



Town of Aurora Procedures for the Use of Vote Tabulators

These are the certified Rules and Procedures for the use of Vote Tabulators in the 2022 Municipal Election for the Town of Aurora.

A handwritten signature in black ink, appearing to read "M. de Rond", written over a horizontal line.

Michael de Rond
Town Clerk/Returning Officer

TOWN OF AURORA

MAY 30, 2022

1. OVERVIEW

The *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched., as amended (the “Act”) in subsection 42(3) requires that the Clerk establish procedures for any voting and vote-counting equipment authorized by by-law. The Council of the Corporation of the Town of Aurora passed By-law Number 6362-21 authorizing the use of voting and vote-counting equipment, such as voting machines, voting recorders and optical scanning vote tabulators, for the 2022 municipal election.

Section 12 of the Act also gives the Clerk as Returning Officer the authority to provide for any matter or procedure for which there is otherwise no provision in a statute or regulation, but which is, in the Clerk’s opinion, necessary or desirable for conducting the municipal election.

2. APPLICATION OF PROCEDURES

- (1) These procedures apply to the 2022 municipal election in accordance with subsection 42(3) of the Act.
- (2) Where these procedures do not provide for any matter, an election to which these procedures apply will be conducted in accordance with the principles of the Act. These principles are generally recognized to include the following:
 - (a) The secrecy and confidentiality of individual votes is paramount;
 - (b) The election should be fair and non-biased;
 - (c) The election should be accessible to the voters;
 - (d) The integrity of the process should be maintained throughout the election;
 - (e) There is to be certainty that the results of the election reflect the votes cast;
 - (f) Voters and candidates should be treated fairly and consistently; and
 - (g) A proper majority vote decides the election by ensuring, so far as reasonably possible, that valid votes be counted and invalid votes be rejected.
- (3) The Clerk has the right to amend these procedures at any time and will circulate such amendments to candidates by email.
- (4) These procedures are subject to change in the case of an emergency as prescribed in section 53 of the Act.

3. DEFINITIONS

In this procedure,

“**Act**” means the *Municipal Elections Act, 1996*, S.O.1996, c. 32, Sched., as amended.

“Advance Vote” or **“Advance Voting”** means the days during which Eligible Voters can vote prior to Voting Day.

“Ambiguous Mark” means a situation when the Vote Tabulator detects a Mark in a Designated Voting Space that does not meet the Mark Threshold. Ambiguous Mark also includes any Ballot that the Vote Tabulator returns with the Invalid Mark or Undefined Mark message.

“Auxiliary Compartment” means the front compartment of the Tabulator Stand where Marked Ballots are temporarily stored in the event a Vote Tabulator fails to operate.

“Ballot,” and **“Ballots”** means a paper Ballot prepared under subsections 41(2) and 41(6) of the Act, which will include the names of all Candidates.

“Ballot Box” means the secure container in which voted Ballots are deposited, firstly being the Tabulator Stand, and after the close of the Voting Location, the Ballot Transfer Container. It also includes containers into which voted Ballots are deposited at Voting Locations when Vote Tabulators are not immediately utilized. The “Supply Box” is deemed to be an extension of the Ballot Box. As a result, the regulations contained within the Act which pertain to the contents of the Ballot Box, shall apply to the contents of the “Supply Carrier”.

“Ballot Transfer Container” means a sealed box that is used to transfer Ballots that have been processed by the Vote Tabulator from the Voting Location to the location and person designated by the Clerk.

“Blank Ballot” is the message provided by the Vote Tabulator indicating that a Ballot could not be read by the Vote Tabulator because the Ballot was completely blank or the Marks on the Ballot could not be read by the Vote Tabulator.

“Cancelled Ballot” means a Ballot that has been returned to an Election Official by the Eligible Voter and was replaced by a new Ballot.

“Candidate” and **“Candidates”** means a person(s) whose nomination has been certified by the Clerk under section 35 of the Act.

“Clerk” means the Town Clerk for the Town of Aurora, or designate.

“Composite Ballot” means a Ballot style which includes Candidates for all eligible offices to be elected on a single Ballot face.



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“Damaged/Defective Ballot” means a Ballot that the Vote Tabulator is not able to read, and process.

“Declined Ballot” means a Ballot that is returned to the Election Official by the Eligible Voter, because they have decided not to cast a Ballot, and is not processed by the Vote Tabulator.

“Designated Voting Space” means the circular space on a Ballot appearing to the right of each Candidate’s name.

“Election Official” means the person designated by the Clerk in writing to perform certain election functions as determined by the Clerk. An Election Official may include, but is not limited to, an Assistant Returning Officer, Poll Captain, Election Assistant, Managing Deputy Returning Officer (MDRO), Deputy Returning Officer (DRO), Technical Deputy Returning Officer (TDRO), Revision Clerk (RC), Information Clerk (IC), and/or any other designated Election Official.

“Eligible Voter” means a person who, as of Voting Day, is: a) a resident of Aurora or the owner or tenant of land in Aurora, or the spouse of such owner or tenant; and, b) is a Canadian citizen; and, c) is at least 18 years old; and, d) is not otherwise prohibited from voting.

“Invalid Ballot See Official” means the message provided by the Vote Tabulator indicating that the Ballot is a Damaged/Defective Ballot.

“Invalid Mark” means the message provided by the Vote Tabulator when a Mark in the Designated Voting Space does not meet the Mark Threshold

“Mark” and **“Marked”** and **“Marks”** means any mark made in the Designated Voting Space.

“Mark Threshold” means the minimum proportion of each Designated Voting Space that must be filled in by an Eligible Voter for the Vote Tabulator to determine a vote, the minimum proportion of which shall be twenty-eight percent (28%).

“Memory Card” means a card that is a removable, battery-sustained memory where all tabulated vote totals are stored for each Vote Tabulator.



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“Over-Voted” refers to a situation where a Ballot has been Marked for more than the number of Candidates allowed for in the Designated Voting Spaces.

“Over-Voted Race” is the message provided by the Vote Tabulator indicating a situation where a Ballot has been Over-Voted.

“Results Tape” means a paper record produced by each Vote Tabulator at the close of voting to show unofficial results for each Candidate.

“Scrutineer” means a person appointed in accordance with section 16 of the Act.

“Secrecy Folder” means a device in which a Ballot is placed so as to conceal the names of the Candidates and the Marks made by the Eligible Voter upon the face of the Ballot but which exposes the initials of the Election Official.

“Special Voting Location” means the locations with designated hours for voting.

“Tabulator Stand” means the device into which voted Ballots are securely deposited at the Voting Location after being processed by a Vote Tabulator. The Tabulator Stand shall be partitioned into two (2) separate and distinct compartments, one of which shall be the Auxiliary Compartment.

“Undefined Mark” means the message provided by the Vote Tabulator when the Ballot is filled with a checkmark, ‘X’, or some other Mark which fills less than fifteen percent (15%) of the Designated Voting Space.

“Vote Tabulator” means a machine that optically scans a Designated Voting Space on a Ballot to read vote(s), store information and tabulate results.

“Voting Day” means Monday, October 24, 2022.

“Voting Location” means a specific physical location designated by the Clerk in accordance with Section 45 of the Act for voting.

“Voting Screen” means a physical barrier designed to provide privacy to an Eligible Voter while they Mark the Ballot.

“Zero Totals Tape” means a paper record produced by each Vote Tabulator prior to the opening of a Voting Location, verifying that no votes for any Candidate are stored on the Memory Card.



4. BALLOTS

- (1) The Ballot shall be a Composite Ballot containing:
 - (a) the names of each Candidate, which will appear in alphabetical order;
 - (i) by surname for each office to be elected; and,
 - (ii) in the case where two (2) or more Candidates for the same office to be elected have identical surnames, by their forename; and,
- (2) A Designated Voting Space shall appear on the Ballot to the right of each Candidate's name.
- (3) There shall appear on the Ballot an area where the Election Official shall enter his or her initials.
- (4) There shall appear on the Ballot timing marks that will be interpreted by the Vote Tabulator to verify that the document being processed is a valid Ballot for the purpose of tabulation.
- (5) There shall appear on the Ballot instructions and symbols to ensure that the Eligible Voter properly Marks his or her Ballot by: fully filling in the Designated Voting Space for the Candidate(s) of his or her choice.

5. VOTE TABULATORS – Where Used

- (1) Vote Tabulators shall be used at every Voting Location except the Special Voting Locations designated by the Clerk. The ballots cast at such locations shall be counted by a central tabulator located at the Town Hall after the close of the poll.

6. CANDIDATES AND SCRUTINEERS

- (1) While in a Voting Location a Candidate is deemed to be a Scrutineer unless he or she is in the Voting Location to vote as an Eligible Voter.
- (2) A maximum of one (1) Scrutineer per Candidate will be allowed for each "Deputy Returning Officer" in the Voting Location.
- (3) Scrutineer's must comply with any procedures, complete any form and taken any oath or affirmation required by the Clerk related to his or her roles and responsibilities.
- (4) To protect the secrecy of the vote, Scrutineers at the Voting Location will not be permitted to:
 - (a) monitor the process of casting votes through the Vote Tabulator; or



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- (b) monitor, or listen to, or participate in any conversation or communication between the Eligible Voter and the Election Official responsible for the Vote Tabulator; or,
 - (c) view or be apprised of any messages that appears on the LCD screen on the Vote Tabulator.
- (5) Despite subsection 6(4) of these procedures, Scrutineers may from time to time request to be advised of the number of ballots processed by the Vote Tabulator.

7. PROGRAMMING OF THE VOTE TABULATORS

- (1) The Vote Tabulator shall be programmed so that a printed record of the number of votes cast for each Candidate can be produced.
- (2) Every Vote Tabulator shall be programmed so that the Ballot immediately returns to the Election Official when one of the following Ballot conditions has been detected by the Vote Tabulator:
 - (a) a Blank Ballot;
 - (b) an Over-Voted Ballot;
 - (c) a Ballot with an Ambiguous Mark; and,
 - (d) a Damaged/Defective Ballot.

8. LOGIC AND ACCURACY TESTING OF VOTE TABULATORS

- (1) Prior to Voting Day, the Clerk shall conduct logic and accuracy testing of all Vote Tabulators to be used in the election, including replacement Vote Tabulators, to ensure that they will accurately count the votes cast for all Candidates and operate as programmed.
- (2) The Clerk shall give notice of the date, time and location of the testing to Candidates.
- (3) The test shall be conducted by:
 - (a) powering up the Vote Tabulator;
 - (b) loading the Memory Card into the Vote Tabulator;
 - (c) printing a Zero Totals Tape;
 - (d) tabulating a pre-audited group of test Ballots including:
 - (i) Ballots that fall into each of the categories of ballots described in subsection 7(2) of these procedures;
 - (ii) Ballots on which are recorded a pre-determined number of votes for each Candidate; and,

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- (e) printing the results from the Vote Tabulators;
 - (f) reading the Memory Cards, and testing the tally and reporting application;
and,
 - (g) comparing the output of the tabulation against the pre-audited results.
- (4) If the Clerk detects any error in the test, the cause of the error shall be ascertained and corrected, and the test repeated until an errorless test is achieved and certified by the Clerk.
 - (5) The Clerk shall, at the completion of the test, clear the vote totals from the test ballots in the Memory Cards and seal the Memory Card inside the Vote Tabulator.
 - (6) The Clerk shall retain, pursuant to section 88 of the Act, the pre-audited group of ballots referred to in clause 8(2)(d) of these procedures, the Results Tapes that were produced during the test and other materials used in the programming of the Vote Tabulators.
 - (7) The Clerk shall not alter or make changes to the materials referred to in subsection 8(6) of these procedures.

9. VOTE TABULATOR SET UP

- (1) Prior to the opening of a Voting Location, the Election Official(s) shall, in the presence of all Candidates and/or Scrutineers present at that time:
 - (a) confirm that there are no Ballots in the Tabulator Stand;
 - (b) install the Vote Tabulator on the Tabulator Stand; and,
 - (c) cause the Vote Tabulator to print a copy of the Zero Totals Tape, confirming zero totals.
- (2) If the totals on the Zero Totals Tape are zero for all Candidates the Election Official shall:
 - (a) sign the Zero Totals Tape, which may also be signed by any Candidates; and,
 - (b) ensure that the Zero Totals Tape remains affixed to the Vote Tabulator until the results are printed by the Vote Tabulator after the close of the Voting Location.
- (3) If the totals on the Zero Totals Tape are not zero for all for all Candidates the Election Official shall:
 - (a) immediately advise the Clerk, who shall either:
 - (i) provide technical support required to cause the Vote Tabulator to print a correct Zero Totals Tape showing zero totals; or

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- (ii) provide a replacement Vote Tabulator;
 - (b) if the Clerk provides a replacement Vote Tabulator, the Election Official shall carry out the requirement of subsection 9(1) of these procedures;
 - (c) if the Vote Tabulator is not operational prior to the opening of the Voting Location, the Election Official shall conduct the election using the Auxiliary Compartment procedures as outlined in clause 10(5)(b) of these procedures.

10. VOTING PROCEDURES

- (1) The Clerk shall delegate to an Election Official the authority to initial a Ballot and issue the Ballot to an Eligible Voter.
- (2) The Election Official shall provide the Ballot to an Eligible Voter with a Secrecy Folder.
- (3) Upon receiving the Ballot and Secrecy Folder, the Eligible Voter shall:
 - (a) proceed to the Voting Screen; and,
 - (b) vote by marking the desired Designated Voting Space(s).
- (4) After marking the Ballot, the Eligible Voter shall:
 - (a) insert the Ballot into the Secrecy Folder so as to conceal his or her Marks in the Designated Voting Space and expose the initials of the Election Official;
 - (b) leave the Voting Screen without delay;
 - (c) deliver the Secrecy Folder containing the Ballot to the Election Official; and
 - (d) before leaving the Voting Location, wait until the Election Official enters the Ballot into the Vote Tabulator and the Ballot has been accepted.
- (5) In the presence of the voter and in a discreet manner which keeps concealed the voter's votes, the Election Official verifies the initials of the Election Official who issued the ballot, and:
 - (a) If a Vote Tabulator is operational at the Voting Location, slowly slides the ballot initials-side down from the Secrecy Folder into the ballot entry slot until it is accepted by the Vote Tabulator; or
 - (b) Where a Vote Tabulator fails to operate, the Election Official:
 - (i) slowly slides the ballot initials-side down from the Secrecy Folder into the Auxiliary Compartment;
 - (ii) processes any Ballots stored in Auxiliary Compartment through the Vote Tabulator only after the close of voting; and,
 - (iii) seals the Auxiliary Compartment when not in use.



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(6) **Blank Ballot**

- (a) If a Blank Ballot is returned by the Vote Tabulator and the Eligible Voter who delivered the Ballot is still present, the Election Official shall:
 - (i) privately advise the Eligible Voter that the Vote Tabulator does not detect any votes in any of the Designated Voting Spaces;
 - (ii) return the Ballot to the Eligible Voter; and
 - (iii) instruct the Eligible Voter to Mark the Ballot in accordance with the instructions on the Ballot.
- (b) If the Eligible Voter is not present or declines the opportunity to re-Mark the Ballot, the Election Official shall, using the Vote Tabulator "Override" procedure, cause the Vote Tabulator to accept the Ballot.

(7) **Over-Voted Ballot**

- (a) If an Over-Voted Ballot is returned by the Vote Tabulator and the Eligible Voter who delivered the Ballot is still present, the Election Official shall:
 - (i) privately advise the Eligible Voter that the Vote Tabulator detects more votes for an office than the Voter is entitled to vote for;
 - (ii) ask the Eligible Voter if he or she wishes another Ballot and, if so, fold the Ballot, write "Cancelled" the reverse side of the Ballot and direct the Eligible Voter to obtain a replacement Ballot from the Election Official who issued the cancelled Ballot;
 - (iii) ask the Election Official who originally delivered the cancelled Ballot to provide the Eligible Voter with a replacement Ballot, and place the cancelled Ballot in the "Cancelled Ballot" envelope; and
 - (iv) instruct the Eligible Voter to Mark the Ballot in accordance with the instructions on the Ballot.
- (b) If the Eligible Voter is not present or declines the opportunity to Mark another Ballot, the Election Official shall, using the Vote Tabulator "Override" procedure, cause the Vote Tabulator to accept the Ballot and record any valid votes that may appear on the Ballot.

(8) **Ambiguous Mark**

- (a) If a Ballot with an Ambiguous Mark is returned by the Vote Tabulator and the Eligible Voter who delivered the Ballot is still present, the Election Official shall:

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- (i) privately advise the Eligible Voter that in at least one of the Designated Voting Spaces on the Ballot, the Mark which has been made is not sufficiently dark or complete to allow the Vote Tabulator to determine with certainty that the Mark reflects the Eligible Voter's intention; and,
 - (ii) provide the Eligible Voter the opportunity to either re-mark the Ballot or obtain a replacement Ballot.
 - (b) If the Eligible Voter chooses to re-mark the Ballot, the Election Official shall return the Ballot to the Eligible Voter in the Secrecy Folder, and instruct the Eligible Voter to Mark the Ballot in accordance with the instructions on the Ballot.
 - (c) If the Eligible Voter chooses to obtain a replacement Ballot, the Election Official shall:
 - (i) fold the Ballot and write "Cancelled" on the reverse side of the Ballot and direct the Eligible Voter to obtain a replacement Ballot from the Election Official who issued the cancelled Ballot;
 - (ii) ask the Election Official who originally delivered the cancelled Ballot to provide the Eligible Voter with a replacement Ballot, and place the cancelled Ballot in the "Cancelled Ballot" envelope; and
 - (iii) instruct the Eligible Voter to Mark the Ballot in accordance with the instructions on the Ballot.
 - (d) If the Eligible Voter declines the opportunity to re-mark the Ballot, or obtain a replacement Ballot, the Election Official shall fold the Ballot and write "Declined" on the reverse side of the Ballot and place it in the "Declined Ballot" envelope.
 - (e) If a Ballot is returned by the Vote Tabulator with an Ambiguous Mark and the Eligible Voter who delivered the ballot is not present, the Election shall follow the requirements of subsection 10(11) of these procedures.
- (9) **Damaged/Defective ballot**
- (a) If a Damaged/Defective Ballot is returned by the Vote Tabulator and the Eligible Voter who delivered the Ballot is still present, the Election Official shall re-insert the Ballot into the feed area of the Vote Tabulator. If the Vote Tabulator again rejects the Ballot, the Election Official shall:
 - (i) privately advise the Eligible Voter that the Ballot cannot be processed by the Vote Tabulator;

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- (ii) ask the Eligible Voter if he or she wishes another Ballot and, if so, fold the Ballot, write "Cancelled" the reverse side of the Ballot and direct the Eligible Voter to obtain a replacement Ballot from the Election Official who issued the cancelled Ballot;
 - (iii) ask the Election Official who originally delivered the cancelled Ballot to provide the Eligible Voter with a replacement Ballot, and place the cancelled Ballot in the "Cancelled Ballot" envelope; and
 - (iv) instruct the Eligible Voter to Mark the Ballot in accordance with the instructions on the Ballot.
- (b) If the Eligible Voter declines the opportunity to Mark another Ballot, the Election Official shall fold the Ballot and write "Declined" on the reverse side of the Ballot and place it in the "Declined Ballot" envelope.
 - (c) If a Damaged/Defective Ballot is returned by the Vote Tabulator and the voter who delivered the ballot is not present, the Election Official shall follow the procedures as outlined in subsection 10(11) of these procedures.

(10) **Paper Jams**

If a Ballot jams in a Vote Tabulator, the Election Official shall verify the message on the Vote Tabulator LCD screen and:

- (a) If the message on the Vote Tabulator LCD Screen is "has been counted", the Election Official Shall:
 - (i) privately advise the Eligible Voter that the ballot has been counted;
 - (ii) slide the Tabulator Stand out two or three inches from the Vote Tabulator;
 - (iii) remove the Ballot from the Vote Tabulator, while at all times securing the secrecy of the Marks, and deposit it into the Tabulator Stand; and
 - (iv) return the Vote Tabulator to its original position on the Tabulator Stand.
- (b) If the message on the Vote Tabulator LCD Screen is "not been counted", the Election Official shall:
 - (i) privately advise the Eligible Voter that the ballot has not been counted and is jammed in the Vote Tabulator.
 - (ii) slide the Tabulator Stand out two or three inches from the Vote Tabulator;
 - (iii) remove the Ballot from the Vote Tabulator while at all times securing the secrecy of the Marks;

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- (iv) insert the ballot in the Secrecy Folder;
 - (v) return the vote tabulator to its original position on the Tabulator Stand;
and
 - (vi) re-insert the ballot into the Vote Tabulator.
- (11) If a Damaged/Defective Ballot or a Ballot with an Ambiguous Mark is returned by the Vote Tabulator and the Eligible Voter who delivered the Ballot is not present, the Election Official shall:
- (a) place the Ballot Damaged/Defective Ballot in the Auxiliary Compartment until the close of voting; and
 - (b) notify the Clerk, who shall appoint a special Election Official to undertake the following steps after the close of the poll, where there are Marks in the Designated Voting Space(s) but the Vote Tabulator cannot process the Ballot:
 - (i) write "cancelled – replaced" on the Ballot, give the "cancelled – replaced" Ballot a serial number, and request a replacement Ballot from an Election Official;
 - (ii) prepare a replacement Ballot in full view of any Candidates and/or Scrutineers present by marking a new Ballot with the same Marks contained in the Designated Voting Space(s) on the "cancelled – replaced" Ballot.
 - (iii) the replacement Ballot shall be clearly labelled "replacement" and given a serial number which shall also be recorded on the "cancelled – replaced" Ballot;
 - (iv) substitute the replacement Ballot for the "cancelled – replaced" Ballot and feed the replacement Ballot into the Vote Tabulator. If the Vote Tabulator will not process the replacement Ballot (i.e. the original Marks made by the Eligible Voter in the Designated Voting Space(s) and duplicated by the Election Official are incapable of being processed by the Vote Tabulator), mark replacement Ballot "cancelled"; and
 - (v) place both the "cancelled – replaced" and replacement Ballots in the "Cancelled Ballot" envelope of the Election Official that provided the Ballot. If the Vote Tabulator was not able to process the replacement Ballot, this fact shall be recorded on both the "cancelled – replaced" and replacement Ballots.



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- (12) On a regular basis on Voting Day, the Election Official will record and verify the number of Ballots cast with the number of names crossed off the Voters' list by each Election Official in the Voting Place.

11. PROCEDURE FOR CLOSING THE VOTING PLACE ON VOTING DAY

- (1) All Voting Locations shall close at 8:00 p.m. on Voting Day in accordance with subsection 46(1) of the Act.
- (2) All Eligible Voters in the Voting Location when the Voting Location closes will be permitted to vote.
- (3) Only Election Officials, Candidate(s) and Scrutineers are permitted to remain in the Voting Location after the close of voting.
- (4) After all Eligible Voters remaining in the Voting Place after 8 p.m. have had their Ballots processed by the Vote Tabulator and have left the Voting Place, the Election Official shall,
 - (a) Check the Auxiliary Compartment for any Ballots, and if any Ballots are present in the Auxiliary Compartment process them through the Vote Tabulator, in accordance with the following:
 - (i) Candidates and/or Scrutineers may observe the process but shall not be permitted to touch, examine or in any way view the Marks on the Ballot.
 - (ii) Ballots shall be inserted into the Vote Tabulator without the use of a Secrecy Folder, but in a discreet manner;
 - (iii) the provisions of subsections 10(6) through 10(10) of these procedures apply, with necessary modifications.
 - (b) Insert a "vote ender card" into the Tabulator to secure the Vote Tabulator against receiving any more ballots and place a seal over the slot in the Ballot Box;
 - (c) Print two (2) copies of the Results Tape from the Vote Tabulator;
 - (d) Remove the two (2) copies of the Results Tape from the Vote Tabulator and sign the certificate portion of both copies (any Candidate or Scrutineer present may sign the certificate portion as well);
 - (e) Place the first copy of the Results Tape that includes the Zero Totals Tape in the statement envelope;
 - (f) Post the second copy of the Results Tape in the Voting Location for any Candidate and/or Scrutineer to view;

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- (g) Remove the Vote Tabulator from the Tabulator Stand and provide the Vote Tabulator to the Election Official designated by the Clerk to return to it to the Town Hall;
 - (h) Remove all of the voted Ballots from the Tabulator Stand and place them in the Ballot Transfer Container and seal the Ballot Transfer Container;
 - (i) Ensure all Cancelled Ballots are in the "Cancelled Ballot" envelope;
 - (j) Ensure all Declined Ballots are in the "Declined Ballot" envelope
 - (k) Ensure the "Cancelled Ballot" envelope and "Declined Ballot" envelope are placed in the "Supply Carrier"
 - (l) Seal the "Supply Carrier";
 - (m) Seal the Tabulator Stand to ensure the box cannot be reopened without breaking the seals; and,
 - (n) Deliver the Ballot Transfer Container, "Supply Carrier," statement envelope and any other election supplies to the location and person designated by the Clerk.
- (5) If the Election Official is unable to print the results from the Vote Tabulator he/she shall:
- (a) Remove and reinstall the report tape ensuring it is installed properly, and follow the Vote Tabulator instructions to print the results tape; or,
 - (b) If the problem still exists, contact the Clerk or Election Official immediately for further instructions.
- (6) If a Vote Tabulator has been used in a Voting Location on Voting Day but the tabulation of the votes cannot be completed because the Vote Tabulator is not operating and cannot be made to operate within a reasonable amount of time following the close of the voting the Election Official shall:
- (a) Immediately contact the Clerk who shall either:
 - (i) provide a replacement Vote Tabulator to the Voting Location, in which case the Election Official shall complete the requirements of clause 11(6)(b) upon receipt of the replacement Vote Tabulation; or,
 - (ii) instruct the Election Official to complete the procedures clause 11(6)(c) of these procedures.
 - (b) If the Clerk provides a replacement Vote Tabulator to the Voting Location, the Election Official shall:
 - (i) remove the Memory Card from the inoperable Vote Tabulator;

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- (ii) remove the Zero Totals Tape from the inoperable Vote Tabulator, and place it in the statement envelope
 - (iii) insert the Memory Card into a replacement Vote Tabulator, and,
 - (iv) complete the requirements of subsection 11(4) of these procedures, with any necessary modifications.
- (c) If a replacement Vote Tabulator cannot be provided to the Voting Location, the Election Official shall:
- (i) remove the Ballots from the Tabulator Stand and place them in the Ballot Transfer Container;
 - (ii) remove any Ballots from the Auxiliary Compartment and place them in the "Auxiliary Ballot" envelope, seal the envelope and place it in the Ballot Transfer Container;
 - (iii) place all Cancelled Ballots in the "Cancelled Ballot" envelope, and place all Declined Ballots in the "Declined Ballot" envelope, seal the envelopes and place both envelopes in the Ballot Transfer Container;
 - (iv) seal the Ballot Transfer Container;
 - (v) after ensuring that any Candidate and/or Scrutineers present in the Voting Location have been advised of the location and their right to be present at this location, personally deliver the sealed Ballot Transfer Container, the Vote Tabulator, Supply Carrier, and other election supplies to the location designated by the Clerk;
 - (vi) at the designated location, and in the presence of any Candidate and/or Scrutineers present at that time, the Clerk and/or an Election Official shall:
 - 1. remove the Memory Card from the inoperable Vote Tabulator and insert the Memory Card into a replacement Vote Tabulator;
 - 2. feed the ballots in the "Auxiliary Ballot" envelope into the replacement Vote Tabulator, and
 - 3. Follow the procedure in subsections 11(4) of these procedures, with any necessary modifications.
- (7) If the Election Official is unable to complete the tabulation of the votes because the Memory Card has malfunctioned, the Election Official shall:
- (a) Immediately contact the Clerk who shall either:

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- (i) provide a replacement Memory Card to the Voting Location, in which case the Election Official shall complete the requirements of clause 11(7)(b) of these procedures; or,
 - (ii) instruct the Election Official to complete the procedures in clause 11(7)(c) of these procedures;
 - (b) If the Clerk provides a replacement Memory Card to the Voting Location, the election Official Shall:
 - (i) remove all Ballots from the Tabulator Stand, and place them neatly on a table;
 - (ii) remove all Ballots from the Auxiliary Compartment and place them in the "Auxiliary Ballot" envelope;
 - (iii) insert all the voted Ballots from the Tabulator Stand and the Ballots removed from the "Auxiliary Ballot" envelope into the replacement Vote Tabulator;
 - (iv) if the Vote Tabulator rejects a Ballot for any reason other than the Ballot being Damaged/Defective Ballot or having an Ambiguous Mark, the Election Official shall, using the Vote Tabulator override procedure cause the Vote Tabulator to accept the Ballot and record any valid votes that may appear on the Ballot.
 - (v) If the Vote Tabulator rejects a Ballot for being a Damaged/Defective Ballot or for having an Ambiguous Mark, the Clerk and/or Election Official will follow the requirements of subsection 10(10) of these procedures, with any necessary modification.
 - (c) If the Clerk cannot provide a replacement Memory Card to the Voting Location, the Election Official Shall:
 - (i) remove the Ballots from the Ballot Box portion of the Tabulator Stand and place them in the Ballot Transfer Container;
 - (ii) remove any Ballots from the Auxiliary Compartment and place them in the "Auxiliary Ballot" envelope, seal the envelope and place it in the Ballot Transfer Container;
 - (iii) place all Cancelled Ballots in the "Cancelled Ballot" envelope, and place all Declined Ballots in the "Declined Ballot" envelope, seal the envelopes and place both envelopes in the Ballot Transfer Container;
 - (iv) seal the Ballot Transfer Container;

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- (v) after ensuring that any Candidate and/or Scrutineers present in the Voting Location have been advised of the location and their right to be present at this location, personally deliver the sealed Ballot Transfer Container, the Vote Tabulator, Supply Carrier, and other election supplies to the location designated by the Clerk;
 - (vi) at the location designated by the Clerk, the Clerk and/or an Election Official shall;
 - 1. insert a replacement Memory Card into a replacement Vote Tabulator;
 - 2. follow the procedures set out in section 9 of these procedures to ensure that the totals of the replacement Memory Card are zero for all Candidates;
 - 3. insert all the voted Ballots from the Ballot Transfer Container and the Ballots removed from the "Auxiliary Ballot" envelope into the replacement Vote Tabulator;
 - 4. if the Vote Tabulator rejects a Ballot for any reason other than the Ballot being Damaged/Defective Ballot or having an Ambiguous Mark, the Election Official shall, using the Vote Tabulator override procedure cause the Vote Tabulator to accept the Ballot and record any valid votes that may appear on the Ballot.
 - 5. if the Vote Tabulator rejects a Ballot for being a Damaged/Defective Ballot or for having an Ambiguous Mark, the Clerk and/or Election Official will follow the requirements of subsection 10(10) of these procedures, with any necessary modification.
 - (8) The Clerk shall, at the completion of the count on Voting Day, retain the programs, Memory Cards, test materials and Ballots in the same manner as is provided for in accordance with section 88 of the Act.

12. VOTING LOCATIONS WHERE TABULATORS NOT IMMEDIATELY UTILIZED

- (1) The Clerk may determine that Special Voting Locations with reduced voting hours will receive ballots cast by electors in the traditional manner. If such a determination is made, the ballots cast at designated Special Voting Locations will be counted by a central tabulator located at the Town Hall beginning thirty (30) minutes prior to the close of polls on Election Day.

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- (2) In these circumstances the Election Official shall conduct the voting in accordance with Section 10 except that the ballots cast shall be manually placed by the Official into a secure ballot box.
 - (3) After the close of polls at the special location, where reduced hours may be implemented, the Election Official shall seal the ballot box and return to the Town Hall where, in the presence of the candidate(s) or scrutineers wishing to attend, shall open the ballot box and follow the process outlined in Section 9 to set up the tabulator. The Election Official shall count the ballots, beginning thirty (30) minutes prior to the close of regular polls, in the following manner:
 - a. insert all the voted Ballots from the Ballot Box into the Vote Tabulator;
 - b. if the Vote Tabulator rejects a Ballot for any reason other than the Ballot being Damaged/Defective Ballot or having an Ambiguous Mark, the Election Official shall, using the Vote Tabulator override procedure cause the Vote Tabulator to accept the Ballot and record any valid votes that may appear on the Ballot.
 - c. if the Vote Tabulator rejects a Ballot for being a Damaged/Defective Ballot or for having an Ambiguous Mark, the Clerk and/or Election Official will follow the requirements of subsection 10(10) of these procedures, with any necessary modification.
 - (4) Upon completion of the counting of the Ballots described above the provisions of Section 11 (4) incorporating the necessary modifications shall be followed by the Election Official for the closing of the poll.

13. RECOUNTS

- (1) In accordance with the Act, if a recount is held, the recount will be in accordance with these procedures subject to the necessary modifications acknowledging that the tabulation of votes will occur at a single place and in the absence of voters. The votes will be counted in the same manner as the original count – that is, using Vote Tabulators.
- (2) In accordance with clause 42(4) 3. ii. of the Act, those individuals permitted to be in attendance during the recount are not entitled to examine the Ballots or to dispute the validity of a Ballot or the counting of votes in a Ballot as the Ballots are being fed into the Vote Tabulator by the Election Official(s).
- (3) Vote Tabulators will be tested before the recount unless a recount occurs within ten (10) days after Voting Day.

14. EMERGENCY



TOWN OF AURORA Procedures for the use of vote tabulators

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- (1) In accordance with section 53 of the Act, the Clerk may declare an emergency if he/she is of the opinion that circumstances have arisen that are likely to prevent the election from being conducted in accordance with the principles of the Act.
 - (2) Upon declaring an emergency, the Clerk is authorized to make any arrangements he/ she considers advisable for the conduct of the election.
 - (3) The arrangements made by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.
 - (4) If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.
 - (5) The emergency continues until the Clerk declares that it has ended.