing.

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- (c) If the Clerk/Returning Officer is unable to complete the results report of the votes as set out in clauses 14(b) because the Memory card has malfunctioned, the Clerk/Returning Officer shall:
- i. Request that the Vote Tabulator for the Voting Location where the memory card was used is brought to the results reporting room.
 - ii. Print a results report tape from the Vote Tabulator indicating the number of votes allocated to each candidate.
 - iii. Verify the results tape to the report of ballots tape.
 - iv. Close off the Vote Tabulator.
 - v. Sign the results reporting tape from the Vote Tabulator indicating the number of votes allocated to each candidate and permit any scrutineers who are present and wish to sign the results tape to do so.
- (d) If the Clerk/Returning Officer considers the results report of the votes from the vote tabulator, as set out in clause 14(c), is inconsistent, the Clerk/Returning Officer shall:
- i. Request that the vote tabulating machine results be cleared from the machine.
 - ii. Power down the Vote Tabulator for a period of time set by the Clerk.
 - iii. Power up the Vote Tabulator.
 - iv. Load a new, blank Memory Card into the Vote Tabulator.
 - v. Printing a "Zero Totals Report".
 - vi. Direct the ballot box from the Voting Location assigned to the applicable vote tabulator be brought to the results reporting room.
 - vii. Direct that the seals be removed from the ballot box.
 - viii. Tabulate all ballots through the Vote Tabulator into a holding box.
 - ix. Close off the Vote Tabulator.
 - x. Print two copies of the report of ballots tape from the Vote Tabulator.
 - xi. Sign one copy of the report of ballots tape from the Vote Tabulator and permit any scrutineers who are present and wish to sign the results tape to do so, leaving the second copy attached to the Vote Tabulator.
 - xii. Print a results report tape from the Vote Tabulator indicating the number of votes allocated to each candidate.
 - xiii. Verify the results tape to the report of ballots tape.
 - xiv. Close off the Vote Tabulator.
 - xv. Sign the results reporting tape from the Vote Tabulator indicating the number of votes allocated to each candidate and permit any scrutineers who are present and wish to sign the results tape to do so.



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- xvi. Return all ballots from the holding box into the original ballot box.
 - xvii. Seal the ballot box to ensure the box cannot be re-opened without breaking the seals and cover the ballot slot, permitting any scrutineers who are present and wish to initial the seal to do so.
15. The Clerk shall, at the completion of the count on Election Day, retain the programs, Memory cards, test materials and ballots in the manner provided for in the *Act* for keeping election records.

Recounts

16. If a recount of votes is held, the votes shall be counted in the same manner as the votes were counted on Election Day, unless otherwise ordered by a Judge in accordance with Section 60(3) of the Act.
17. (a) A Vote Tabulator shall be tested before the recount in the same manner described in Section 8.
- (b) If a Vote Tabulator is used for a recount, the recount is limited to the ballots tabulated by a Vote Tabulator during the advance voting and on Election Day.
- (c) If a Vote Tabulator is used for a recount, any candidate or court applicant or their lawyer(s) or scrutineer(s), will not be permitted to examine the ballots or to dispute the validity of a ballot or the counting of votes in a ballot when the ballots are being fed into the Vote Tabulators by the DRO.