

MUNICIPAL ELECTIONS GENERAL POLICIES AND PROCEDURES



PURPOSE:

The Clerk, who is responsible for conducting an election, may 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. Other than the forms prescribed by the Minister, the Clerk has the authority to establish forms, including forms of oaths and declarations and to require their use. The Clerk's authority also includes the power to require a person to furnish proof that is satisfactory to the election official as to the person's identity or qualifications including citizenship or residency.

The discretionary authority provided to the municipal Clerk in the *Municipal Elections Act, 1996* brings with it a degree of risk and inherent liability. This liability issue is prevalent "across the board" for public sector organizations where discretion is being exercised.

As a means of mitigating the exposure to liability, it is suggested that the Clerk consider adopting, in writing, procedure or administrative policy that clearly defines the nature of the discretionary power being exercised, the manner in which the power will be exercised, and the person or persons responsible for the exercise of the discretionary authority. For example, given that the Clerk has discretion relative to the provision of notice to the public concerning the conduct of the vote, it may be advisable for the Clerk to establish, in writing, the matters that will be subject to notice, the timing of such notice, the manner in which notice will be given and who will be responsible for giving the notice, if that authority is to be delegated by the Clerk.

The deadline for the establishment of procedures and forms related to the municipal elections is June 1, 2010. Copies of such shall be provided to all registered candidates on or before this date.

GOALS & OBJECTIVES:

- ☐ To achieve a significant voter turnout in the 2010 election;
- ☐ To raise awareness of voting;
- ☐ To encourage participation;
- ☐ To educate voters.
- ☐ To be fair, open, consistent & transparent

Specific themes that will be stressed include the advance voting opportunities, the correct manner in which to mark the ballot and to remind electors to check to see if their name is on the voters' list.

BACKGROUND:

This report presents the policies and procedures the elections staff intend to implement to conduct the 2010 Municipal Elections in the City of Niagara Falls.

In developing these policies and procedures, elections staff have considered the different needs of the three primary customers - eligible electors, candidates and the Corporation of the City of Niagara Falls. At times, these needs may be in conflict with each other. For example, the provision of additional voting places makes voting more accessible to electors, but creates problems for candidates in obtaining sufficient scrutineers and impacts on the budget of the Corporation.

The policies and procedures were measured against the principles of democratic elections, universally accepted as;

- (1) the integrity of the election process, and voter accessibility;
- (2) the secrecy of the vote, and
- (3) the proper majority vote decides the election.

The principles that were considered by the Province in the development of the *Municipal Elections Act, 1996* were:

- (1) the secrecy and confidentiality of individual votes as being paramount;
- (2) the election should be fair and non-biased;
- (3) the election should be accessible to the voters;
- (4) the integrity of the process should be maintained throughout the election;
- (5) there be certainty that the results of the election reflect the votes cast; and
- (6) voters and candidates should be treated fairly and consistently within a municipality.

It is the belief of elections staff that the policies and procedures contained within this report will provide an election structure that meets the needs of the electorate and conforms to the principles of democratic elections.

POLICIES & PROCEDURES:

Candidate Nomination:

- The nomination paper must be completed in full and filed in person by the candidate, or an agent* of the candidate, to the City Clerk or Deputy Clerk (Manager of Clerk's Services).

* If an agent files the nomination paper then the candidate must have previously signed their declaration of qualification on the nomination paper in the presence of a Commissioner of Oaths. The City Clerk or Deputy Clerk can act as a Commissioner of Oaths.

- The nomination paper may not be faxed to the Clerk's office.
- The nomination paper may be filed during a time in which the Clerk's Office is open during the nomination period (January 4, 2010 to September 9, 2010). Regular office hours are 8:30 a.m. to 4:30 p.m., Monday to Friday.
- The last day for filing nominations is September 10, 2010 (Nomination Day) when nominations will be accepted from 8:30 a.m. to 2:00 p.m. The 2:00 p.m. deadline will be determined by the time on the clock on the wall in the Clerk's Office.

A candidate must be nominated in order to **raise or spend** money on his/her campaign.

The Clerk must be satisfied that a person is qualified to be nominated and that the nomination complies with the *Municipal Elections Act, 1996* prior to certifying the nomination paper.

To be a qualified candidate you must be:

- A Canadian citizen, and
- At least 18 years old, and
- Reside in the City of Niagara Falls or the owner or tenant of land in Niagara Falls or the spouse of such owner or tenant.

Disqualifications of a candidate: (*Municipal Elections Act 1996 S.O. 1996, C32, Sch., s. 1(1)*)

The following persons are disqualified from holding office:

- An employee of the municipality or local board unless he or she takes an unpaid leave of absence beginning the day the employee is nominated and resigns if elected to the office;
- A judge of any court, a member of the legislative assembly, the senate or the house of commons;
- A provincial employee, as excluded by the public service act, a crown employee as defined in that Act.2001, C.25,S258(1);
- An inmate of a penal or correctional institute under sentence of imprisonment;
- One who ceases to be a Canadian citizen;
- One who is not a resident, the owner or tenant of land or the spouse of an owner or tenant of land in the municipality;
- One who is prohibited from voting in an election according to the Elections Act, Municipal Act or Education Act;
- One who has violated financial requirements for filing financial information in the previous election;

**** Despite the above disqualification, MPs, MPPs and Senators may be nominated for municipal office without having to resign their current seat in parliament. However, by 2:00 pm on September 10, 2010 (nomination day), MPs, MPPs and Senators will be required to resign their current seat should they wish to continue to seek municipal office.**

The deadline for the City Clerk to certify the nomination form of a candidate is on or before Monday, September 13, 2010 at 4:00 p.m. Accordingly, all candidates will be requested to provide election officials with suitable proof of identity and qualifying address when filing a nomination paper. Acceptable proof would be any government issued documentation, or combination of documentation, that contains the name, signature and qualifying address of the candidate, such as a driver's licence or a tax bill indicating the name and address together with another document which bears their name and signature. Additionally, the Clerk may request proof of Canadian citizenship in the form of a birth certificate (with supporting photo identification), passport or citizenship card.

A candidate must be a qualified elector. The qualification period for municipal elections doesn't start until the Tuesday following Labour Day to voting day; however, candidates can file nomination papers commencing January 4, 2010. This leaves the Clerk in a dilemma.

Therefore, all nominated candidates will be required to attend at the Clerk's Office, City Hall, between the dates of September 7, 2010 and September 10 , 2010 to take a declaration confirming the status of their qualifications. Failure to take the declaration of qualification will result in a rejected nomination. The additional step will also allow the Clerk to certify, with greater certainty, each of the nominations.

The filing fee for nominations to all offices is \$100, with the exception of the office for Mayor, which is \$200. The filing fee can be made in cash, money order, certified cheque or debit. No personal cheques will be excepted.

On or before September 3, 2010, the Clerk or Deputy Clerk will do a preliminary review of nominations received so that the Clerk is satisfied that the candidate appears to be qualified to run in the 2010 municipal elections. No responsibility for the accuracy of the information lies with the Clerk. All nomination papers will then be certified by the Clerk on Monday September 13, 2010.

Once a candidate has filed their nomination paper with the Clerk's Office, their name will be posted on the City's web site at www.niagarafalls.ca The list of candidates will be sorted according to the office in which they are seeking and will be listed alphabetically, not in order of when they filed.

The following information is taken from the MUNICIPAL ELECTIONS GENERAL POLICIES AND PROCEDURES, as established by the Clerk of the municipality of Niagara Falls.

Use of Corporate Resources for Election Purposes:

As a contribution may take the form of money, goods or services, any use by a member of Council of the Corporation's resources for his or her election campaign would be viewed as a contribution by the municipality which is a violation of the *Municipal Elections Act, 1996*.

All candidates, including current members of Council, are required to follow the provisions of the *Act* and:

- shall not use the facilities, equipment (such as cell phones / Blackberries), supplies, services (including a municipal e-mail address as assigned to each member of Council), or other resources of the municipality, including Mayoral / Councillor budgets, for any election campaign or campaign related activities, such as soliciting donations and support;
- shall not undertake campaign related activities on municipal property which shall be deemed to include meetings of the Council or Committees or posting of election signs;
- shall not, for election purposes, undertake campaign related activities during events sponsored by the municipality, including meetings, festivals, parades, or any special event.

Nothing in this section of the Policies and Procedures shall preclude a Member of Council from performing their job as an elected official, nor inhibit them from representing the interests of the constituents who elected them or responding to inquiries they may routinely receive as a sitting member of Council.

Materials:

Nominated candidates are entitled to receive the following materials free of charge:

- a Municipal Candidate's Guide, available starting January 4, 2010.
- a copy of the City's Sign By-law (also available on the City's web page).
- a copy of the City's Election Sign By-law (also available on the City's web page).
- a copy of the procedures established for the use of alternative vote counting equipment, available on or before June 1, 2010.
- a copy of the Policy & Procedures established for the 2010 Municipal Elections, available on or before June 1, 2010.
- a street index, available September 7, 2010.
- upon written request, one printed copy of the voters' list containing the names of those electors entitled to vote for them, available no later than September 1, 2010.
- one copy of the City's Polling Subdivision map with Voting Place locations; available on or before September 17, 2010.
- one copy of the list of voting places; available in the Clerk's Office on or before September 17, 2010.
- a certificate indicating the maximum allowed expenses for the office the candidate has been nominated for. The certificate will be sent by registered mail to each candidate by September 20, 2010.
- upon request, a list of voters who voted at the advanced polls.
- one copy of the Clerk's official declaration of the results, available after October 28, 2010 upon request.
- Candidate financial statement forms are available at any time and will be mailed to each candidate by registered mail on or before November 30, 2010
- Any information sessions for candidates (if such an event(s) should arise), as received in the Clerk's Office.

If candidates wish to obtain additional copies of materials, the following charges will apply:

- (a) copies of the voters' list at \$250.00 for each printed copy;
- (b) electronic copy of the voters' list at \$0.00.
- (c) copies of the poll maps at \$15.00 for each printed copy;
- (d) copies of the 2006 poll by poll results at \$15 per book;
- (e) copies of the list of voting places at \$0.50 per page; and
- (f) copies of the Clerk's official declaration of the results at \$0.50 per page.
- (g) copies of the Street Index at \$15 per book.

Voters' List:

Candidates nominated for Mayor, City Councillor or Regional Councillor may obtain 1 copy of the voters' list upon written request for such. **The list is to only be used for municipal election purposes.** Upon receipt of the voters' list a candidate must sign a "Candidate's Declaration - Proper Use of the Voters' List" form.

NOTE: IT IS THE CANDIDATE'S RESPONSIBILITY FOR HOW THE VOTERS' LIST IS USED, NOT THE RESPONSIBILITY OF ANYONE ON HIS/HER CAMPAIGN TEAM.

The Voters' List is **not a public document**. Persons (eligible electors) may view the list in the Clerk's Office during the time in which the Clerk's office is open, but may only inspect their own information. The Voters' List must be supervised at all times, therefore, the List will only be kept in the Clerk's Office at City Hall and will be available no later than September 1, 2010.

Voters' List Revisions:

The period for revision to the Voters' List is from the Tuesday after Labour Day (September 7, 2010) to the close of voting on Election Day (October 25, 2010). All revisions will take place in the Clerk's Office during normal business hours.

Applications for revisions shall be done on form EL15 by a member of the Clerk's staff in the Clerk's Office at City Hall and must be properly completed and signed by the applicant.

Applications may be filed in person or by mail by the applicant or in person by his/her agent. A candidate may act as an agent.

Applications to remove another person's name from the List may be made between September 7, 2010 and September 10, 2010 (Nomination Day). Applications for removal of another person's name from the Voters' List, must be on the form EL16, available in the Clerk's Office.

All other applications for revision (Form EL15) completed by September 30, 2010 will be included on the Voters' List for use by the DRO's on Election Day. Eligible Electors who have completed Application Forms EL 15 made after September 30, 2010 will have to take their copy of the form with them to vote to have their information revised at the voting place, by the DRO.

Revision forms will be forwarded to the Municipal Property Assessment Corporation (MPAC) after the election. Municipal staff can not guarantee that changes made on the revision forms will meet with MPAC's criteria to permanently update the voters' list.

Candidate Meetings:

Any information obtained by City Staff regarding meetings, debates, seminars, etc., that would be of interest to the candidates will be forwarded to the candidates via the e-mail address the candidate provided. If the candidate does not have an e-mail address, the information will be sent by regular mail. Phone notification will only be used in the most time sensitive of situations, at the discretion of the Clerk.

Scrutineers:

Subsection 16(1) of the *Municipal Elections Act, 1996* permits candidates to appoint scrutineers to represent them during the conduct of the vote. The appointment must be in writing using the form provided by the Clerk (Form EL12). In the City of Niagara Falls, a candidate is entitled to appoint **one scrutineer for each voting place**. A scrutineer in a voting place is required to leave when the candidate who appointed them is present or when another scrutineer appointed by the same candidate arrives

Scrutineers, if used, are only there to observe the election process. With the use of optical ballot scanners to count the votes, scrutineers will no longer be able to challenge any ballots for the purpose of counting the votes.

Section 49 of the *Act* requires that all persons present in a voting place must maintain the secrecy of the vote. Candidates and their scrutineers will be required to take an oath of secrecy.

The use of a cell phone or any electronic device by a Scrutineer is prohibited within the voting place. Scrutineers will be given a badge to wear upon identifying themselves with a DRO within the voting place that they are attending. No other identification shall be worn by the scrutineer nor shall they be wearing, or hold in their possession, anything that would visibly identify a candidate while they are in the voting place (which includes anywhere on the property of such a voting place).

Mandatory Notices:

The Clerk is required under the *Municipal Elections Act, 1996* to give notice of nominations (offices and procedures), any by-law or question on the ballot and to provide notice to electors on voting dates and hours, voting place locations and how to vote using a voting proxy. The manner and format of the notices is left to the discretion of the Clerk. The use of the City's Web Page will be made to post all notices and provide information regarding offices for which persons may be nominated. At least one advertisement will be posted in the Niagara Falls Review newspaper, prior to nomination day, to give notice of nominations.

Discretionary Notices:

- ✍ A voter notification card will be mailed to each voter on the voters' list. The card will serve to advise the voter of the dates, hours and locations for voting day and advance voting opportunities. While this mailed notification is no longer a mandatory requirement of the *Act*, it assists in directing electors as to where they go to vote and serves as a reminder that voting day is approaching.
- ✍ Advertisements will be placed in the Niagara Falls Review newspaper to raise awareness of the 2010 elections and to encourage eligible voters to vote. These advertisements will advise electors how to check to see if their name is on the voters' list and the procedures for revising the list.
- ✍ Depending on the availability and timing, inserts in the City's billing services may be utilized as an inexpensive vehicle for reaching the people of Niagara Falls and reminding them of the upcoming municipal elections.

Ballots:

The printing of the Ballots for use in the 2010 Municipal Elections will be first decided by way of a request for quotation. The lowest **satisfactory** quotation, as per the Ballot Specifications as described by Election Systems & Software, Inc., will be considered. Attributes such as quality (i.e. do they work in the Accu-vote scanners) and delivery of test ballots will aid in the decision making process. The intent is to print ballot quantities based on at least a 100% voter turnout for this years elections. This would be estimated to be about 65,000 ballots. The ballot will be what is known as a 'composite ballot' i.e., all contested races will appear on one page.

Candidates names will be listed in alphabetical order by last name. Their first name will appear first, followed by their last name which will have all characters in upper case letters. The names will be right justified on the ballot so that they are aligned with the oval to the right of each name. The oval shall be filled in next to the candidate(s) the elector wishes to vote for.

Section 41 (2)(3) of the *Municipal Elections Act* states: ***If the candidate wishes and the clerk agrees, another name that the candidate also uses may appear on the ballot instead of or in addition to his or her legal name.*** The Clerk will only allow another name if, in the opinion of the Clerk, the candidate is commonly known by the additional name. All candidates must have a surname and given name or names on the ballot. As per the *Municipal Elections Act*, no reference to a candidate's occupation, degree, title, honour or decoration shall appear on the ballot.

If two or more candidates exist with similar or same acceptable first and/or last names, a middle name or initial shall be used to help distinguish between the candidates in question.

Internet:

An election web site has been modeled after the successful 2006 version and will be updated and modified as Election issues and deadlines evolve. This is an effective and inexpensive way to provide election information to voters. With the increase in home computers and hand held devices with internet access, individuals are relying more and more on this vehicle as an information source.

The site, www.niagarafalls.ca will include information on how to apply for employment, including available positions, duties, job qualifications, and election staff contact names and telephone numbers. It will also include general election information to assist electors, e.g. dates and times of both advance and regular voting days, the revision period process, how to get added to the list and how to vote by proxy. Information of benefit to candidates, such as a listing of voting place locations, advanced voting dates, key dates, proxy information, etc. will be available.

The web site will include a listing of candidates running for each office. Candidates names will appear soon after they have filed a nomination form. Elections' staff can not guarantee that a candidate's name will appear immediately, taking into account technical difficulties and other staff duties. A further profile with contact information, a brief biography and a statement as to "Why they are running?" may also be found if such information is provided to the Clerk's Office using a "Candidate Profile Information Sheet" that will be provided to each candidate either by mail, e-mail or in person. Filling out the "Candidate Profile Information Sheet" is strictly voluntary on the part of the candidate; however, it is a valuable tool to provide information to the electorate.

Results:

The results provided by the Clerk's Office on election night are unofficial results. The unofficial results will be available:

- ☒ on the City's Web site, www.niagarafalls.ca ;
- ☒ on the display screen in Committee Rm 2, or Council Chambers of City Hall;
- ☒ on printed copies being made available to authorized scrutineers/candidates at each voting place for the votes cast at that voting place.

(NOTE: these results are ONLY available to scrutineers or candidates who ask for such a copy and who are actually present at the voting place at the close of the vote, after 8:00 p.m. on election day).

The official results will be available from the City Clerk's Office as soon after Election Day as possible and no later than October 28, 2010.

Voting Places:

The voting place is deemed by the Clerk to include the entire building and the property on which it is located. The following definitions are established for voting places:

- ☐ multi-residential buildings, where the voting place is in the lobby or designated room: the lobby, designated room, main entranceway, main floor halls, elevators and the outside property including fences;
- ☐ any Community Centres, halls, schools, or churches: anywhere on the property including fences.

Institutions:

Subsections 45(7) of the *Municipal Elections Act, 1996* requires that a voting place be located in the following institutions on voting day:

- (a) a treatment or training institution for the Canadian Armed Forces personnel;
- (b) an institution of a least twenty beds for disabled, chronically ill or infirm persons;
- ©) a retirement home of at least fifty occupied beds.

The *Municipal Elections Act* does authorize reduced voting hours in institutions, such as Retirement Homes, Nursing Homes, and Hospitals. Specific locations and hours of operation at each institution will be reduced by way of a proposed by-law. Institutional voting place activity will be staffed with at least one DRO and/or one other election official.

All voting places, including institutions, shall have at least one sealed ballot box used for the purposes of collecting ballots. Not every voting place will use a vote tabulator on site. Locations where a vote tabulator is not used during the day will still have all ballots delivered to City Hall. Immediately upon arrival, the DRO's responsible for their ballot box, will open such box and feed those ballots into a vote tabulator, either upside down or in a secrecy folder, so as not to view how anyone has marked the ballot(s). As the ballots are scanned, they then automatically drop into the original ballot box that was used to collect the ballots in the first place. This process of feeding the ballots into the vote tabulator is the same process followed by all other DRO's throughout the day. No results are to be known or displayed until after 8:00 pm on October 25, 2010.

Accessibility for Persons with Disabilities

It is incumbent upon candidates to make their campaign offices, meetings, campaign materials and literature, etc. more accessible for persons with disabilities. The Ministry of Community and Social Services has provided information about how candidates may do so. Candidates should familiarize themselves with the following guides:

Removing Barriers to Political Participation

- ☐ Accessible Campaign Information and Communication
- ☐ Accessible All Candidates Meetings
- ☐ Accessible Constituency, Riding Association, Central Party
And Campaign Offices

These guides are available at:

<http://www.mcass.gov.on.ca/mcass/english/pillars/accessibilityOntario/planning/election>.

Election Workers:

Election workers will consist of Deputy Returning Officers (DRO's), Vote Tabulating Officers (VTO's), & Election Assistants (EA's). It is possible that Poll Clerks (PC's) may also be used. See Appendix I for a listing of the job responsibilities for these positions.

All of those interested in working will be required to complete an application form, for review by election staff, and **deliver it in person** to the Clerk's Office at City Hall. Candidate's, the candidate's spouse, a member of a candidate's immediate family, or a person connected to a candidate's election campaign (to the best knowledge of Clerk's staff), will not be hired.

All Election Workers must have use of a vehicle on election day.

Every effort will be made to appoint staff to a voting place in their neighbourhood. In addition to reducing traveling time, this practice increases the likelihood that election officials may recognize the eligible electors.

Attendance at a training session is mandatory for all election day staff. To enhance the retention of information, training will occur as close to voting day as possible, i.e. During the week preceding voting day. Comprehensive training manuals will be made available prior to and during training sessions for all election day personnel covering all job responsibilities and potential situations that may arise.

Training may consist of the showing of a video, a lecture, hands-on practice with certain activities and a question and answer session. Where possible, staff that will be working in the same voting place will be scheduled for the same training session.

In order to ensure that election day runs smoothly, the Clerk has within his discretion the ability to appoint election workers as he sees fit. These workers may include current or former municipal staff. Current municipal staff, other than those working within the Clerk's Office, will be required to use a vacation day or lieu time if they wish to work at a voting place on Election Day or at one of the Advanced Polls that would normally fall on a regularly scheduled working day.

If municipal staff (other than Clerk's staff), are required to work after regular working hours, they may all be paid at a set, common rate to be determined by the Clerk.

The use of other municipal staff is generally required on election day. A notice to all municipal employees will be sent out to gauge who might be interested to perform such duties as receiving supplies and materials from election workers as they return to City Hall after the close of the vote. If more employees show an interest in this work, a random draw of names will be held in the Clerk's office to fill all required positions. These workers chosen to work will be paid a set, common rate to be determined by the Clerk.

All Election workers will be required to swear to an oath. DRO's will take the APPOINTMENT AND OATH OF DEPUTY RETURNING OFFICER, Form EL10. All other workers will take the APPOINTMENT AND OATH OF AN ELECTION OFFICIAL, Form EL11.

Election Day:

Deputy Returning Officers (DRO's) must arrive at their voting place at least 45 minutes earlier than when the polls are scheduled to open. Poll Clerk's (if used), Vote Tabulating Officer's and Election Assistant's should arrive at least 30 minutes prior to the opening of the voting place. DRO's will be asked to phone into City Hall 20 minutes before the opening of the voting place to notify City Staff if any election staff have failed to report to their location. At this point City Staff will start replacing those who have not shown up on time with replacement /standby workers.

Processing Electors:

In advance, the DRO initials several ballots and places them in a pile in front of him or her. There is a small box in the upper left hand corner on the back of the ballots for the DRO's initials.

NOTE: Every ballot that is issued to a voter must be initialled by the DRO and placed inside a Secrecy Folder before being handed it to a voter.

There will be at least 2 Election Workers (2 DRO's or 1 DRO and 1 Poll Clerk) representing each poll within the voting place. When an Elector enters the voting place to receive a ballot, the DRO will determine if their name is on the voters' list.

Identification must be shown or an oath sworn, in order to receive a ballot. If they are not on the list, or their information needs correcting, they will be asked to see the Election Assistant who can determine how and if they can get on the list.

If the voters' name does not appear on the voters' list, but the voter has an approved Application to Amend the Voters' List, the DRO shall add the voters' name, address, and school support information to the voters' list in the order in which it should appear. The voter will then be issued a ballot based on school support designation.

Next, the DRO will determine if that Elector is a Public or a Separate school supporter.

Anyone with a	"Public"	will receive an <i>English Public school ballot</i> .
Others with a	"Separate"	will receive an <i>English Separate school ballot</i> .
Electors with a	"French Separate"	will receive a <i>French Separate school ballot</i> .
Electors with a	"French Public"	will receive a <i>French Public school ballot</i> .
Electors with no school support listed shall receive a <i>Non-Resident ballot</i> .		

If, on the voters' list, the elector has a "U" next to their name then that means their citizenship is "UNCONFIRMED". In this case the elector will be asked to take a simple oath, Form EL101 DECLARATION OF CITIZENSHIP, stating that they are or are not a Canadian citizen or provide proof of Canadian citizenship in the form of a birth certificate (with supporting photo identification), passport or citizenship card.

ELECTORS MUST BE A CANADIAN CITIZEN IN ORDER TO VOTE!

Once the identity of the elector has been determined and the type of ballot to be issued, the DRO or Poll Clerk, using a ruler, will draw a line through their name on the voters' list. They will then write the number according to the numerical order in which the elector was given a ballot next to their name.

The DRO issue's the proper composite ballot in the Secrecy Folder to the elector.

The voter will be asked to proceed behind a Voting Screen and mark his/her choice by completely filling in an oval area next to the name of the candidate of their choice. They are instructed to mark the ballot by filling in the oval next to the candidate(s) of their choice.

The voter may return the ballot in the Secrecy Folder back to the DRO to exchange for a new ballot if at any time they feel they have spoiled their ballot. The first ballot then becomes a cancelled ballot and is placed in the appropriate envelope by the DRO and a new ballot may be issued. **However, once the ballot goes into the ballot box, no one shall receive another ballot for any reason.**

When the voter is satisfied that they have completed marking their ballot they then place the ballot back in the Secrecy Folder and deliver it to the Vote Tabulating Officer (VTO) who will be operating the Accu-Vote Tabulator which will pull the ballot from the Secrecy Folder, through the tabulator and into the ballot box. Once the ballot is accepted, the voter is finished and may leave.

Advance Voting:

The *Municipal Elections Act, 1996* has removed the requirement for the two previously mandated advance voting days and left the number of days and hours of voting to a council's discretion, providing there was at least one advance voting day.

Section 43 Subsection 1 of the *Municipal Elections Act S.O. 1996* provides that Municipal Council shall pass a by-law establishing at least one day for an advance vote and the hours for voting on that date.

The by-law will be passed on or before September 24, 2010, listing the date(s) and location(s) of the advanced polls. These dates and locations are subject to change but are currently scheduled as follows:

Wed. October 13, 2010	10:00 a.m. to 8:00 p.m.	MacBain Community Centre
Thurs. October 14, 2010	10:00 a.m. to 8:00 p.m.	Gale Centre
Fri. October 15, 2010	10:00 a.m. to 8:00 p.m.	Chippawa Willoughby Memorial Arena
Sat. October 16, 2010	9:00 a.m. to 5:00 p.m.	Niagara Square
Sat. October 16, 2010	9:00 a.m. to 5:00 p.m.	Optimist Club

Physically or Mobility Impaired Electors are encouraged to vote at an advance poll. Magnifier sheets for the visually impaired will be available at the voting place. In addition, the Clerk and/or his designate will consult with the City's Disability Advisory Committee on voting place locations and other related issues.

**ANY QUALIFIED ELECTOR CAN VOTE AT ANY ONE OF THE ADVANCED POLLS.
YOU DON'T HAVE TO WAIT UNTIL ELECTION DAY TO CAST YOUR VOTE!**

Proxy Voting

A person who is not able to attend the voting place to vote may appoint another person as a voting proxy to vote on their behalf. The person acting as a proxy must also be an eligible elector. No person shall appoint more than one voting proxy and no person can act as a proxy for more than one person unless the persons they are voting for are the spouse, a same-sex partner, a sibling, parent, child, grandparent, a grandchild.

Proxies can only be appointed after the time for the withdrawal of nominations for all offices has expired, which is now 2:00 pm on Nomination Day (Friday, September 10, 2010). However, the list of candidates is not final until the Clerk certifies the nominations which must be completed by 4:00 pm on Monday, September 13, 2010, unless additional nominations are required under sec. 33 (5).

Persons appointed to act as proxies must attend the office of the Clerk (or other place designated by the Clerk) and present a prescribed appointment form signed by the elector appointing the proxy. The Clerk will issue a certificate as the appointing document, and this document must be presented at the voting place.

A person acting as a proxy must attend the voting place designated for the elector for whom they are voting.

Proxy forms are available at the Clerk's office for general use throughout the election for all electors. However, should you wish, as a candidate, to have Proxy forms readily available as part of your campaign they will not be supplied to you by the Clerk's Office. You can order a supply of the forms directly from:

MUNICIPAL WORLD: 1-888-368-6125

or at

mwadmin@municipalworld.com

or at

MUNICIPAL WORLD INC.
BOX 399 STN MAIN
ST. THOMAS, ON N5P 3V3

List of Forms

A list of the various forms that will be used for the purposes of conducting the municipal elections are as follows:

- Form 1 - Nomination Form
- Form 4 - Financial Statement
- Form EL07 - List of Certified Candidates
- Form EL10 - Appointment and Oath of DRO
- Form EL11- Appoint. and Oath of Election Official
- Form EL12 - Appointment of Scrutineer
- Form EL14 - Use of Voters' List
- Form EL 18(A) - Declaration of a Qualified Candidate - Municipal
- Form EL 18(B) - Declaration of a Qualified Candidate - School Board
- Form EL19 - Withdrawal of Nomination
- Form EL22 - Certificate of Voters' List
- Form EL23 - Voting Place Agreement
- Form EL25 - Certificate and Receipt for Ballots
- Form EL28 - List of Persons/ Advance Vote
- Form EL29 - Voting Instructions
- Form EL37 - Cert. Of Max. Campaign Expenses
- Form EL38 - Destruction of Ballots
- Form EL99 - Ballot Statement of DRO
- Form EL100 - Declaration of Qualifications
- Form EL101 - Declaration of Citizenship

The Clerk may also use any of the Forms outlined in Appendix 7 of the AMCTO Municipal Elections Manual, as he feels necessary to conduct the elections.

Recount

In the case of a tie vote involving 2 or more candidates where the tie results in having more candidates being chosen for the race in question than are to be elected, the following steps are to be taken.

The procedures as laid out in sections 56 through 62 of the *Municipal Election Act 1996*, shall be followed with special attention being paid to the following steps.

Have the recounting of votes first take place in the same manner as they were originally compiled. This being the feeding of ballots into an Accu-Vote and the results downloaded to Election Central (City Hall). This recounting will be done with the original used ballots in question and an Accu-vote in the confines of City Hall and performed by the City Clerk, the Manager of Clerks Services and the municipal Election Assistant . Other persons allowed to be present during a recount are as stated in section 61 of the *Municipal Election Act 1996*.

1. If the tie still exists, have the ballots counted manually for only the race in question. This manual count shall be performed by persons designated by the City Clerk under the supervision of the City Clerk and the Manager of Clerks Services. If the totals match, check the results against the Accu-Vote election results tape. Blank ballots or overvotes should be kept in a separate stack.
2. If, during the manual recount, it is found that a "*disputed*" mark (being a mark inside the oval that may not take up at least 20% of the oval and therefore may not have been counted when scanned by the Accu-vote), is located in the oval next to a candidates name who may be affected by the recount, the ballot shall be written upon across the top "*disputed*" and placed in a reserve ballot box and dealt with only if a tie still exists after the manual recount,
 - (1) providing that the inclusion of the disputed mark in question would not cause the ballot/race to be over-voted;
 - (2) also providing the City Clerk and the Manager of Clerks Services are both under agreement that such a mark does exist and was placed there showing an attempt to vote.
3. When deciding whether the disputed mark, as mentioned in 2., was originally counted by the Accu-vote, the use of an Accu-vote shall be used to check whether or not the mark is readable.
4. If those persons as designated by the City Clerk have counts that all match and the Accu-Vote results match, that race can be certified correct as previously reported. If the totals do not match, the ballots should be examined to see whether all votes which have been recounted are properly marked ballots. The stack of overvotes as well as all other categories should be examined for similar reasons. If the totals still do not match, continue the recount process until two totals match; either two of the manual count totals or a manual count total and the Accu-Vote results tape totals.

5. If the tie still exists, the ballots that were marked as 'disputed' and placed in the reserve ballot box during the manual recount, as laid out in section 4, shall be counted according to the City Clerk's discretion and added towards the votes received for each candidate involved in the recount.

- If after all of the recounts, a tie in votes still exists, the clerk shall choose the successful candidate or candidates by lot as described in section 62(3) of the *Municipal Election Act 1996*.

Storage of Election Equipment / Supplies:

The following chart shows where the critical election equipment and supplies will be kept during specific time periods.

Accuvote Ballot Scanners	Ballot Storage Room, Lower Level of City Hall
Memory Cards	In the vault of the Clerk's Office - City Hall
Voters' Lists	Within the Clerk's Office - City Hall
Ballots	Within the Clerk's Office - City Hall
Advanced Poll Accuvote Scanners, Ballot Boxes and Memory Cards ... after the close of the vote and before the end of Election Day	In the vault of the Clerk's Office - City Hall - The City Clerk / the Manager of Clerks Services / and/or staff of the Clerk's Office will be responsible for taking all Accu-vote(s) and ballots to and from any advanced polls.
Ballots (after Election Day)	A permanently locked room within City Hall

Post Election:

All candidates will be required to file a financial statement using the prescribed form (FORM 4). Candidates, whose campaign contributions and total expenses are each equal to or less than \$10,000, are not required to file an auditor's report with the financial statement.

Candidates whose campaign contributions exceed \$10,000 or whose total campaign expenses exceed \$10,000 are required to file an auditor's report with the financial statement.

The Clerk or his staff will receive the financial statements from all candidates but are not responsible for their content. The Clerk or his staff will review each financial statement for any gross errors only.

Candidate financial statements are then filed with the Clerk and are public documents. The Clerk must retain the statements until the new council or local board takes office after the 2014 regular elections. The statements will also be scanned and made available in an electronic format for viewing on the City's web page and in hard copy form in the Clerk's office. Any person may make extracts from the documents and is entitled to copies, provided the information obtained shall only be used for election purposes.

Candidates should be advised to inform contributors whose contributions exceed \$100 that their names and contribution amount will be posted to the internet as mentioned above.

Candidates should be advised to retain all receipts, as they are required to be kept for 4 years. (Clerks do not accept receipts as part of the financial statement submission).

Discretionary Authority:

In addition to the City Clerk, the person or persons responsible for the exercise of the discretionary authority relating to the 2010 Municipal Elections for the City of Niagara Falls are:

Bill Matson
Manager of Clerks Services

Glenda Day
Election Assistant

Signed: _____

Dated: _____

Dean Iorfida, CITY CLERK

APPENDIX I

Deputy Returning Officer - Position Description

This description reflects the general details considered necessary to describe the principal functions of the position identified, and shall not be construed as a detailed description of all the work requirements that may be inherent in such classification. The DRO is responsible for maintaining peace and order, managing the voting place in accordance with the requirements of the *Municipal Elections Act, 1996* and demographic principles. The DRO ensures that all voters who are entitled to vote may do so, that no one votes more than once and handles all situations that may arise.

JOB TITLE: Deputy Returning Officer (DRO)

EQUIPMENT USED: General Stationary, Automated Vote Tally Equipment

WORKING CONDITIONS: Stationed in a Public Building, ie. school, hall, etc.

GENERAL DUTIES:

- receiving and verifying the number of ballots.
- working at the polling place for at least 10 consecutive hrs.
- the authority to administer oaths if required.
- managing revisions to the voters' list and proxy voting and aiding electors requiring assistance to vote.
- set up and maintaining the poll for the purpose of the Election.
- examination and sealing of ballot box.
- issuing of ballots.
- maintaining the list of Electors / crossing the names of those who voted off of the list.
- completion of a DRO's Statement.
- opening and closing of the poll at the prescribed times.
- attending at least one training session.
- to maintain peace and order in the voting place, including asking someone to leave the premises of the voting place.

QUALIFICATIONS: Experience working at least one other Election.

Poll Clerk - Position Description

This description reflects the general details considered necessary to describe the principal functions of the position identified, and shall not be construed as a detailed description of all the work requirements that may be inherent in such classification.

JOB TITLE: Poll Clerk

EQUIPMENT USED: General Stationary

WORKING CONDITIONS: Stationed in a Public Building, ie. school, hall, etc.

GENERAL DUTIES:

- working at the polling place for at least 10 consecutive hrs.
- to assist the Deputy Returning Officer.
- set up and maintaining the poll for the purpose of the Election.
- maintaining the polling list / crossing the names of those who voted off of the list.
- may administer oath if necessary.
- opening and closing of the poll at the prescribed times.
- attending at least one training session.

QUALIFICATIONS: Experience working at least one other Election is preferred, but not mandatory.

Vote Tabulating Officer - Position Description

This description reflects the general details considered necessary to describe the principal functions of the position identified, and shall not be construed as a detailed description of all the work requirements that may be inherent in such classification.

JOB TITLE: Vote Tabulating Officer (VTO)

EQUIPMENT USED: Automated Vote Tally Equipment, Ballot Boxes, phone line connections.

WORKING CONDITIONS: Stationed in a Public Building, ie. school, hall, etc.

GENERAL DUTIES:

- working at the polling place for at least 10 consecutive hrs.
- setting up the use of the Automated Vote Tally Equipment.
- set up and maintaining the poll for the purpose of the Election.
- feeding ballots into the tabulator.
- responsible for the tabulation of results at the close of the poll only.
- responsible for transmitting the results via phone lines to City Hall.
- being present at the opening and closing of the poll at the prescribed times.
- packing up equipment and returning it to City Hall once finished all duties at the poll.
- attending at least one training session.

QUALIFICATIONS:

- Experience working at least one other Election is preferred, but not mandatory.
- Experience working with computers.

Elections Assistant - Position Description

This description reflects the general details considered necessary to describe the principal functions of the position identified, and shall not be construed as a detailed description of all the work requirements that may be inherent in such classification.

JOB TITLE: Elections Assistant

EQUIPMENT USED: General Stationary, Sample Ballots.

WORKING CONDITIONS: Stationed in a Public Building, ie. school, hall, etc.

GENERAL DUTIES:

- working at the polling place for at least 10 consecutive hrs.
- to assist the Deputy Returning Officer.
- set up and maintaining the poll for the purpose of the Election.
- Issue and assist voters in completing "Application to Amend Voters' List" form.
- to administer any oath required by the *Municipal Elections Act*, with the exception of an oath to be taken by the Clerk.
- assist voters entering the polling station towards their proper DRO and answer any questions.
- explain to the incoming voters the new process of marking the ballot in the oval area next to the candidates's name.
- opening and closing of the poll at the prescribed times.
- attending at least one training session.

QUALIFICATIONS: Experience working at least one other Election is preferred, but not mandatory.