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| Use of tabulators and voter assist terminals | City Clerk's Office – Toronto Elections |
| | Procedure No.: PRO-DVT-001 |

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1. Purpose

This document outlines the procedure for the use of vote tabulators (hereafter referred to as “tabulators”) and voter assist terminals in Toronto municipal elections and by-elections.

2. Application

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

3. Authority/Legislative reference(s)

Section 42(1)(a) of the Municipal Elections Act, 1996 authorizes the council of a local municipality to pass by-laws authorizing the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators.

Toronto Municipal Code, Chapter 53, Elections, Article 1, § 53-1 authorizes the use of voting and vote-counting equipment for Toronto municipal elections.

4. Storage and Security

Before and after their use at voting places during an election or by-election, all tabulators, voter assist terminals, memory media, and election supplies shall be securely stored, at a location designated by the City Clerk.

5. Pre-election procedures

Preventative maintenance

- (1) Preventative maintenance shall be performed on all tabulators and voter assist terminals prior to voting days.

Appearance of ballots

- (2) A space for marking the ballot shall appear to the right of each candidate's name or, in the case of a by-law or question, to the right of each answer.

- (3) The instruction on the ballot shall direct electors to vote by marking the space to the right of their candidate of choice and/or their answer to any by-law or question.

Programming of the tabulators and voter assist terminals

- (4) The tabulators shall be programmed so that:
 - (a) a printed record of the results can be produced at the close of voting indicating the number of votes cast for each candidate or each answer to any by-law or question.
 - (b) a ballot is returned to the designated election official if the tabulator determines that the ballot:
 - (i) has no votes in the space for marking the ballot; or
 - (ii) has more votes in the space for marking a ballot than an elector is entitled to mark; or
 - (iii) is damaged or defective or has been marked in such a way that it cannot be properly processed.
- (5) The voter assist terminals shall be programmed so that:
 - (a) each ballot inserted is recognized and a vote can be marked for the selected candidate for each office or for the selected answer to any by-law or question; and
 - (b) the elector is able to review and confirm their selected candidate for each office or their selected answer to any by-law or question prior to marking the ballot.

Logic and accuracy testing

- (6) The City Clerk shall provide notice of the date and time of the logic and accuracy testing to candidates.
- (7) Prior to advance vote and election day, the City Clerk or designate shall:
 - (a) test each tabulator to ensure it accurately counts the votes cast for each candidate or each answer to any by-law or question; and
 - (b) test each voter assist terminal to ensure it accurately marks the ballots for each candidate or each answer to any by-law or question.

- (8) Any errors detected when testing the tabulators and voter assist terminals shall be identified and corrected, and the device(s) shall be tested again until the desired results are achieved.

Completion of testing

- (9) At the completion of the testing, the City Clerk or designate shall:
 - (a) in the case of the tabulator, clear the totals of each tabulator memory media and apply a security seal over the memory media compartment;
 - (b) in the case of the voter assist terminal, apply a security seal over the memory media compartment; and
 - (c) securely store the tabulators and voter assist terminals until they are deployed to a voting place for use during advance vote or election day.

6. Voting place procedure

- (1) A tabulator shall be used in every voting place during advance vote and on election day.
- (2) A voter assist terminal shall be available at every voting place during advance vote and at two locations per ward on election day.

Candidates and scrutineers

- (3) Candidates and scrutineers' roles and responsibilities at the voting place are outlined in the Municipal Elections Act, 1996.
- (4) To protect the secrecy of the vote, candidates and scrutineers are prohibited from accompanying or assisting electors at the voting screen or at the voter assist terminal.
- (5) Candidates and scrutineers are prohibited from examining or objecting to a ballot while it is being fed into the tabulator.

Zero report

- (6) Before opening the voting place during advance vote or on election day, the designated election official shall produce a zero report from the data stored on the memory media of the tabulator. This report must show there are zero votes stored on the memory media for each candidate or for each answer to a by-law or question.

- (7) The zero report shall only be produced on the first day of advance vote.
 - (a) Upon the beginning of voting for each subsequent advance vote day, a configuration report will be printed with the details of the tabulator, including the ward and subdivision.
- (8) The zero report and any configuration reports shall remain affixed to the tabulator until the results are printed by the tabulator after the close of voting on election day.
- (9) Candidates or scrutineers may be present when the designated election official produces the zero report.
- (10) If the zero report total is not zero for a candidate or for an answer to a by-law or question, the designated election official shall immediately notify the City Clerk and await further instructions.

Marking the ballot

- (11) A designated election official shall issue a ballot to an elector in a secrecy folder.
- (12) An elector can mark a ballot manually or use the voter assist terminal to mark a ballot.
- (13) To mark a ballot manually, the elector shall vote by marking the space to the right of the candidate of their choice or for the answer to any by-law or question.
 - (a) After marking the ballot, the elector shall place the ballot into the secrecy folder and proceed to the designated election official.
 - (b) The designated election official shall feed the ballot into the tabulator in front of the elector.
- (14) To mark the ballot using the voter assist terminal, the designated election official shall, in consultation with the elector, determine the type of assistive device(s) the elector requires to mark the ballot.
 - (a) The designated election official, or the elector, shall attach the device(s) to the voter assist terminal or use the built-in features.
 - (b) After listening to or viewing the instructions on the voter assist terminal, the elector shall, using the assistive device(s) or built-in features, mark the ballot in the space to the right of the candidate of their choice or for the answer to any by-law or question.

- (c) After marking the ballot, the elector shall place the ballot into the secrecy folder and proceed to the designated election official.
- (d) The designated election official shall feed the ballot into the tabulator in front of the elector.

Tabulator Stops Operating

- (15) If the tabulator stops operating during voting, the designated election official shall contact the Tabulator Contact Centre for instructions.
- (16) If a voting place has two tabulators, and one tabulator stops operating:
 - (a) The designated election official shall feed the ballot from the secrecy folder into the alternate operational tabulator, in full view of the elector.
 - (b) If the tabulator which stopped operating is returned to an operational state, the designated election official shall resume feeding ballots into both tabulators.
- (17) If a voting place has one tabulator and it stops operating:
 - (a) The designated election official shall insert the ballot from the secrecy folder directly into the auxiliary compartment, in front of the elector.
 - (b) When the tabulator is returned to an operational state, the designated election official shall resume feeding ballots into the tabulator, including any ballots from the auxiliary compartment.
- (18) If the tabulator which stopped operating is replaced during voting and its original memory media can be used in the replacement tabulator:
 - (a) the zero report will be transferred to the replacement tabulator; and
 - (b) the designated election official shall feed all ballots from the auxiliary compartment into the replacement tabulator.
- (19) If the memory media of a tabulator that has stopped operating is replaced during voting, the designated election official shall:
 - (a) produce a new zero report; and
 - (b) feed all marked ballots, including any ballots from the auxiliary compartment, into the tabulator.

Ballots where the tabulator detects fewer votes than an elector is entitled to mark

- (20) Provided that a mark has been detected for at least one office, a tabulator shall accept a ballot when it detects fewer votes in the space(s) for marking a ballot than an elector is entitled to mark.

Ballots where the tabulator detects no votes

- (21) The tabulator shall return a ballot if it does not detect any marks in any of the spaces available for marking a ballot.
- (22) The designated election official shall:
- (a) advise the elector that the tabulator does not recognize any marks made on the ballot; and
 - (b) ask the elector if they would like to re-mark their ballot.
 - (i) If the elector wants to re-mark their ballot, the designated election official shall return the ballot and secrecy folder to the elector and direct them to a voting screen where they can mark their ballot.
 - (ii) If the elector does not want to re-mark the ballot, the designated election official shall re-feed the ballot and press the "Cast Blank Ballot" button so that the ballot is accepted into the tabulator.
- (23) If the elector is not present and the tabulator returns the ballot because it does not detect any marks in the spaces for marking a ballot, the designated election official shall press the "Cast Blank Ballot" button so that the ballot is accepted into the tabulator.

Ballots where the tabulator detects more votes than the elector is entitled to mark

- (24) The tabulator shall return a ballot if it detects more votes in the spaces for marking a ballot than an elector is entitled to mark.
- (25) The designated election official shall:
- (a) advise the elector that the tabulator detects more than one vote for an office or for an answer to a by-law or question;
 - (b) instruct the elector that only one vote is permitted per office or for any answer to a by-law or question; and

- (c) ask the elector if they wish to obtain a new ballot.
 - (i) If the elector wishes to obtain a new ballot, the designated election official shall fold the original ballot in half, write "SPOILED" across the back of the original ballot, and place it in the designated file folder. The designated election official shall issue a replacement ballot to the elector and direct them to a voting screen where they can mark their ballot.
 - (ii) If the elector does not wish to obtain a new ballot, the designated election official shall press the "Cast" button so that the ballot is accepted into the tabulator. No votes from this ballot will be counted for an office or for an answer to a by-law or question where there are more votes in the spaces for marking a ballot than the elector is entitled to mark.
- (26) If the tabulator returns the ballot because it detects more votes in the spaces for marking a ballot than an elector is entitled to mark, and the elector is not present, the designated election official shall press the "Cast" button so that the ballot is accepted into the tabulator. No votes from this ballot will be counted for an office or for an answer to a by-law or question where there are more votes in the spaces for marking a ballot than the elector is entitled to mark.

Damaged or Defective Ballots

- (27) If the tabulator does not accept a ballot because it is damaged or defective, the designated election official shall:
 - (a) remove the ballot and advise the elector that the tabulator did not accept the ballot;
 - (b) re-feed the ballot into the tabulator, trying one or more different orientations (face-down/head-first/last);
 - (c) return the ballot to the elector if it is rejected by the tabulator after trying different orientations; and
 - (d) ask the elector if they wish to obtain a new ballot.
 - (i) If the elector wishes to obtain a new ballot, fold the original ballot in half, write "SPOILED" across the back of the ballot, and place it in the designated file folder. The designated election official shall issue a replacement ballot to the elector and direct them to a voting screen where they can mark their ballot.

(ii) If the elector refuses to accept a replacement ballot, the designated election official shall fold the ballot in half and write "DECLINED" on the back and place it in the designated file folder.

(28) If the elector is not present, the designated election official shall contact their immediate supervisor for direction on the adjudication process.

7. Closing the voting place during advance vote

(1) Each night of advance vote, after the close of voting, the designated election official shall:

- (a) ensure any ballots in the auxiliary compartment are fed into the tabulator; and
- (b) ensure the tabulator and voter assist terminal are securely stored.

(2) On the last night of advance vote, after the close of voting, the designated election official shall:

- (a) ensure any ballots in the auxiliary compartment are fed into the tabulator;
- (b) secure the tabulators until they are picked up and delivered to the City Clerk's designated location; and
- (c) return the voter assist terminal to its case to be securely stored until election day.

(3) The City Clerk shall provide notice to candidates of the designated location where advance vote results will be generated.

(4) At the City Clerk's designated location:

- (a) the tabulator, with the memory media and zero report, will remain sealed and intact and shall be stored in a secure place until election day; and
- (b) the designated election official shall generate advance vote results after the close of voting on election day in accordance with Section 9 of this procedure.

8. Closing the voting place on election day

- (1) After the close of voting on election day, the designated election official shall:
 - (a) ensure any ballots in the auxiliary compartment are fed into the tabulator;
 - (b) close the poll on the tabulator to produce two copies of the results report and transmit results wirelessly;
 - (i) If the results report does not print, the designated election official shall contact the Tabulator Contact Centre for instructions.
 - (ii) If wireless results transmission is not successful, the designated election official shall contact the Results Accumulation Contact Centre using the printed results report.
 - (c) remove the memory media from the tabulator and deliver it to the City Clerk's designated location; and
 - (d) pack the tabulator into the carrying case, place it in the supply cart, and lock the cart. The cart will be stored securely at the voting place until it is picked up and returned to the City Clerk's designated location.

Tabulator stops operating at the close of election day

- (2) If the tabulator stops operating within the last 30 minutes of voting, the designated election official shall contact the Tabulator Contact Centre for instructions.
- (3) The designated election official shall insert the ballot from the secrecy folder directly into the auxiliary compartment, in full view of the elector.
- (4) After the close of the voting place, the designated election official shall:
 - (a) remove all the ballots from the tabulator stand, including the auxiliary compartment, of the inoperable tabulator and place them into the designated ballot box(es);
 - (b) advise all candidates and scrutineers present at the voting location of the City Clerk's designated location where the ballots will be re-fed into another tabulator; and
 - (c) deliver the inoperable tabulator and the designated ballot box(es) to the City Clerk's designated location.

- (5) At the City Clerk's designated location, the designated election official shall:
 - (a) replace the inoperable tabulator and/or the memory media;
 - (b) produce the zero report;
 - (c) feed all ballots from the designated ballot box(es) into the replacement tabulator;
 - (d) close the poll on the replacement tabulator to produce two copies of the results report;
 - (e) enter the results into the City's results system; and
 - (f) deliver the replacement tabulator and other election supplies to the City Clerk's designated location, if required.

9. Production of election results from advance vote

- (1) At the City Clerk's designated location, a designated election official shall generate advance vote results for each tabulator and voting place by closing the poll on the tabulator and:
 - (a) producing two copies of the results report on each tabulator for viewing by any scrutineers or candidates present; and
 - (b) removing the memory media from the tabulator and inserting it into a memory media reader that uploads the results into the results system.

10. Election Results

- (1) Election results will be generated after the close of voting on election day by closing the poll on the tabulator and:
 - (a) producing two copies of the results report on each tabulator for viewing by any scrutineers or candidates present;
 - (b) wirelessly transmitting the encrypted results directly from each tabulator to the City's secured network, for data decryption and aggregation into the results system;
 - (i) If, for any reason, wireless results transmission is not available, results shall be telephoned to the Results Accumulation Contact Centre by the designated election official using the printed results report, for data entry into the results system; and

- (c) removing the memory media from the tabulator and inserting it into a memory media reader that uploads the results into the results system.
- (2) Election results will be declared official by the City Clerk, at a later date.

11. Related Policies and Procedures

Retention of election records

Mail-in voting program (adjudication process)

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