

<b>Mail-in voting program</b>	City Clerk's Office – Election Services
	<b>Procedure No.:</b> PRO-PE-002

## Table of Contents

1.	Purpose.....	1
2.	Application .....	1
3.	Authority/Legislative Reference(s) .....	1
4.	Storage and Security .....	1
5.	Requesting a Mail-In Voting Package .....	1
6.	Processing a Mail-In Voting Request .....	3
7.	Voting by Mail .....	3
8.	Collecting Mail-In Voting Packages.....	4
9.	Tabulation and Results .....	6
10.	Adjudication of Ballots.....	7
11.	Retention of Election Documents.....	8
12.	Recounts.....	8

<b>Mail-in voting program</b>	City Clerk's Office – Election Services
	<b>Procedure No.:</b> PRO-PE-002

## **1. Purpose**

This document sets out the City of Toronto's procedures for a mail-in voting program in the City's Ward 22 by-election.

## **2. Application**

These procedures apply to election officials designated by the City Clerk, electors, candidates and scrutineers during City of Toronto's Ward 22 by-election.

## **3. Authority/Legislative Reference(s)**

Section 53 of the Municipal Elections Act, 1996 (MEA) provides authority to the City Clerk to declare an emergency and make arrangements considered advisable for the conduct of the election.

Council was informed at its meeting of October 27 and 28, 2020 that the Clerk would be using these emergency powers to implement a mail-in voting program at the time of the by-election, in consultation with the Medical Officer of Health.

## **4. Storage and Security**

All tabulators, memory cards, ballots 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 MEA for the keeping of election records.

## **5. Requesting a Mail-In Voting Package**

- (1) An eligible elector may only vote once in Toronto, regardless of the number of properties they own and/or lease. Eligible electors who own more than one property and reside in Toronto must vote where they reside.
- (2) To be eligible to vote by mail, an elector must be:
  - (a) On the voters' list; or
  - (b) Able to apply to add or update their information on the voters' list and provide a copy of acceptable identification to verify their identity.
- (3) A mail-in voting package can be requested from December 2 to 22, 2020 by the following methods:

- (a) Online, using the City of Toronto Elections website; or
  - (b) By telephone, by calling Toronto Election Services.
- (4) Only the elector or an individual authorized by the elector may request a mail-in voting package. Candidates and third party advertisers cannot request mail-in voting packages on behalf of electors.
- (5) If a mail-in voting package is being requested online, the elector will first be required to use the online voters' list system to verify that they are on the voters' list for Ward 22:
- (a) If found on the voters' list and all elector details are correct, the elector's request will be recorded and placed in the Mail-In Voting 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 elector 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 Election Services policy POL-LCEF-003: Identification Requirements for Electors; and
    - 3. Placed in the Voters' List Amendment queue for review and approval by a designated election official.
    - 4. Automatically placed in the Mail-In Voting Request queue, as in (5)(a).
- (6) If a mail-in voting package is being requested via telephone, the phone operator will first ask details of the elector necessary to verify that they are on the voters' list and their information is correct:
- (a) If found on the voters' list and all elector details are correct, the phone operator will use the online application system to record the elector's request and place them in the Mail-In Voting 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 phone operator will inform the elector that they can:
    - 1. Request a mail-in voting package themselves by using the online application system and following the steps set out in 5(5)(b);

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 Election Services policy POL-LCEF-003: Identification Requirements for Electors, with their returned mail-in voting package in order for their ballot to be accepted; or
3. Vote in-person during the advance vote period or on election day.

## **6. Processing a Mail-In Voting Request**

- (1) On a daily basis once the application period for mail-in voting packages has begun, a designated election official will review the Voters' List Amendment queue and the identification uploaded by the elector.
  - (a) If the uploaded identification fulfils the requirements set out in Election Services policy POL-LCEF-003: Identification Requirements for Electors, the designated election official will approve the amendment request, note the type of identification provided, and place the elector in the Mail-In Voting Request queue. The uploaded identification will be deleted.
  - (b) If the uploaded identification does not fulfil the requirements set out in Election Services policy POL-LCEF-003: Identification Requirements for Electors, or if the uploaded identification is illegible, the designated election official will deny the amendment request and the uploaded identification will be deleted. The designated election official will contact the elector to inform them of the reason for the denial and explain what needs to be corrected before the elector can restart the process set out in 5(5)(b).
- (2) On a daily basis once the application period for mail-in voting packages has begun, a designated election official will review the Mail-In Voting Request queue and:
  - (a) If there are no issues or irregularities with the request, approve the elector for receiving a mail-in voting package; or
  - (b) If there is an issue or irregularity, flag for further review by a senior designated election official. The elector may be contacted for more information.

## **7. Voting by Mail**

- (1) Mail-in voting packages will be mailed to approved electors in batches. Each package will contain:
  - Ballot
  - Instructions for returning the ballot, with a detachable declaration form that the elector must sign and return
  - Blank secrecy envelope, for inserting the marked ballot

- Outer envelope, with pre-paid postage, for inserting the signed declaration form and sealed secrecy envelope
- (2) To vote, the elector will mark the ballot for their preferred candidate and:
    - (a) Place the marked ballot in the blank secrecy envelope and seal the envelope; and
    - (b) Place the signed declaration form and sealed secrecy envelope into the outer envelope and seal the outer envelope.
    - (c) If the elector was added to the voters' list as a provisional voter, as described in 5(6)(b)2, the elector will also include a copy of acceptable identification in the outer envelope.
  - (3) The elector will return their completed, pre-paid mail-in voting package by either:
    - (a) Placing the package in any Canada Post mailbox for receipt by Election Services by 6:00pm on election day; or
    - (b) Placing the package in a secure ballot drop box located outside of designated mail-in vote drop box locations before 6:00pm on election day.
  - (4) Only the elector or an individual authorized by the elector may return a completed mail-in voting package. Candidates and third party advertisers cannot collect or return completed mail-in voting packages on behalf of electors.

## **8. Collecting Mail-In Voting Packages**

- (1) Completed mail-in voting packages sent via mail will be delivered by Canada Post to the location set by the City Clerk.
- (2) Designated election officials will collect, on a daily basis, completed mail-in voting packages that have been deposited into secure ballot drop boxes located outside of the designated mail-in vote drop box locations and deliver them to the location set by the City Clerk and securely stored.
- (3) Each day the Elections office is open, a designated election official, in the presence of at least one other election official, will open the outer envelope and remove the contents when the completed mail-in ballot package is received at the location set by the City Clerk.
  - (a) 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.

- (b) Using the elector barcode on the declaration form, the election official will find the elector in VLMS.
- (c) If the elector is marked in VLMS as a provisional voter, the designated election official will examine the elector's copy of identification:
  - 1. If the copy of identification is missing, illegible, or otherwise does not fulfil the requirements set out in Election Services policy POL-LCEF-003: Identification Requirements for Electors, 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 securely stored. The elector will not be marked as having voted.
  - 2. If the copy of identification fulfils the requirements set out in Election Services policy POL-LCEF-003: Identification Requirements for Electors, the designated election official will:
    - aa. Note the type of acceptable identification provided on the included declaration form, and,
    - bb. Destroy the copy of identification once verified.
- (d) If the elector has not already been marked as having voted, the designated election official will now mark that elector as having voted.
- (e) If the elector 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.
  - 1. The mail-in ballot package will be placed in a box labelled “Rejected Mail-In Ballots” and securely stored. The ballot will not be tabulated.
- (f) If the declaration form is signed, it will be returned to the original outer envelope with the sealed secrecy envelope and placed in a ballot box labelled “Approved Mail in Voting packages” and securely stored until they are fed through the vote tabulator.
  - 1. 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.

- (4) Verification Process for missing declaration form or missing copy of identification.
  - (a) If a package 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 to verify if the package contains all of the required documents and therefore process it in accordance with this policy.

## **9. Tabulation and Results**

- (1) At pre-determined dates set by the City Clerk, designated election officials will meet at a location set by the City Clerk to separate the declaration forms, open the sealed secrecy envelopes and tabulate the ballots.
- (2) Candidates and scrutineers are permitted to attend the tabulation of the mail-in ballots. The City Clerk shall provide advance notice to candidates of the scheduled times and location.
- (3) A team of designated election officials will retrieve the "Approved Mail in Voting packages" box from secure storage. The election officials will remove all contents from the outer envelopes. The declaration forms will be placed in a file for secure destruction at a later date and the sealed secrecy envelopes will be placed in a box labelled "Mail in Voting ballots".
- (4) A separate team of designated election officials will retrieve the box labelled "Mail in Voting ballots" and remove the ballots from the secrecy envelopes.
- (5) Once all of the ballots have been removed from the secrecy envelopes, they will be run through a vote tabulator.
- (6) Should a vote tabulator reject a ballot during the tabulation process, it will be re-fed through the tabulator.
- (7) If the tabulator rejects the ballot again, the ballot will be placed in a box labelled "For Adjudication".
- (8) 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.
- (9) The mail-in voting results will not be accessed or generated until after the close of voting on election day at the City Clerk's designated location.

- (10) The mail-in voting results will be incorporated into the City's results system on election night.

## 10. Adjudication of Ballots

- (1) A designated election official will remove ballots from the "For Adjudication" box for examination.
- (a) 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".
1. The Adjudication Lead will display the ballot for candidate and scrutineer inspection.
  2. 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.
- (b) 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 elector's intent, and initial the replacement ballot in the "MDRO" box.
1. The designated election official will paperclip the original ballot on top of the replacement ballot and place in a box labelled "Clear Voter Intent".
  2. The Adjudication Lead will display the original and replacement ballots side-by-side for candidate and scrutineer inspection.
  3. 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.
- (2) If a candidate or scrutineer objects to the designated election official's interpretation of elector intent, the City Clerk or designate, in consultation with legal counsel, if required, will:
- (a) Examine the ballot and make the final determination of voter intent.
- (b) Depending on their determination, follow the steps set out in 10(1)(a) or 10(1)(b).



(c) Write “candidate or scrutineer objection” on the back of the original ballot and, if necessary, the replacement ballot.

(3) Continue with the process set out in 9(8).

## **11. Retention of Election Documents**

The City Clerk will not alter the ballots, documents and materials and will retain them in the same manner as is provided for in the MEA for the keeping of election records, except in accordance with this policy.

## **12. Recounts**

(1) If a recount is held, the votes will be counted in the same manner as the votes were initially counted, in accordance with Election Services policy PRO-EMO-004 Recount.

**Date Approved:      October 2020**