

<b>Mail-in voting program</b>	City Clerk's Office – Toronto Elections
	<b>Procedure No.:</b> PRO-ELER-005-WBE

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## **1. Purpose**

This document sets out the procedure for a mail-in voting program for Toronto municipal elections.

## **2. Application**

This procedure applies to election officials designated by the City Clerk, electors, candidates and scrutineers.

## **3. Authority/legislative reference(s)**

Section 42(1)(b) of the Municipal Elections Act, 1996 provides that a municipality may, by by-law, authorize electors to use an alternative voting method that does not require electors to attend at a voting place in order to vote.

Section 2B of the City of Toronto Municipal Code, Chapter 53, Elections, authorizes the use of mail-in voting for Toronto municipal elections.

## **4. Requesting a mail-in voting package**

- (1) 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.
- (2) A mail-in voting package can be requested during the application period established by the City Clerk by the following methods:
  - (a) online, using the Toronto Elections website; or
  - (b) by telephone, by calling Toronto Elections.
- (3) Only the elector or an individual authorized by the elector may request a mail-in voting package. An elector may not authorize a candidate or third party advertiser to request a mail-in voting package on their behalf.

- (4) If a mail-in voting package is requested online, the elector will be required to verify that they are on the voters' list:
  - (a) If on the voters' list and all elector details are correct, the elector's request will be processed by a designated election official.
  - (b) If not found on the voters' list or if found on the voters' list with incorrect details, the elector will be:
    - i. directed to add or update their information on the voters' list; and
    - ii. required to upload a scan or photo of acceptable identification as set out in the City Clerk's policy on *Identification requirements for electors*.
- (5) If a mail-in voting package is requested by telephone, the election official will verify that the elector is on the voters' list and their information is correct:
  - (a) If verified, the request will be processed.
  - (b) If not verified, the election official will inform the elector that they can add them to the voters' list, as a provisional voter, which will require the elector to include a copy of acceptable identification, as set out in the City Clerk's policy on *Identification requirements for electors*, with their returned mail-in voting package in order for their ballot to be accepted.

## **5. Process to vote by mail**

- (1) Mail-in voting packages will be mailed on pre-determined dates. Each package will contain:
  - (a) one ballot;
  - (b) instructions for returning the ballot, with a detachable declaration form that must be signed and returned;
  - (c) secrecy envelope, for inserting the marked ballot; and,
  - (d) return 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 secrecy envelope and seal the envelope.

- (b) Place the signed declaration form and sealed secrecy envelope into the return envelope and seal the return envelope.
  - (c) If the elector was added to the voters' list as a provisional voter, as described in 4(5)(b), the elector will also include a copy of acceptable identification in the return envelope.
- (3) The elector will return their completed mail-in voting package by either:
  - (a) placing the package in any Canada Post mailbox in order to be delivered to Toronto Elections by the return deadline; or
  - (b) placing the package in a secure ballot drop box located at designated locations during a pre-determined period.
- (4) Only the elector or an individual authorized by the elector may return a completed mail-in voting package. An elector may not authorize a candidate or third party advertiser to collect or return a completed mail-in voting package on their behalf.

## **6. Returned mail-in voting packages**

- (1) Returned mail-in voting packages will be stored at a secure location set by the City Clerk.
- (2) A designated election official will open the outer envelope and remove the contents of the completed mail-in voting package.
  - (a) If the declaration form is signed, and if required, a copy of acceptable identification is included, the election official will mark them as voted.
  - (b) If the declaration form is unsigned, or acceptable identification is not included, the package, including the secrecy envelope containing the ballot, will be placed in a box labelled "incomplete" and the elector will be contacted.
- (3) The designated election official will place the secrecy envelope containing the ballot from packages meeting the requirements of 6(2)(a) into a box labeled "mail-in voting ballots" and securely store them until tabulation.
- (4) Candidates and scrutineers are permitted to attend the processing of returned mail-in voting packages by appointment. The City Clerk shall provide advance notice to candidates of the scheduled times and location.

## **7. Tabulating mail-in voting ballots**

- (1) Candidates and scrutineers are permitted to attend the tabulation, as well as the production of results. The City Clerk shall provide advance notice of the scheduled time and location.
- (2) On the first day of tabulation, the designated election official will produce the zero report.
- (3) The designated election official will open the ballot boxes and remove all ballots and feed the ballots into the tabulator.
- (4) Should a tabulator return a ballot, the ballot will be re-fed through the tabulator.
- (5) If the tabulator returns the ballot again, the ballot will be placed in a box labelled "for adjudication".

## **8. Adjudication of mail-in voting ballots**

- (1) The designated election official will remove ballots from the "for adjudication" box for examination.
- (2) The designated election official will review each ballot for voter intent using, as a guide, the *Adjudication Guidelines* attached as Appendix A.
- (3) If the designated election official concludes that the voter intent is clear, they will prepare a replacement ballot and:
  - (a) write "original" on the original ballot and "replacement" on the replacement ballot with a matching unique ballot number; and
  - (b) display the original and replacement ballot side-by-side for inspection.
- (4) If the designated election official concludes that the voter intent is unclear, the ballot will be displayed for inspection.
- (5) If a candidate or scrutineer objects to the designated election official's adjudication, the City Clerk or designate, in consultation with legal counsel will:
  - (a) Re-examine the ballot and make a final determination.
  - (b) Depending on their determination, follow the steps set out in 8(3) or (4).

- (c) Write "candidate or scrutineer objection" on the back of the original ballot and, if there is a replacement ballot, also on the back of the replacement ballot.
- (6) Where the voter intent is clear, the replacement ballot will be fed through the tabulator and the original ballot will be placed in a box labelled "adjudicated ballots – original".
- (7) Where the voter intent is unclear, the designated election official will re-feed the ballot and press the "Cast" button so the ballot is accepted into the tabulator.
- (8) Where the voter intent is unclear and the tabulator cannot accept the ballot because it is damaged, the designated election official will replicate the unclear marks on a replacement ballot and:
  - (a) write "original" on the original ballot and "replacement" on the replacement ballot with a matching unique ballot number;
  - (b) display the original and replacement ballot side-by-side for inspection; and
  - (c) feed the replacement ballot into the tabulator and press the "Cast" button so the ballot is accepted into the tabulator and place the original ballot in a box labelled "adjudicated ballots – original".

## **9. Production of election results from mail-in voting**

- (1) After 8:00 p.m. on election day, at the City Clerk's designated location, a designated election official shall generate the set of results from the tabulator and:
  - (a) produce two copies of the results report for viewing by any candidates and scrutineers present;
  - (b) insert memory media and download results from the tabulator;
  - (c) remove memory media from the tabulator and insert it into a memory media reader that uploads the results into the results system;
  - (d) deliver the results report and memory media to the City Clerk's designated location and ensure they are securely stored.

**10. Related policies and procedures**

*Identification requirements for electors*

*Retention of election records*

**Attachments:** Appendix A - Adjudication Guidelines

**Date Approved:**     **September 2023**

**Appendix A - Adjudication Guidelines**

The adjudication guidelines will be used when reviewing ballots for voter intent as provided in the Toronto Election procedures for the *Mail-in voting program*.

**1. Clear Voter Intent**

The diagrams below provide examples of clear voter intent. For the purpose of adjudication, any vote on a ballot is deemed to be marked inside the space provided for marking the ballot if the voter intent is clear.

Vote for ONE Candidate Only		
1	Veristo	<b>Adicidicatio</b>
2	Officiet	<b>Alibusam</b>

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2	Officiet	<b>Alibusam</b>

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Vote for ONE Candidate Only		
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2	Officiet	<b>Alibusam</b>



2. Unclear Voter Intent

The diagrams below provide examples where there is no clear indication for any particular candidate.

Vote for ONE Candidate Only

1

Veristo

Adicidicatio

☐

2

Officiet

Alibusam

☐

Vote for ONE Candidate Only

1

Veristo

Adicidicatio

☐

2

Officiet

Alibusam

☐

Vote for ONE Candidate Only

1

Veristo

Adicidicatio

☐

2

Officiet

Alibusam

☐

Words written in that do not convey intent:

Vote for ONE Candidate Only

1

Veristo

Adicidicatio

☐

2

Officiet

Alibusam

☐

Vote for ONE Candidate Only

1

Veristo

Adicidicatio

☐

2

Officiet

Alibusam

☐

Vote for ONE Candidate Only

1

Veristo

Adicidicatio

☐

2

Officiet

Alibusam

☐

Marks for more than one candidate:

Vote for ONE Candidate Only

1

Veristo

Adicidicatio

☒

2

Officiet

Alibusam

☒

Vote for ONE Candidate Only

1

Veristo

Adicidicatio

☒

2

Officiet

Alibusam

☒

Vote for ONE Candidate Only

1

Veristo

Adicidicatio

☒

2

Officiet

Alibusam

☒

Vote for ONE Candidate Only

1

Veristo

Adicidicatio

☒

2

Officiet

Alibusam

☒

Vote for ONE Candidate Only

1

Veristo

Adicidicatio

☒

2

Officiet

Alibusam

☒