

Voting place management during the 2023 by-election	City Clerk's Office – Toronto Elections
	Procedure No.: PRO-ELER-001-BE

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

1. Purpose

This document outlines the Toronto Elections procedure for voting place management during the 2023 by-election.

2. Application

This procedure applies to election officials designated by the City Clerk, electors, candidates and scrutineers during the 2023 by-election in Toronto.

3. Authority/Legislative reference(s)

Section 12 of the Municipal Elections Act, 1996 provides that the City Clerk may provide for any matter or procedure that is not otherwise provided for in an Act or regulation and that, in their opinion, is necessary or desirable for conducting the election.

Section 43 of the Municipal Elections Act, 1996 states that each local municipality must hold an advance vote on one or more dates before voting day, and outlines rules and requirements for the advance vote.

A French-language rights holder is defined in the Education Act, 1990 and refers to the right of citizens whose first language is French to receive educational instruction in French.

4. Roles and responsibilities of election officials

- (1) Each voting place is staffed with the following designated election officials:
 - (a) Deputy Returning Officer (DRO)
 - (b) Ballot Deputy Returning Officer (Ballot Officer)
 - (c) Customer Service Officer
- (2) A designated election official's delegated roles and responsibilities are outlined in the City Clerk's Delegation Order and their respective training manuals.

5. Opening the voting place

- (1) Designated election officials shall perform the tasks outlined in their training manuals for opening a voting place.
- (2) Before the opening of the voting place:
 - (a) On the first day of the advance vote and on voting day, the designated election official shall produce a zero tape of all the totals in the memory media of the tabulator. Refer to the City Clerk's procedure for *Use of tabulators and voter assist terminals*.
 - (b) On the second day of the advance vote, the designated election official shall complete the required form to confirm the beginning number of electors for the day is the same as the closing number from the previous day.
- (3) Voting places shall open at the time the City Clerk designates for advance voting.
- (4) Voting places shall open at 10am on voting day.

6. Candidates and Scrutineers

- (1) Candidates and scrutineers shall sign in with a designated election official and take an oath of secrecy upon arriving at the voting place.
- (2) The role of a candidate and scrutineer at the voting place is to observe the voting process in addition to their rights as outlined in various sections of the Municipal Elections Act, 1996.
- (3) Candidates and scrutineers shall follow the rules as outlined in the Scrutineer Appointment form. They are not permitted to interfere with or to disrupt the voting process.

7. Voters' list

Designated election officials shall use an electronic voters' list during the by-election.

8. Voting process

The following procedures outline how a designated election official(s) shall issue a ballot where an:

- Elector presents a Voter Information Card with the correct information
- Elector presents a Voter Information Card that requires amendment(s)
- Elector does not present a Voter Information Card and is on the voters' list

- Elector does not present a Voter Information Card and is not on the voters' list

Elector presents a Voter Information Card with the correct information

- (1) An elector who presents a Voter Information Card that shows their correct information shall be directed to a Ballot Officer.
- (2) The Ballot Officer shall search for the elector's name on the voters' list.
- (3) The Ballot Officer shall proceed to the "ballot issuing steps" 8(5) if:
 - (a) the elector is on the existing voters' list and provides acceptable identification that shows their name and qualifying address; or
 - (b) the elector is on the existing voters' list and does not have acceptable identification but is able to confirm the information on the voters' list and sign the Declaration of Identity. Upon confirmation the information on the voters' list is correct, the Ballot Officer shall:
 - (i) complete the Declaration of Identity;
 - (ii) ask the elector to review and sign the Declaration of Identity; and
 - (iii) sign in the designated area.
- (4) The Ballot Officer shall not proceed to the "ballot issuing steps" 8(5) if the elector has applied via email or telephone to be provisionally added to the voters' list and does not have acceptable identification that shows their name and qualifying address. The Ballot Officer shall inform the elector that they cannot be issued a ballot without acceptable identification. Refer to the City Clerk's procedure for *Revising the voters' list before voting day*.
- (5) The Ballot Officer shall complete the following steps to issue a ballot to an elector (hereafter referred to as the "ballot issuing steps"):
 - (a) Mark the elector as "voted" on the voters' list.
 - (b) Issue the appropriate ballot to the elector in a secrecy folder.
 - (c) Direct the elector to a voting screen to mark the ballot.
 - (d) Once the elector has marked the ballot, the elector shall proceed to the Deputy Returning Officer, who shall feed the ballot into the tabulator.

Elector presents a Voter Information Card that requires amendment(s)

- (6) An elector who presents a Voter Information Card where the information requires amendment(s) shall be directed to the Deputy Returning Officer. An elector is required to present identification to amend their information on the voters' list.
- (7) The Deputy Returning Officer shall:
 - (a) search for the elector's name on the voters' list;
 - (b) ask the elector for identification that shows their name and qualifying address;
 - (c) complete the Voters' List Amendment Application provided that:
 - (i) the elector did not vote for an English-language public or separate school board in the 2022 general election; and
 - (ii) the elector is eligible to vote for a French-language public or separate school board if they meet all of the following requirements:
 - Elector is a French-language rights holder
 - Elector or spouse is a French-language public or separate school board supporter
 - For separate school board the elector must be a Roman Catholic
 - (d) provide the elector with a new Voter Information Card to take to a Ballot Officer.
- (8) The elector shall present the Voter Information Card to the Ballot Officer, who shall follow the applicable ballot issuing steps outlined in section 8(5) of this procedure to issue a ballot to the elector.

Elector does not present a Voter Information Card and is on the voters' list

- (9) An elector who does not present a Voter Information Card shall be directed to the Deputy Returning Officer, who shall search for the elector's name on the voters' list.
- (10) If the elector is on the voters' list and the information is correct, the Deputy Returning Officer shall print the elector's Voter Information Card and direct them to a Ballot Officer.
 - (a) The Ballot Officer shall follow the applicable ballot issuing steps as outlined in section 8(5) of this procedure.

- (11) If the elector is on the voters' list and the information requires amendment, the Deputy Returning Officer shall follow the applicable steps as outlined in section 8(7)(b) to 8(8) of this procedure.

Elector does not present a Voter Information Card and is not on the voters' list

- (12) An elector who does not present a Voter Information Card shall be directed to the Deputy Returning Officer, who shall search for the elector's name on the voters' list.
- (13) If the elector is not on the voters' list, the elector must present identification.
 - (a) If the elector did not bring identification, they will not be added to the voters' list and shall not be issued a ballot until they return to the voting place with acceptable identification.
 - (b) If the elector has identification that shows the elector lives in the ward, the Deputy Returning Officer shall add the elector to the voters' list by following the applicable steps as outlined beginning at section 8(7)(c) to 8(8) of this procedure.
- (14) The Municipal Elections Act, 1996 provides that a person experiencing homelessness may vote if they are not on the voters' list and have not presented identification. A declaration made by an elector experiencing homelessness is conclusive proof of residency and qualification, in the absence of evidence to the contrary. Refer to the City Clerk's policy on *Identification requirements for electors*.
 - (a) The Deputy Returning Officer shall add the elector to the voters' list by completing the Voters' List Amendment Application and following the applicable steps as outlined beginning at sections 8(7)(c) to 8(8) of this procedure.
 - (b) An elector experiencing homelessness is not required to provide an exact street address. The elector can use addresses such as an intersection (corner of "street name" and "street name"), a park, a shelter or drop-in centre. It should be the most common place that the elector has returned to eat or sleep during the last 5 weeks.

9. Elector is Issued a Ballot but wants to return it, leave the voting place and vote later

- (1) The Ballot Officer will call over the Deputy Returning Officer.
- (2) The Deputy Returning Officer will explain to the voter that a ballot has already been issued and if they decline to accept the ballot, they cannot be issued another ballot later.
- (3) The Deputy Returning Officer will confirm the voter wishes to decline their ballot.

- (4) The Deputy Returning Officer will request the Ballot Officer to fold the ballot in half and print DECLINED on the back of the ballot.
- (5) The Deputy Returning Officer will place the DECLINED ballot in the critical forms file.

10. Elector requests to remove their name from the voters' list

- (1) An elector can remove their own name from the voters' list by showing acceptable identification to the Deputy Returning Officer, who shall:
 - (a) search for the elector's name on the voters' list;
 - (b) ask the elector for identification that shows their name and qualifying address; and
 - (c) complete the Voters' List Amendment Application.

11. Elector is unable to enter the voting place

- (1) The City Clerk has complied with the Municipal Elections Act, 1996 to make all voting places accessible to electors with a disability.
- (2) To provide further accommodation, an elector with a disability who cannot enter the voting place may request the Deputy Returning Officer serve them anywhere within the area designated as the voting place (including but not limited to, the parking lot or at the curbside) in order to vote.
- (3) The Deputy Returning Officer shall:
 - (a) ask another election official to accompany them to meet the elector, if required;
 - (b) bring the necessary forms and supplies;
 - (c) follow the applicable ballot issuing steps as outlined in section 8 of this procedure;
 - (d) give the elector privacy to mark the ballot; and
 - (e) handle the marked ballot in a manner that protects the secrecy of the vote.
- (4) Upon returning to the room with the marked ballot, the Deputy Returning Officer shall:
 - (a) add the elector or amend the elector's information on the voters' list, if applicable;
 - (b) instruct the Ballot Officer to mark the elector as "voted" on the voters' list;

- (5) feed the ballot into the tabulator without altering or making changes to the ballot; and
- (6) return to the elector to confirm the ballot was accepted by the vote tabulator.

12. Voting proxies

- (1) When a person indicates that they have a certified proxy application, refer to the City Clerk's Procedure for *Issuing, certifying and processing voting proxies*.
- (2) The designated election official shall follow the applicable ballot issuing steps as outlined in section 8(5) of this procedure.

13. Emergencies in the voting place

- (1) In the event that an emergency arises, the first priority is the safety of the people in the voting place.
- (2) The second priority is to remove and secure the tabulator, ballots and Voter Assist Terminal from the voting place, if possible.
- (3) If a real or perceived emergency is identified, the Deputy Returning Officer must notify the designated election official(s) immediately.
- (4) The City Clerk shall assess the situation and if it is deemed to be a true emergency shall implement whatever measures are required.
- (5) If necessary, staff and anyone in the voting place should evacuate and/or call 911. The designated election official(s) should be updated as the situation progresses.

14. Closing the voting place, Advance Vote

- (1) The voting place shall close at the time the City Clerk designates for advance voting.
- (2) Any electors remaining in line at that time are permitted to vote. If there is a line-up of electors at closing, a designated election official shall stand at the end of the line to prevent any additional electors from joining the line.
- (3) Once closed, the designated election officials shall perform the tasks outlined in the training manuals for closing the voting place.
- (4) Each night of the advance vote, after the close of voting, the designated election official shall:
 - (a) feed any ballots from the auxiliary compartment into the tabulator, if there are any;
 - (b) ensure that the election results are not generated;

- (c) power down the tabulator;
 - (d) ensure all equipment and election supplies are secured; and
 - (e) complete the Managing Deputy Returning Officer/Deputy Returning Officer Daily Worksheet.
- (5) On the last night of the advance vote, after the close of voting, the designated election official shall:
- (a) repeat steps 14(4) of this procedure;
 - (b) complete the Advance Vote Ballot Statement; and
 - (c) pack the tabulator to be transported to the City Clerk's designated location and securely stored.
- (6) The advance vote results shall not be accessed or generated until after the close of voting places on voting day at the City Clerk's designated location.

15. Closing the voting place, Voting Day

- (1) The voting place shall close at 8:00 p.m.
- (2) Any electors remaining in line at that time are permitted to vote. If there is a line-up of electors at closing, a designated election official shall stand at the end of the line to prevent any additional electors from joining the line.
- (3) Once a voting place is closed, the designated election officials shall perform the tasks outlined in the training manuals for closing the voting place.
- (4) The designated election official shall:
 - (a) feed any ballots from the auxiliary compartment into the tabulator, if there are any;
 - (b) produce the results tape from the tabulator and enter the results into the election results system;
 - (c) instruct voting place staff to sign the results tape, which includes the zero tape and permit any candidates and/or scrutineers present to sign the results tape if they so choose;
 - (d) complete the required paperwork; and
 - (e) transport all supplies to the location designated by the City Clerk.

16. Production of election results

- (1) Refer to the City Clerk's procedure for the *Use of tabulators and voter assist terminals* for details on how election results are generated.
- (2) Election night results are considered unofficial and shall be posted on the Toronto Elections website. The City Clerk shall declare official results as soon as possible after voting day.

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