

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 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 process will be modified for the by-election.

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

2023-11-01

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;

"Deputy Returning Officer" means the persons appointed by the Returning Officer pursuant to section 39 of the Act to perform the duties of that office;

"Elections Ontario Website" means <https://www.elections.on.ca>.

"Elector Confirmation Card" means the replacement of the outer envelope pursuant to subsection 45.6 (1)(d). The card contains the elector attestation, bears the elector information and the address of a returning office pursuant to ss 45.2 (5) or Chief Electoral Officer pursuant to ss 45.2 (6).

"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;

"Special Ballot Application" means an application to vote by special ballot in person;

"Special Ballot Officer" or "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;

"Vote by Mail Application" means an application to vote by special ballot, by mail;

"Vote by Mail Kit" means the Voting Kit enclosing the items described in section 9 of this Directive and provided to electors in order to vote by use of a special ballot;

Application

2. This Directive modifies the administration, submission of applications, processing and counting of special ballots.
3. An elector may only make an application for a special ballot to vote by mail, in accordance with this Directive. For clarity, this Directive does not alter the special ballot process for voting by means of home visit pursuant to section 45.4 of the Act.

Methods of Application and Deadlines for Applications

4. An elector may make an application to vote by mail by courier (or similar delivery method), mail, fax, or email, at the office of the CEO, during the period that begins on the 29th day before polling day and ends at 6 p.m. on the 6th day before polling day, and the following rules apply:
 - (a) a Special Ballot Officer shall approve the vote by mail application 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;
 - (ii) the elector has presented proof of his or her identity and place of residence in accordance with section 4.2 of the Act; and
 - (iii) the vote by mail application is complete and has been signed by the elector;
 - (b) on approving the vote by mail application, the Special Ballot Officer shall,
 - (i) record that the elector is voting by special ballot; and
 - (ii) send a Vote by Mail Kit to the elector by mail.
5. An elector may make an application to vote by mail online through Elections Ontario's Website during the period that begins on the 29th day before polling day and ends at 6 p.m. on the 6th day before polling day, subject to the following rules:
 - (a) the elector shall sign the application on Elections Ontario's Website using an Adopted Mark, as approved by the CEO;
 - (b) a Special Ballot Officer shall approve the vote by mail 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 vote by mail application, the Special Ballot Officer shall,
 - (i) record that the elector is voting by special ballot; and
 - (ii) send a Vote by Mail Kit to the elector by mail.
6. An elector may make an application to vote by special ballot on election day from 9 a.m. to 9 p.m. at the returning office, subject to the following rules:
- (a) a Special Ballot Officer shall approve the special ballot 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;
 - (b) on approving the special ballot application, the Special Ballot Officer shall,
 - (i) indicate, in the polling list that the elector is voting by special ballot; and
 - (ii) provide a printed ballot to the elector.

Daily Update of the Voting List

- 7. Each day during the period that begins on the 28th day before polling day and ends at 6 p.m. on the 6th day before polling day, a Special Ballot 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 are approved on that day.
- 8. Upon receiving notice in accordance with s. 7 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.
- 9. 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. 7 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

10. Upon approval of a Special Ballot Application or a Vote by Mail Application, a Special Ballot Officer shall assign an elector a special ballot record of voter number.
11. The special ballot record of voter number assigned to each elector voting by special ballot shall be marked on the approved Special Ballot Application or on the approved Vote by Mail Application and on the elector confirmation card.

Special Ballot Kit

12. A Vote by Mail Kit shall contain,
 - (a) instructions;
 - (b) a write-in ballot or a printed ballot;
 - (c) a secrecy envelope;
 - (d) an elector confirmation card;
 - (e) a return mailing envelope bearing the address of the CEO or returning office; and
 - (f) a mailing envelope.

Form of Printed Ballot in Vote by Mail Kit

13. A printed ballot included in a Vote by Mail Kit shall conform to the requirements of sections 34 and 35 of the Act except that:
 - (a) all required information shall be printed on the front of the ballot;
 - (b) the printer's name shall not be printed on the ballot; and
 - (c) the ballots shall not be numbered consecutively and shall not have stubs as they shall not be stapled or stitched into units.

Voting by Special Ballot

14. An elector who wishes to vote by special ballot shall,
 - (a) 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;
 - (ii) if voting by printed ballot, the elector shall mark an "X" in one of the circles on the ballot beside the name of the candidate for whom the elector is voting;
 - (b) place the ballot in the secrecy envelope and seal the secrecy envelope;
 - (c) write your date of birth, and sign and date the elector confirmation card;
 - (d) place the sealed secrecy envelope and the elector confirmation card in the return envelope; and
 - (e) mail or deliver the return envelope to:
 - (i) the local returning office; or
 - (ii) the office of the Chief Electoral Officer.

Setting Aside Special Ballots

15. The Special Ballot Officers shall set aside a secrecy envelope, unopened, and elector confirmation card together, if,
 - (a) the information about the elector on the elector confirmation card does not correspond with the information in the elector's application to vote by special ballot;
 - (b) the declaration on the elector confirmation card is not signed;
 - (c) the declaration on the elector confirmation card is not dated;
 - (d) the elector's date of birth is missing;
 - (e) the correct electoral district of the elector cannot be ascertained;

- (f) the elector has voted more than once;
 - (g) the return envelope was received by the CEO after 6 p.m. on polling day; or
 - (h) the secrecy envelope relates to an electoral district for which the election was postponed in accordance with s. 31 of the Act.
16. Subsection 23 (b) of this Directive does not apply if the special ballot was marked with assistance in a home visit.
17. When an elector confirmation card is set aside,
- (a) a Special Ballot Officer shall indicate in writing, on the elector confirmation card, why it has been set aside; and
 - (b) at least two Special Ballot Officers shall initial the elector confirmation card.
18. The special ballot that has been set aside in accordance with this Directive is deemed to be a rejected ballot.
19. After the election, the CEO shall make a report about any special ballots that were set aside, unopened, and shall,
- (a) give notice of the report to the leader of each registered party; and
 - (b) publish the report on a website on the internet.

Alternative Voting Options when special polls cannot be held

20. In the circumstance where election staff cannot access a special poll as described in s. 14 (1) or 14 (5) of the Act, at the Returning Officer's discretion the following alternative voting option may be used:
- (a) The Returning Officer will contact the Administrator of the Location where a mobile poll was to be held to advise them that Special Ballot Application (F1001) forms will be dropped off so that electors can apply to vote by Special Ballot.
 - (b) The Returning Officer will advise all candidates for the electoral district of the change to polls.
 - (c) The Special Ballot Revision Officer will deliver to the Administrator the Special Ballot Application (F1001) forms as well as the Notice to Voters (F0230) advising no poll will be held on polling day.
 - (d) The Special Ballot Revision Officer will advise the Administrator to provide the Special Ballot Application (F1001) forms to electors and those electors

must complete the application form.

- (e) The Returning Officer will arrange with the Administrator to pick up completed applications on a set date.
- (f) The Special Ballot Revision Officer will return to the Location to pick up the completed Special Ballot Application (F1001) forms, bring them back to the returning office, approve the Application and enter them into VoterView.
- (g) The Special Ballot Revision Officer will insert ballots into the voting kits.

Note: One kit will be completed for each approved Special Ballot Application (F1001). The Special Ballot Revision Officer will need to complete the electors' Confirmation Card in the voting kit with all necessary details. This includes:

- Elector's full name (as written on the F1001)
 - Elector's address (as written on the F1001)
 - Unique SBRV number associated with the elector (generated by VoterView)
- (h) The Special Ballot Revision Officer will bring the voting kits in bulk to the Location.
 - (i) The Returning Officer will advise the Administrator to provide the voting kits to the respective elector and those electors must complete the voting kit and mark their ballot.
 - (j) The Returning Officer will arrange with the Administrator for the completed voting kits to be picked up on a set date, no later than 6 p.m. on the day before polling day.
 - (k) The Special Ballot Revision Officer will return to the Location to pick up all completed voting kits and bring them back to the returning office to be processed.

Excluded and Modified Sections of the Act

21. In order to facilitate the changes to the special ballot voting process set out in this Directive, the following specific sections of the Act will be modified: 35(2), 45.2 (1) 3., 45.4 (6), 45.6 (1) (b), 45.6 (c), 45.6 (d), 45.6 (e), 45.6 (2), 45.8 (b), 45.8 (c), 45.8 (d), 45.8 (e), 45.8 (f), 45.9 (a), 45.11 (1), 45.11 (1) (a), 45.11 (1) (b), 45.11 (1) (c), 45.11 (1) (d), 45.11 (1) (e), 45.11 (2), 45.11 (3), 45.11 (4), 45.11 (4) (a), and 45.11 (5). The modifications are as follows in the chart immediately below.

| Election Act | Process Being Modified | Modified Voting Process |
|---------------------|-------------------------------------|--|
| 35 (2) | Form of ballot | The printer's name shall not be printed on the ballots included in Vote by Mail Kits. |
| | Form of ballot | All required information shall be printed on the front of ballots included in Vote by Mail Kits. |
| 45.2 (1) 3. | Method of submission of application | In addition to the methods noted in ss. 45.2 (1) 3., applications may now be made through Elections Ontario's Website. |
| 45.2 (6) 1. | Date of applications | Applications to vote by mail may be submitted to the CEO on Day 29 instead of Day 28. |
| 45.4 (6) | Replacement of outer envelope | The outer envelope is now the elector confirmation card, which will contain the special ballot vote by mail elector attestation. |
| 45.6 (1) (b) | Copy of the list of candidates | The list of candidates will now be available online through Elections Ontario's Website and the link will be provided in the Special Ballot Kit instructions. |
| 45.6 (c) | Terminology | The mailing envelope is now referred to as the return envelope. |
| 45.6 (d) | Replacement of outer envelope | The outer envelope is now the elector confirmation card, which will contain the special ballot vote by mail elector attestation. The elector confirmation card will bear the address of a returning office ss 45.2 (5) or the Chief Electoral Officer ss 45.2 (6). |
| 45.6 (e) | Replacement of inner envelope | The inner envelope is now referred to as the secrecy envelope. |
| 45.6 (2) | The list of candidates | The list of candidates will now be available online through Elections Ontario's Website and the link will be provided in the Special Ballot Kit instructions. |
| 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 | The inner envelope is now referred to as the secrecy envelope and will be placed in the return envelope. |
| | Replacement of outer envelope | The outer envelope is now the elector confirmation card, which will contain the special ballot vote by mail elector attestation. |
| 45.8 (d) | Replacement of outer envelope | The outer envelope is now the elector confirmation card, which will contain the special ballot vote by mail elector attestation. |
| | Further identification | The elector shall write their date of birth, sign and date the elector confirmation card. |
| 45.8 (e) | Replacement of outer envelope | The outer envelope is now the elector confirmation card, which will contain the special ballot vote by mail elector attestation |
| | Terminology | The mailing envelope is now referred to as the return envelope. |

| <i>Election Act</i> | Process Being Modified | Modified Voting Process |
|----------------------------|---------------------------------|--|
| 45.8 (f) | Terminology | The mailing envelope is now referred to as the return envelope. |
| 45.9 (a) | Replacement of outer envelope | The outer envelope is now the elector confirmation card, which will contain the special ballot vote by mail elector attestation. |
| 45.11 (1) | Replacement of outer envelope | The outer envelope is now the elector confirmation card, which will contain the special ballot vote by mail elector attestation. |
| 45.11 (1) (a) | Setting aside of special ballot | The special ballot officers shall set aside a secrecy envelope, together with the elector confirmation card if the information about the elector on the elector confirmation card does not correspond with the information in the elector's application to vote by special ballot. |
| 45.11 (1) (b) | Setting aside of special ballot | The outer envelope is now the elector confirmation card, which will contain the special ballot vote by mail elector attestation. |
| 45.11 (1) (c) | Setting aside of special ballot | The special ballot officers shall set aside a secrecy envelope, together with the elector confirmation card if the correct electoral district of the elector whose ballot is contained in the secrecy envelope cannot be ascertained. |
| 45.11 (1) (d) | Setting aside of special ballot | The special ballot officers shall set aside a secrecy envelope, together with the elector confirmation card if the return envelope is received by the office of the CEO after 6 p.m. on polling day. |
| 45.11 (1) (e) | Setting aside of special ballot | The special ballot officers shall set aside a secrecy envelope, unopened, together with the elector confirmation card related to an election that was postponed in accordance with s. 31 of the Act. |
| 45.11 (3) | Setting aside of special ballot | If a Special Ballot Officer ascertains that an elector has voted more than once, they shall set aside the secrecy envelope, unopened, together with the elector confirmation card that relates to that elector. |
| 45.11 (4) | Replacement of outer envelope | The outer envelope is now the elector confirmation card, which will contain the special ballot vote by mail elector attestation. |
| 45.11 (4) (a) | Replacement of outer envelope | The Special Ballot Officer shall indicate in writing, on the elector confirmation card, why it has been set aside. |
| 45.11 (5) | Rejected ballot | A special ballot that is set aside in accordance with this Directive is deemed to be a rejected ballot. |