TORONTO

| Mail-in voting program | City Clerk's Office – Toronto Elections |
| | **Procedure No.:** PRO-ELER-005-WBE |

Table of Contents

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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 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 of the tabulation.

(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) and 8(6) or follow the steps set out in 8(7) or 8(8); and

    (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: **July 2024**

TORONTO

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.
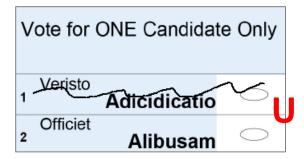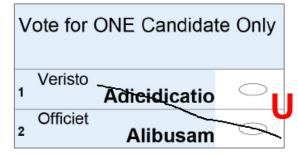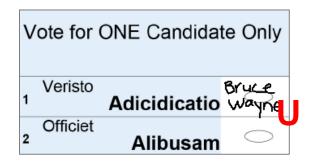
TORONTO

2. Unclear Voter Intent

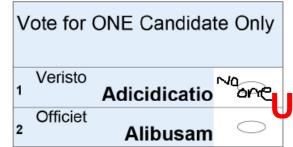The diagrams below provide examples where there is no clear indication for any particular candidate.

Words written in that do not convey intent:

Marks for more than one candidate: