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| Voting place management at institutions: long term care homes and retirement homes | City Clerk's Office – Toronto Elections |
| | Procedure No.: PRO-ELER-003-BE |

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This procedure has been revised from the general election procedure approved June 2022.

1. Purpose

This document outlines the Toronto Elections procedure for voting place management at institutions: long term care homes and retirement homes.

2. Application

This procedure applies to election officials designated by the City Clerk, electors, candidates and scrutineers in Toronto municipal elections and by-elections that take place at institutions: long term care homes and retirement homes (referred to as "institution").

For the purposes of this procedure, an institution is defined in the Municipal Elections Act, 1996 section 45(7)(2) as "an institution in which, on September 1, 20 or more beds are occupied by persons who are disabled, chronically ill or infirm" and in section 45(7)(3) as "a retirement home in which, on September 1, 50 or more beds are occupied".

3. Authority/Legislative reference(s)

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

Section 45(8) of the Municipal Elections Act, 1996 allows for an elector to be served in their room.

Section 46(2) of the Municipal Elections Act, 1996 provides that the City Clerk may establish that specified voting places shall be open on voting day at a specified time before 10 a.m.

Section 46(3) of the Municipal Elections Act, 1996 provides that the City Clerk may establish reduced voting hours in an institution.

Section 12.1(1) of the Municipal Elections Act, 1996 provides that the City Clerk shall have regard to the needs of electors and candidates with disabilities.

Section 12(1) of the Municipal Elections Act, 1996 enables the clerk to provide for any matter or procedure that is not otherwise provided for in an Act or regulation and, in the clerk's opinion, is necessary or desirable for conducting the election.

4. Implementation

- (1) Voting shall be scheduled for one hour at a specific time arranged with each institution and advertised to their residents.
- (2) Voting places at institutions will be staffed by a Deputy Returning Officer and one Ballot Deputy Returning Officer (Ballot Officer).
- (3) The voting process is outlined in the City Clerk's procedure for *Voting place management during the 2023 by-election*, with the following modifications:
 - (a) If, after an elector provides acceptable identification and/or has completed the appropriate form, either a Declaration of Identity or Voters' List Amendment Application, and a Ballot Officer determines the elector is eligible to vote, the Ballot Officer will issue a ballot to the elector and direct the elector to proceed to one of the voting screens to mark the ballot.
 - (b) Once the elector has marked the ballot, the elector shall place the ballot in the secrecy folder and proceed to the Deputy Returning Officer, who shall place the ballot into the envelope labelled "Marked Ballots" while the elector is still in the voting place.

5. Where an elector is unable to enter the voting place

- (1) In an institution, where an elector has limited mobility preventing them from entering the voting place or where the institution is in full or partial lockdown, one or more Ballot Officers may be required to process electors by going bed to bed.
 - (a) The Deputy Returning Officer shall coordinate bed to bed voting with the onsite contact for electors who are unable to attend the voting room.
 - (b) If the Ballot Officer leaves the voting room, then the Deputy Returning Officer shall remain in the voting room to serve electors.
 - (c) The Ballot Officer shall take the necessary supplies as outlined in their training manuals in order to issue a ballot to the elector.
 - (d) In an institution, where a resident does not have identification readily available, any document issued by the institution can be accepted as identification, including the patient's chart or name on their bed, a wrist-bracelet and/or a list of residents provided by the institution. If an administrator of the facility is present, they can also confirm the identity of the resident.
 - (e) If an elector's name does not appear on the voters' list and they are eligible to vote, a Voters' List Amendment Application must be completed by the

elector, or on behalf of the elector, in order to have their name added to the voters' list.

- (f) The Ballot Officer processing electors at their bedside shall strike off the elector's name on the voters' list or add them to the voters' list (if they were added by Voters' List Amendment Application).
- (g) The Ballot Officer processing electors at their bedside shall give electors privacy to mark their ballot, and if requested, assist the elector with marking their ballot.
- (h) Once the elector has marked the ballot, the Ballot Officer shall instruct that elector to fold the ballot in half so as to conceal the elector's vote.
- (i) The Ballot Officer shall handle the marked ballot(s) in a manner that protects the secrecy of the vote by placing it and any Voters' List Amendment Application(s) in a folder.
- (j) The Ballot Officer shall continue to process electors bed to bed until all residents requiring this service have voted.
- (k) Once all electors requiring bed to bed service have had the opportunity to vote, the Ballot Officer(s) shall return to the voting room and give the Deputy Returning Officer all marked ballots and completed Voters' List Amendment Applications. The Deputy Returning Officer will:
 - (i) Transfer all the marked ballots from the folder into the envelope labelled "Marked Ballots".
 - (ii) Place all other election forms in the appropriate envelopes as outlined in the Deputy Returning Officer's training manual.
 - (iii) Instruct the Ballot Officer to update their copy of the voters' list by striking off any electors who voted in the room in their absence.
 - (iv) Instruct the Ballot Officer to update their copy of the voters' list by adding any electors who voted in the room in their absence and who completed a Voters' List Amendment Application.
- (2) For more information on accommodations available for electors, refer to the City Clerk's policy on *Accommodations for electors*.

6. In the event of a quarantine at the voting place at an institution

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

- (2) The Deputy Returning Officer shall immediately notify Election Central of the quarantine and provide additional information. Election Central may deliver extra supplies of voting materials to this affected location before the bed-to-bed voting can take place in the quarantined areas.
- (3) Where there is a matter of a public health nature, like an infectious disease outbreak at the voting place on voting day, the City Clerk may recruit and appoint an authorized person who works at the facility and who is willing to act as a Ballot Officer in order to go "bed to bed" to the elector(s) in the affected area to obtain their vote, if the facility administration has indicated to the Deputy Returning Officer that there are such electors in the affected and quarantined area.
- (4) The Deputy Returning Officer will ask that individual to take a declaration and sign the Appointment and Oath of a Ballot Deputy Returning Officer in the Event of a Quarantine at a Voting Place and:
 - (a) provide them with the necessary supplies as outlined in the "Bed-to-Bed Voting" section of the Ballot Officer Manual;
 - (b) ask them to follow the instructions outlined in the Ballot Officer Manual with respect to "Bed-to-Bed Voting", with the following exceptions:
 - (i) All electors will be asked to complete a Voters' List Amendment Application.
 - (ii) Once bed-to-bed voting is completed in the quarantined area, discard all of the voting supplies (example: rulers, pens, secrecy folders, etc.) and only return to the voting room with the marked ballots in the folder and Voters' List Amendment Applications.
 - (c) instruct the acting Ballot Officer to handle the marked ballot(s) in a manner that protects the secrecy of the vote by placing it and any Voters' List Amendment Applications into the folder.
- (5) The Deputy Returning Officer for that voting place shall then ask the acting Ballot Officer to update their copy of the voters' list using the completed Voters' List Amendment Applications. Once completed, the Deputy Returning Officer shall place the marked ballots into the envelope labelled "Marked Ballots" and file the copies of the Voters' List Amendment Applications as outlined in the Deputy Returning Officer Manual.

7. Closing the voting place

- (1) The voting place in an institution shall be closed at the time designated by the City Clerk. Any electors remaining in line at that time are permitted to vote.

- (2) Once closed, the Deputy Returning Officer and Ballot Officer shall perform the tasks outlined in the manual for closing the voting place.
- (3) The Deputy Returning Officer shall, among other tasks:
 - (a) complete the documentation required as per their training manuals;
 - (b) use the closing checklist to ensure all supplies and envelopes are placed in the appropriate location;
 - (c) notify Election Central that they have completed their tasks; and
 - (d) drive to their next scheduled location, if required.
- (4) After the Deputy Returning Officer has completed voting at all of their assigned institutions, they shall drive all supplies and ballots to the location designated by the City Clerk.

8. Tabulating Ballots and Producing Results

- (1) Candidates and scrutineers are permitted to attend the tabulation of ballots from institutions and results production. The City Clerk shall provide advance notice of the scheduled time and location.
- (2) The ballots from all institutions will be fed into the same tabulator.
- (3) Before any ballots are fed, in full view of any scrutineers present, the designated election official will:
 - (a) insert the memory media programmed for the election; and
 - (b) cause a zero tape to be printed.
- (4) When the Deputy Returning Officer arrives to the designated location, in full view of any scrutineers present, they shall:
 - (a) open the envelope and remove all ballots; and
 - (b) feed the ballots into the tabulator.
- (5) Should a vote tabulator reject a ballot during the tabulation process, the ballot will be re-fed through the tabulator.
- (6) If the tabulator rejects the ballot again, the ballot will be placed in a box labelled "for adjudication".
- (7) After 8:00 p.m. on voting day, after all the ballots from all institutions have been fed into the tabulator, the designated election official shall:

- (a) close the polls on the tabulator and print the results tape;
- (b) remove the memory media from the tabulator;
- (c) post a copy of the results tape for any scrutineers present to view; and
- (d) deliver the results tape and memory media to the City Clerk's designated location and ensure they are securely stored.

9. Adjudication of Ballots

- (1) A designated election official will remove ballots from the “for adjudication” box for examination.
- (2) 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) The adjudication lead will display the ballot for candidate and scrutineer inspection.
 - (b) The designated election official will re-feed the ballot into the tabulator and will accept the ballot so it is counted.
- (3) 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. They will write "Original" on top of the original ballot.
 - (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 adjudication lead 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.
- (4) 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 9(2) or 9(3).
- (c) Write “candidate or scrutineer objection” on the back of the original ballot and, if necessary, the replacement ballot.
- (d) Continue with the process set out in 8(4).

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 Municipal Elections Act, 1996 for the keeping of election records, except in accordance with this policy.

Date Approved: December 2022