

<b>Issuing, certifying and processing voting proxies</b>	City Clerk's Office – Toronto Elections
	<b>Procedure No.:</b> PRO-DVT-004

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## 1. Purpose

This document establishes the Toronto Elections procedure for issuing and certifying a voting proxy application.

## 2. Application

This procedure applies to election officials designated by the City Clerk and electors during Toronto municipal elections, by-elections, and/or referenda conducted by the City Clerk.

## 3. Authority/Legislative reference(s)

Section 44 of the Municipal Elections Act, 1996 allows for eligible electors in a local municipality to appoint another person to act as their voting proxy, and outlines the rules and restrictions for doing so.

Refer to relevant sections of the Municipal Elections Act, 1996, including sections 12 and 44 and the City Clerk's policy on *Identification requirements for electors*.

## 4. General

- (1) Any qualified elector in the city of Toronto may appoint another qualified elector as their voting proxy.
- (2) The appointment of a voting proxy can only be made from the close of nomination, or after the City Clerk has certified all qualified candidates, until voting day.
- (3) An elector may act as a proxy for:
  - (a) one other qualified elector who is not a relative; or
  - (b) one or more qualified electors who are relatives, using separate proxy applications for each.

- (4) The voting proxy may request a proxy application on behalf of the elector who is making the appointment.
- (5) Candidates will be instructed to refer any proxy requests to the City Clerk. The proxy application may not be provided to candidates, although candidates may request a proxy or act as a proxy in their own right.
- (6) Both the elector making the appointment and the voting proxy are required to show identification. Refer to the City Clerk's policy on *Identification requirements for electors*.
- (7) Copies of the application are public documents, which may be inspected by any person upon request to the City Clerk.

## **5. Issuing a proxy application**

- (1) An elector who wishes to appoint a voting proxy may:
  - (a) Contact the election call centre to request a proxy application be mailed/emailed; or
  - (b) obtain a proxy application in person from a location designated by the City Clerk:
    - (i) 8:30 a.m. to 4:30 p.m., Monday to Friday, excluding statutory holidays, or
    - (ii) 8:30 a.m. to 5:00 p.m. on any day of an advance vote occurring during regular business days, or
    - (iii) 12 noon to 5:00 p.m. on any day of an advance vote when the City Clerk's Office is not normally open.
- (2) Prior to issuing a proxy application, the designated election official shall:
  - (a) check the voters' list to determine whether the elector making the appointment is on the list. If the voter is not on this list, an amendment application must be completed;
  - (b) print the name of the elector making the appointment where required on the proxy application;
  - (c) assign and record the serial number for the proxy application; and
  - (d) give or mail/email to the elector the proxy application and any applicable forms.

## 6. Completing a proxy application

- (1) The elector making the appointment shall complete the required sections of the proxy application. They must also identify themselves, identify the voting proxy and attest to their relationship, if any.
- (2) The name of the voting proxy must be completed at the time the elector making the appointment signs the statement. It is unlawful to sign a proxy application without first completing the section for the name of the voting proxy.
- (3) The elector making the appointment shall provide the completed proxy application, a completed amendment application (if required) and an original or photocopy of their identification to the voting proxy. Refer to the City Clerk's policy on *Identification requirements for electors*.

## 7. Certifying a proxy application

- (1) The voting proxy shall present the completed proxy application, an original or photocopy of the identification of the elector making the appointment and an original of their identification, in person, to the City Clerk or designated election official, at a location designated by the City Clerk:
  - (a) 8:30 a.m. to 4:30 p.m., Monday to Friday, excluding statutory holidays, or
  - (b) 8:30 a.m. to 5:00 p.m. on any day of an advance vote occurring during regular business days, or
  - (c) 12 noon to 5:00 p.m. on any day of an advance vote when the City Clerk's Office is normally not open.
- (2) The City Clerk or designated election official shall:
  - (a) check the identification of both the elector making the appointment and the voting proxy to verify their names and qualifying addresses and that the identification matches the names and addresses on the proxy application;
  - (b) check the voters' list to verify that both the elector making the appointment and the voting proxy are on the list;
    - (i) if the elector making the appointment or the voting proxy is not on the voters' list, they will have to be added to the voters' list by completing the amendment application.

- (ii) in the case of a by-election, if the voting proxy is not on the voters' list, confirm that their qualifying address is within the City of Toronto, and, if the address is within the boundaries of the by-election, have them complete the amendment application. If the address is not within the boundaries of the by-election, but within the City of Toronto, have them complete the amendment application.
- (c) complete the ward and voting subdivision numbers for both the elector making the appointment and the voting proxy, where required on the proxy application;
- (d) have the voting proxy read and sign the declaration on the proxy application;
- (e) date and sign the declaration and stamp it with their Commissioner stamp;
- (f) date and sign the certification and apply the Toronto Elections' seal; and
- (g) give the voting proxy the certified proxy application and instruct them to take the form to the voting place of the elector making the appointment.

## **8. Certifying the provincial version of the proxy application**

If the voting proxy presents the provincial version of the proxy application, the City Clerk or designated election official shall follow, with necessary modifications, the steps outlined in section 9(2) of these procedures.

## **9. Process at the Voting Place**

- (1) The voting proxy will take the certified proxy application to the voting place of the elector making the appointment.
- (2) The designated election official shall ask the voting proxy to present the certified proxy application, along with acceptable identification. The voting proxy is not required to present the identification of the elector making the appointment.
- (3) To be valid, the certified proxy application must be completed, signed by the designated election official and have the Commissioner stamp and Toronto Elections' seal.
- (4) The designated election official shall verify that the voting proxy's identification matches the information on the certified proxy application.

- (a) If the voting proxy's identification matches, they will be asked to take the oath on the proxy application affirming they are the appointed voting proxy. They will then be given a ballot and can proceed to vote.
  - (b) If the voting proxy's identification does not match or the voting proxy does not present acceptable identification, they will not be issued a ballot. The voting proxy must return with acceptable identification.
- (5) If the voting proxy is an eligible elector entitled to vote in their own right at the same voting place as the elector making the appointment, the designated election official may issue both ballots at the same time.

**10. Related Policies/Procedures/Guidelines/Information**

City Clerk's policy on *Identification requirements for electors*.

**Date Approved: June 2022**