

Office of the
Chief Electoral Officer
of Ontario



Bureau du directeur
général des élections
de l'Ontario

DIRECTIVE FOR THE NOVEMBER 30, 2023 BY-ELECTION
FOR THE ELECTORAL DISTRICT OF
KITCHENER CENTRE
FOR THE USE OF AN ALTERNATIVE VOTING PROCESS

This Directive describes changes to the special ballot home visit voting process, pursuant to section 4.4 of the Act.


The objective of these changes is to improve the voting process for electors, achieve administrative efficiencies, and maintain the integrity of the voting process.

This Directive describes how the special ballot home visit process will be modified for the election.

This Directive describes changes to the home visit voting process during an election to permit for the use of VoterView.

The following provisions of this Directive describe the processes and methods to be adhered to.

Following the November 30, 2023 By-Election, I will include a report on the provisions to the special ballot process modified by this Directive in accordance with section 4.4(11) of the Act.



Greg Essensa
Chief Electoral Officer

2023-11-02

Date

DIRECTIVE

Definitions

1. In this Directive,

"Act" means the *Election Act*, R.S.O. 1990, c. E.6 (as amended);

"Adopted Mark" means an electronic mark that a person adopts in order to sign a document;

"CEO" means the Chief Electoral Officer, as defined in the Act;

"E-Signature" means an Original Mark or an Adopted Mark;

"Electronic" includes created, recorded, transmitted or stored in digital form or in other intangible form by electronic, magnetic or optical means or by any other means that has capabilities for creating, recording, transmitting or storing data, information, or documents, and "Electronically" has a corresponding meaning;

"Home Visit" means when an elector makes a request to vote by Special Ballot at their home to the Returning Officer. Upon verification of the request, the Returning Officer arranges for two Special Ballot Officers to visit the elector and assist him or her with making the application and, on request, with voting;

"Original Mark" means a unique and distinguishing Electronic mark that is created by a person in order to sign an Electronic document;

"Returning Officer" means the persons appointed by the Lieutenant Governor in Council, upon the recommendation of the CEO pursuant to section 7 of the Act to perform the duties of that office;

"Secrecy Envelope" means an envelope that can be sealed, and in which an elector places their marked ballot.

"Special Ballot Home Visit Application" means an application to vote by special ballot in person by a home visit;

"Special Ballot Officer – Home Visit" means a person appointed by the CEO to perform the duties of that office for the purpose of voting by home visit;

"Special Ballot Revision Officer" means a person appointed by the CEO to perform the duties of that office for the purpose of voting by special ballot;

"Tablet" means a portable computer used by Elections Ontario officials and electors to complete documents at home visits specified in this Directive that accepts input directly on its screen;

“VoterView” means a secure URL accessed by a device used for administering the voters’ list at special ballot voting at the returning office or home visit.

Application

2. This Directive modifies the administration, submission of applications, and processing of special ballot home visits.
3. This Directive authorizes the use of E-Signatures for documents at a home visit specified herein and as determined by the CEO.
4. This Directive authorizes the use of VoterView at a home visit specified herein and as determined by the CEO.
5. An elector may only make an application to vote by means of a home visit in accordance with this Directive.

Methods of Application and Deadlines for Applications

6. An elector may make a request to vote by home visit, to the returning office, during the period that begins on the 28th day before polling day and ends at 6 p.m. on the day before polling day, and the following rules apply:
 - (a) a Special Ballot Revision Officer shall approve the home visit request if he or she has verified that,
 - (i) the elector is a qualified elector, in accordance with section 15 of the Act, in his or her electoral district; and
 - (ii) the elector has called the returning office to book an appointment;
 - (b) on approving the home visit request, the Special Ballot Revision Officer shall,
 - (i) schedule a home visit for the elector; and
 - (ii) send a team of Special Ballot Officers to the elector’s home.
7. An elector who makes an appointment with the Special Ballot Revision Officer in 6 (a) during the period that begins on the 28th day before polling day and ends at 6 p.m. on the day before polling day, is subject to the following rules:
 - (a) the elector shall sign the home visit application in front of the Special Ballot Officer – Home Visit;

- (b) a Special Ballot Officer – Home Visit shall approve the home visit application if he or she has verified that,
 - (i) the elector is a qualified elector, in accordance with section 15 of the Act, in the electoral district; and
 - (ii) the elector has presented proof of his or her identity and place of residency in accordance with section 4.2 of the Act;
- (c) on approving the home visit application, the Special Ballot Officer – Home Visit shall,
 - (i) record that the elector is voting by home visit in VoterView; and
 - (ii) provide a write-in ballot and Secrecy Envelope to the elector.

Daily Update of the Voting List

- 8. Each day during the period that begins on the 28th day before polling day and ends at 6 p.m. on the day before polling day, a Special Ballot Revision Officer shall notify the Returning Officer for the relevant electoral district of the names, addresses, and polling division numbers of all electors whose application to vote by special ballot home visit are approved on that day.
- 9. Upon receiving notice in accordance with s. 8 of this Directive, the Returning Officer shall indicate on the polling list to be supplied to the relevant Deputy Returning Officer, that the elector is voting by special ballot.
- 10. Upon the request of a candidate that has been nominated, the Returning Officer shall provide the candidate with a list of electors whom the Returning Officer has received a notice under s. 8 of this Directive, and on the request of the registered party, the CEO shall provide the party a copy of the list. Before providing a copy of the list, the Returning Officer or the CEO, as the case may be, shall redact all mailing addresses.

Special Ballot Record of Voter Number

- 11. Upon approval of a Special Ballot Home Visit Application, a Special Ballot Officer shall assign an elector a special ballot record of voter number.
- 12. The special ballot record of voter number assigned to each elector voting by special ballot shall be marked on the approved Special Ballot Home Visit Application.

Home Visit Materials for Voting

13. The materials to vote by home visit shall contain,
 - (a) a write-in ballot; and
 - (b) a secrecy envelope.

Voting by Special Ballot Home Visit

14. An elector who wishes to vote by special ballot home visit shall,
 - (a) sign the Special Ballot Home Visit Application declaration;
 - (b) mark the ballot as follows:
 - (i) if voting by write-in ballot, the elector shall write on the ballot the given name and surname, or initials and surname, of the candidate for whom the elector is voting, and the candidate's political affiliation if two or more candidates have the same name;
 - (c) place the ballot in the secrecy envelope and seal the secrecy envelope; and
 - (d) provide the sealed secrecy envelope to the Special Ballot Officer – Home Visit.

PART I: Tablets

Use of Tablets

1. Tablets will be used at home visits specified by the CEO:
 - (a) at home visits held from Thursday, November 2, 2023 to Wednesday, November 29, 2023;

Request for Home Visit

2. If an elector requests a home visit a Special Ballot Home Visit Application will be completed by the Special Ballot Revision Officer at the returning officer and two Special Ballot Officers – Home Visit will be assigned to visit the elector.

Attendance at a Home Visit with a Special Ballot Home Visit Application

3. Upon visiting an elector at their home the Special Ballot Officer – Home Visit will review the Identification Document and confirm that the elector is an eligible elector, the Special Ballot Officer – Home Visit, shall have the elector sign the declaration on the Special Ballot Home Visit Application and then enter the elector's information into the tablet and strike off the elector's name and residential address from the voters' list, or revise the voters' list to add the elector's name and residential address, and then strike it off.

Opening Procedures for a Home Visit

4. The following procedures shall be followed by the Special Ballot Officer – Home Visit on each day of the home visit:
 - (a) power on and log into the tablet;
 - (b) verify that the voting location and the voting date on the tablet setup screen are correct.

Nightly Closing Procedures for a Home Visit

5. The following procedures shall be followed by the Special Ballot Officer – Home Visit on each day of the closing of the home visit:
 - (a) exit the VoterView software on the tablet; and
 - (b) power off the tablet.

Contingency Provisions for a Home Visit

Tablet Not Working – Full Paper Contingency Procedure At a Home Visit

6. Should the Tablet not be working at a home visit, the Special Ballot Officer – Home Visit shall:

- (a) cease using the tablet;
 - (i) issue a ballot to the elector; and
 - (ii) at the end of each day, provide a copy of the Special Ballot Home Visit Application to the Special Ballot Revision Officer at the returning office, who will strike the elector off on their VoterView software;
- (b) report the issue to the Elections Ontario technical support call centre for further instruction.

Collection and Retention of Tablets

7. All tablets shall be returned to the returning office in their protective cases by the Special Ballot Officer – Home Visit, as applicable.

PART II: E-Signatures

Use of E-Signatures

8. E-Signatures will be used at voting locations specified by the CEO:
 - (a) at a home visit for special ballot voting from Thursday, November 2, 2023 to Wednesday, November 29, 2023;

Documents to be Completed by E-Signature

9. The following documents may be completed Electronically at a home visit, in accordance with this Directive, and if completed Electronically, the document shall be signed with an E-Signature:

- (a) Addition Form;
- (b) Deletion Forms;
- (c) Correction Form;
- (d) Declaration at the Poll;
- (e) Statutory Declaration at the Poll re Elector Named on List;
- (f) Statutory Declaration at the Poll re Addition to List;
- (g) Statutory Declaration at the Poll re Challenge.

E-Signatures Not Mandatory

10. Electors are not required to sign forms Electronically, and if an elector so chooses, a paper form shall be provided.

11. Consent to provide an E-Signature may be inferred from the conduct of a person, which shall include but not be limited to the person signing a document Electronically.

Types of E-Signature

12. The following forms, documents and applications must be signed with an Original Mark, if signed Electronically:

- (h) Addition Form;
- (i) Deletion Forms;
- (j) Correction Form;

- (k) Declaration at the Poll;
- (l) Statutory Declaration at the Poll re Elector Named on List;
- (m) Statutory Declaration re Addition to List; and
- (n) Statutory Declaration at the Poll re Challenge.

Method of Accepting Original Marks

13. An Electronic document that requires an Original Mark shall be prepared by a Special Ballot Officer – Home Visit, on a Tablet in accordance with information provided by the elector.

14. Once the document has been prepared by the Special Ballot Officer – Home Visit, the Tablet shall be provided to the elector, and the elector may make an Original Mark in the designated area using the stylus provided.

The Special Ballot Officer – Home Visit, will review the document to ensure the elector made an Original Mark in the designated area and then save the document on the Tablet.

Metadata for E-Signatures

15. All documents requiring E-Signatures shall be stamped with metadata that records the following information:

- (a) the time and date that the Electronic document was created;
- (b) the name of the user that created the Electronic document;
- (c) the time and date that the last edit was made to the Electronic document;
- (d) the name of the last user to edit the Electronic document; and
- (e) the time and date that the Electronic document received an E-Signature.

Storage of Electronic Documents with E-Signatures

16. All documents that have been signed with an E-Signature shall be stored on the EO SFTP Site for at least one year, in accordance with s. 85 of the Act.

PART III: VOTERVIEW

Use of VoterView

17. VoterView will be used at a home visit for special ballot voting from Thursday, November 2, 2023 to Wednesday, November 29, 2023, as specified by the CEO;

Presentation of Identification Document and Signature of Declaration

18. If an elector presents an Identification Document to the Special Ballot Officer - Home Visit in order to vote by special ballot, and signs the Special Ballot Home Visit Application Declaration, the Identification Document shall be entered into VoterView by a Special Ballot Revision Officer or Special Ballot Officer – Home Visit.

Attendance at a Home Visit with a Special Ballot Home Visit Application

19. Upon visiting an elector at their home the Special Ballot Officer – Home Visit will review the Identification Document and confirm that the elector is an eligible elector, the Special Ballot Officer – Home Visit, shall have the elector sign the declaration on the Special Ballot Home Visit Application and then enter the elector's information into the tablet and strike off the elector's name and residential address from the voters' list, or revise the voters' list to add the elector's name and residential address, and then strike them off.

Opening Procedures for a Home Visit

20. The following procedures shall be followed by the Special Ballot Officer – Home Visit on each day of the home visit:

- (a) power on and log into the tablet;
- (b) verify that the voting location and the voting date on the tablet setup screen are correct; and

Nightly Closing Procedures for a Home Visit

21. The following procedures shall be followed by the Special Ballot Officer – Home Visit on each day of the closing of the home visit:

- (a) exit the VoterView software on the tablet; and
- (b) power off the tablet.

Contingency Provisions for a Home Visit

Tablet Not Working – Full Paper Contingency Procedure at the Home

22. Should the Tablet not be working at a home visit, the Special Ballot Officer – Home Visit shall:

- (a) cease using the tablet;
 - (i) issue a ballot to the elector; and
 - (ii) at the end of each day, provide a copy of the Special Ballot Home Visit Application to the Special Ballot Revision Officer at the returning office, who will strike the elector off on their VoterView software;
- (b) report the issue to the Elections Ontario technical support call centre for further instruction.

Storage of Electronic Documents for VoterView

23. All documents that have been created through VoterView shall be stored on the EO SFTP Site for at least one year, in accordance with s. 85 of the Act.

Excluded and Modified Sections of the Act

24. In order to facilitate the changes to the special ballot home visit voting process set out in this Directive, the following specific sections of the Act will be modified: 45.4 (6), 45.6 (1) (d), 45.6 (e), 45.8 (b), 45.8 (c), 45.8 (d), 45.8 (e), 45.8 (f),. The modifications are as follows in the chart immediately below.

Election Act	Process Being Modified	Modified Voting Process
45.4 (6)	Replacement of outer envelope	The outer envelope is now the Special Ballot Home Visit Application, which will contain the special ballot vote by mail elector attestation.
45.6 (1) (d)	Replacement of outer envelope	The outer envelope is now the Special Ballot Home Visit Application, which will contain the special ballot elector attestation.
45.6 (1) (e)	Replacement of inner envelope	The inner envelope is now referred to as the secrecy envelope.
45.8 (b)	Replacement of inner envelope	The inner envelope is now referred to as the secrecy envelope.
45.8 (c)	Replacement of inner envelope Replacement of outer envelope	The inner envelope is now referred to as the secrecy envelope and will be provided to the Special Ballot Officer – Home Visit.

Election Act	Process Being Modified	Modified Voting Process
		The outer envelope is now the Special Ballot Home Visit Application, which will contain the special ballot elector attestation.
45.8 (d)	Replacement of outer envelope Further identification	The outer envelope is now the Special Ballot Home Visit Application, which will contain the special ballot elector attestation. The elector shall sign and date the Special Ballot Home Visit Application.

Excluded and Modified Sections of the Act for Tablets and VoterView

25. In order to facilitate the use of Tablets, the following specific sections of the Act will be modified: 21(2); 23(1); 25(1); 45(2) and (3); ; 47.1(1); . The modifications are as follows in the chart immediately below.

Election Act	Process Being Modified	Modified Voting Process
21(2)	Revision Assistants	During a home visit the Special Ballot Officer – Home Visit may complete additions and revisions to the voters’ list.
23(1)	Corrections to list	A Special Ballot Officer – Home Visit may make corrections to the voters’ list.
25(1)	Official polling list	The official polling list is an electronic voters’ list and will be available on VoterView.
45(2)	List of electors who have voted	When the Tablets are working, the information will be recorded by Special Ballot Officers – Home Visit in the Tablets. In instances where the Tablets are not working, the Special Ballot Officers – Home Visits will record the information on paper and provide it to the Special Ballot Revision Officer to enter the information at the returning office.
45(3)	Noting other D.R.O. lists	The Polling Day List of Electors is contained in the Tablet. Electors who voted in the advance poll will be indicated by having a specific symbol before their name and those electors that voted by special ballot will be indicated by having a different specific symbol. The Special Ballot Officers – Home Visit will be able to distinguish any elector that has voted in the advance polls or by special ballot.
47.1(1)	Addition to list	An elector will be added to the Tablet by a Special Ballot Officer – Home Visit, except under contingency circumstances where the voters’ list will be updated at the returning office.

Excluded and Modified Sections of the Act for E-Signature

25. In order to facilitate the use of E-Signatures, the following specific sections of the Act will be modified: 17.1.2(1); 21(1); 22(1); 23(1) and (2); ; 45(1); .

<i>Election Act</i>	Process Being Modified	Modified Voting Process
17.1.2 (1)	Form of signature on application	The elector may now make the application using an E-Signature.
21 (1)	Form of signature on application	The elector may now complete forms, and make applications and declarations, as set out herein, using E-Signatures.
22 (1)	Form of signature on application Form of signature on statutory declaration	The elector may now make the application using an E-Signature. The elector may now swear the statutory declaration using an E-Signature.
23 (1)	Form of signature on application	The elector may now make the application using an E-Signature.
23 (2)	Form of signature on prescribed oath or affirmation	The elector may now make the prescribed oath or affirmation using an E-Signature.
45 (1)	Form of signature on statutory declaration	The elector may now make the declaration using an E-Signature.