



Voting at Institutions (Long-Term Care Homes) and Retirement Homes	City Clerk's Office – Election Services
	Procedure No.: PRO-EMP-003

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1. Purpose

This document sets out the City of Toronto's procedures for voting in Institutions (Long-Term Care Homes) and Retirement Homes in the City's Ward 22 Scarborough-Agincourt by-election.

2. Application

These procedures apply to election officials designated by the City Clerk, electors, candidates, scrutineers and institution (long-term care home) and retirement home staff during City of Toronto's Ward 22 Scarborough-Agincourt by-election at the following locations:

- (1) Tendercare Living Centre, 1020 McNicoll Avenue
- (2) Mon Sheong Scarborough TLC, 2030 McNicoll Avenue
- (3) Shephard Lodge, 3760 Sheppard Avenue East

3. Authority/Legislative Reference(s)

Section 45(7) of the Municipal Elections Act, 1996 (MEA) requires voting places be provided at institutions (long-term care homes) and retirement homes on election day.

Section 45(8) of the MEA provides authority to the City Clerk to attend on an elector who is a resident of the institution (long-term care home) or retirement home, to allow them to vote.

Section 46(3) of the MEA provides authority to the City Clerk to reduce voting hours in institutions (long-term care homes) or retirement homes that are only for the use of residents of those institutions (long-term care homes) or retirement homes.

Section 53 of the Municipal Elections Act provides authority to the City Clerk to declare an emergency if they are of the opinion that circumstances have arisen that prevent the election being conducted in accordance with the Municipal Elections Act. Section 53(2) authorizes the City Clerk to make arrangements as deemed necessary for the conduct of the election.

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 at the institution (long-term care home) or the

retirement home, 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. Implementation

- (1) Institution (long-term care home) and retirement home staff will be recruited to assist with providing accurate and up-to-date information on residents and to facilitate the voting process in order to minimize the risk of COVID-19 transmission that may otherwise result from allowing external staff into these locations.
- (2) Administrative staff at each of the facilities will provide a list of residents who are eligible electors prior to election day.
 - (a) A designated election official shall verify that each elector is on the voters' list.
 - (b) If an elector is not found on the voters' list, or if any of the elector's details are incorrect, the election official shall use the provided information to add or update their information on the voters' list.
- (3) Staff from each institution (long-term care home) and retirement home will be hired and trained for the following positions:
 - A Deputy Returning Officer to coordinate supplies, liaise with each Ballot Officer, and serve as Toronto Elections' main contact for the institution (long-term care home) or retirement home.
 - A Ballot Officer, for each cohort or section within the institution (long-term care home) or retirement home, to issue ballots and assist electors who may need help marking their ballot.

6. Bed-to-Bed Voting

- (1) A designated election official will deliver all necessary election supplies to the Deputy Returning Officer assigned at each institution (long-term care home) and retirement home prior to election day, including
 - A "Critical Forms" file
 - Physical copy of voters' list, separated by institution (long-term care home) or retirement home cohort/section
 - Brown ballot box containing unmarked ballots
 - White ballot transfer box to hold marked ballots
 - Pens, magnifying sheets, pads of paper, and other supplies to facilitate the ballot-marking process

- (2) On election day, the Deputy Returning Officer and Ballot Officers will go bed-to-bed to serve all eligible electors in the institution (long-term care home) or retirement home.
- (3) Before issuing a ballot, the designated election officials shall ask the elector for identification that shows their name and qualifying address and ensure it matches the information on the voters' list.
 - (a) If a resident of an institution (long-term care home) or a retirement home does not have identification readily available, then any document issued by the institution can be accepted as identification, including the patient's chart or name on their bed or room, a wrist-bracelet and/or a list of residents provided by the institution (long-term care home) or retirement home. If an administrator of the institution (long-term care home) or retirement home is present, they can also confirm the identity of the resident.
- (4) To vote, the elector shall mark the ballot for their preferred candidate.
 - (a) If required, the designated election official or other staff at the institution (long-term care home) or retirement home may assist the elector with marking their ballot.
 - (b) If staff at the institution (long-term care home) or retirement home act as an interpreter, the designated election official will take the Declaration of the Interpreter.
- (5) The elector will fold their marked ballot in half to protect the secrecy of their vote and place the ballot in the white ballot box provided by the Ballot Officer
 - (a) If the elector makes a mistake on their ballot, the Ballot Officer will:
 1. Fold the ballot in half
 2. Write "SPOILED" on the back of the ballot
 3. Place the spoiled ballot in the Critical Forms file
 4. Issue a new ballot to the elector
- (6) Once the elector has successfully placed their folded ballot in the ballot box, the designated election official will mark that elector on the voters' list as having voted.

7. Close of Voting

- (1) Upon completion of all bed-to-bed voting in the institution (long-term care home) or retirement home location, the Deputy Returning Officer will:

- (a) Seal the white ballot transfer box;
 - (b) Place all unused ballots into the brown ballot box, and
 - (c) Place the voters' list in the Critical Forms file.
- (2) The Deputy Returning Office will ensure that all ballots and voting supplies remain secure until the arrival of a designated election official.
- (3) A designated election official will collect all ballots and supplies from each institution (long-term care home) or retirement home between 3:00 and 4:00 p.m. on election day and deliver them to be securely stored at the City Clerk's designated location.

8. Candidates and Scrutineers

- (1) Candidates and scrutineers will not be permitted access to institutions (long-term care homes) or retirement homes.
- (2) Candidates and scrutineers are permitted to attend the tabulation of ballots collected from institutions (long-term care homes) and retirement homes. The City Clerk shall provide advance notice to candidates of the scheduled time and location.

9. Tabulation and Results

- (1) Designated election officials will open the sealed ballot boxes at Election Services, 89 Northline Rd and tabulate the ballots at the time designated by the City Clerk.
- (2) A team of designated election officials will retrieve the ballot boxes from secure storage.
- (3) Once all of the ballots have been removed from the ballot boxes, they will be run through a vote tabulator.
- (4) Should a vote tabulator reject a ballot, the following process shall be followed:
- (a) Where there are no marks in any of the designated voting spaces, the designated election official shall re-feed the ballot into the tabulator and press the button under "Count as Marked" until the ballot is drawn into the tabulator.
 - (b) Where the tabulator returns the ballot because it detects more votes in the designated voting spaces than an elector is entitled to mark on the ballot, the designated election official shall re-feed the ballot into the tabulator

and press the button under "Count as Marked" until the ballot is drawn into the tabulator.

- (c) Where there are marks in the designated voting space(s) but the tabulator cannot process the ballot, the designated election official shall re-insert the ballot, trying different orientations (face-down/head-first/last).
- (5) If the vote tabulator rejects the ballot again, the ballot shall be set aside for examination and the following process will be followed on the set-aside ballots:
- (a) Where there are no marks in any of the designated voting space(s) for the applicable office and the tabulator cannot process the ballot, the designated election official shall:
 - i. place a "Cancelled – Replaced Ballot" label on the back of the original ballot;
 - ii. write "Institution Ballot", put a checkmark beside "Ballot Rejected" and sign the Label and then file it in the designated folder;
 - iii. issue a replacement ballot; and
 - iv. feed the unmarked replacement ballot into the tabulator.
 - (b) Where there are marks in the designated voting space(s) for the applicable office and the tabulator cannot process the ballot, the designated election official shall replace the ballot. The City Clerk or designate shall:
 - i. place a "Cancelled – Replaced Ballot" label on the back of the original ballot and file it in the designated folder;
 - ii. prepare a replacement ballot in full view of any certified candidates, scrutineers or lawyers by making a replica mark in the appropriate designated voting space(s) on the replacement ballot;
 - iii. Write "Replacement Ballot" on the back of the replacement ballot and sign it; and
 - iv. feed the replacement ballot into the tabulator.
- (6) 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.
- (7) The tabulated results of the institution (long-term care home) and retirement home ballots will not be accessed or generated until after the close of voting on election day at the City Clerk's designated location.

(8) The results will be incorporated into the City's results system on election night.

10. 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.

11. Recounts

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: December 2020