

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 VOTE COUNTING EQUIPMENT
AND ACCESSIBLE VOTING EQUIPMENT**


This directive permits the use of Vote Counting Equipment and Accessible Voting Equipment during an election and modifies the voting process established by the Act to permit the use of the Vote Counting Equipment and Accessible Voting Equipment, pursuant to sections 4.4, 4.5, and 44.1.

In accordance with sections 4.4 and 4.5 of the Act, the CEO may issue a direction requiring the use of Vote Counting Equipment during an election and modifying the voting process established by the Act to permit the use of the Vote Counting Equipment.

In accordance with section 44.1 of the Act, the CEO may issue a direction requiring the use of Accessible Voting Equipment and the related Vote Counting Equipment at an 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 use of Accessible Voting Equipment in accordance with section 44.1(9) of the Act.



Greg Essensa
Chief Electoral Officer

2023-11-01

Date

Directive

Definitions

1. In this Directive,

“Accessible Voting Equipment” means the assistive device provided by the CEO, which marks a ballot in the circular space beside a Candidate’s name, after an elector has followed voice prompts and selected a Candidate by

- (1) sip and puff device;
- (2) paddle interfaces; or
- (3) audio tactile interface.

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

“Advance Poll Deputy Returning Officer” means the person appointed by the Returning Officer to perform the duties of the Deputy Returning Officer for advance polls at a voting location.

“Advance Poll Supervising Deputy Returning Officer” means the person appointed by the Returning Officer to perform the duties of the Supervising Deputy Returning Officer for advance polls at a voting location.

“Auxiliary Compartment” means the separate compartment of the Ballot Box where electors’ ballots are temporarily stored in the event the Vote Counting Equipment fails to operate.

“Ballot Box” means the box to which the Vote Counting Equipment is affixed where ballots are stored once they are accepted by the Vote Counting Equipment.

“CEO” means the Chief Electoral Officer of Ontario appointed under the Act by the Lieutenant Governor in Council, on the address of the Assembly.

“Candidate” means a person who, after the Writ is issued, has received their Certificate of Nomination.

“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.

“Memory Card” means a digital card that is a removable from the Vote Counting Equipment, where all tabulated vote totals of the ballots in the Ballot Box are stored.

“Misread Ballot” means a ballot that will not be accepted by the Vote Counting Equipment because the ballot it is unreadable by the Vote Counting Equipment.

“Rejected Ballot” means a ballot which is marked in more than one of the circular spaces or that cannot be counted for any one of the Candidates.

“Returning Officer” means the person appointed by the Lieutenant Governor in Council on the recommendation of the CEO for each electoral district and responsible for the duties prescribed by the Act or as instructed by the CEO.

“Scrutineer” means a person who represents a Candidate at a voting location to observe the proceedings.

“Secrecy Folder” means the folder in which a ballot can be placed so as to conceal the name of the Candidates and any mark made by the elector upon the face of the ballot, but which exposes the initials of the Deputy Returning Officer or Special Ballot Officer.

“Special Ballot Officer” means one or more persons appointed by the CEO for each electoral district in consultation with the Returning Officer, and one or more persons appointed by the office of the CEO for the purposes of assisting electors to vote in accordance with the special ballot processes as set out in the Act.

“Supervising Deputy Returning Officer” means the person appointed by the Returning Officer to perform the duties of that office for election day at a voting location.

“Tabulator Deputy Returning Officer” means the person appointed by the Returning Officer to operate the Vote Counting Equipment and to assist electors with its use under the direction of the Deputy Returning Officer, or the Special Ballot Officer.

“Unmarked Ballot” means a ballot where none of the circular spaces are marked.

“Vote Counting Equipment” means a machine that digitally reads a specified area on the ballot to record the vote of the elector and to tabulate the results of the election.

“Zero Totals Report” means the report from a Vote Counting Equipment Memory Card that confirms no votes have been cast through the Vote Counting Equipment.

Matters Not Provided For

2. Where these rules do not provide for any matter, the procedures used shall accord with the principles and procedures of the Act as determined and directed by the CEO.

Application

3. This Directive applies to the use of Vote Counting Equipment and Accessible Voting Equipment at voting locations specified herein and as determined by the CEO.

Use of Vote Counting Equipment and Accessible Voting Equipment

4. Electors shall be issued ballots that will be counted using Vote Counting Equipment if they vote:

- (a) in the advance poll at the returning office held from Sunday, November 19, 2023 to Friday, November 24, 2023;
- (b) in person at the returning office by special ballot from Saturday, November 25, 2023 to Wednesday, November 29, 2023;
- (c) in the area advance polls from Wednesday, November 22, 2023 to Friday, November 24, 2023 at voting locations determined by the CEO; and
- (d) on election day, Thursday, November 30, 2023, at voting locations determined by the CEO.
- (e) in person at the returning office by special ballot on election day, Thursday, November 30, 2023.

5. Electors voting at the advance poll, at the returning office, or in person at the returning office by special ballot prior to election day, upon request, shall be permitted to mark their ballots using Accessible Voting Equipment.

6. Electors voting in person at the returning office by special ballot on election day, shall mark their ballots using Accessible Voting Equipment.

Ballot Paper and Form of the Ballot

7. (1) The ballots shall be printed with unique timing marks to provide appropriate security features.

(2) The ballots 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.

(3) Ballots shall be printed with the names of the Candidates and their registered political party's name or the words "Independent/Indépendant" or a blank space if "Independent/Indépendant" is not indicated.

Programming of the Vote Counting Equipment

8. (1) The Vote Counting Equipment shall be programmed so that Misread Ballots are returned to the Tabulator Deputy Returning Officer.

(2) The Vote Counting Equipment shall be programmed to produce a results tape of the number of votes cast for each Candidate, as well as Rejected Ballots and Unmarked Ballots, and shall be used by the Returning Officer after polls close on election day to report the results for:

- (a) the advance poll at the returning office held from Sunday, November 19, 2023 to Friday, November 24, 2023;
- (b) in person voting at the returning office by special ballot from Saturday, November 25, 2023 to Wednesday, November 29, 2023 and election day Thursday, November 30, 2023;
- (c) the area advance polls from Wednesday, November 22, 2023 to Friday, November 24, 2023, at voting locations determined by the CEO; and
- (d) election day, Thursday, November 30, 2023, at voting locations determined by the CEO.

Pre-Event Logic and Accuracy Testing of Vote Counting Equipment and Accessible Voting Equipment and Memory Cards

9. (1) Prior to the first use of Vote Counting Equipment and Accessible Voting Equipment, the Tabulator Deputy Returning Officer shall test the Vote Counting Equipment and Accessible Voting Equipment to ensure that they accurately mark ballots and count the votes cast for all Candidates, as appropriate.

(2) The Vote Counting Equipment and the Accessible Voting Equipment shall not be used until an errorless test is achieved and certified by the Tabulator Deputy Returning Officer.

(3) The Returning Officer shall give notice of the date, time and location of any pre-event logic and accuracy testing of the Vote Counting Equipment and Accessible Voting Equipment to Candidates and Scrutineers.

(4) For the pre-event logic and accuracy testing of Accessible Voting Equipment, ballots shall be marked using each of the interfaces designed to accommodate persons with disabilities in order to verify that the ballots are correctly marked by the Accessible Voting Equipment.

(5) Where Accessible Voting Equipment and Vote Counting Equipment are being used, they shall be pre-event logic and accuracy tested as follows:

- (a) inserting the Memory Cards into the Vote Counting Equipment;
- (b) powering up the Vote Counting Equipment and Accessible Voting Equipment;
- (c) activating the Vote Counting Equipment using the security key;
- (d) printing a Zero Totals Report from the Vote Counting Equipment;
- (e) creating a test deck of three ballots by marking one ballot for each different Candidate by using each Accessible Voting Equipment device;
- (f) tabulating a pre-audited group of ballots marked manually that include ballots in the following categories;
 - (i) Misread Ballots; and
 - (ii) ballots which are marked with a predetermined number of valid votes for each Candidate;
- (g) printing the results from the Vote Counting Equipment; and
- (h) comparing the output of the count against the pre-audited results.

(6) The process outlined in subsection 8(5) shall be repeated to complete the testing of the different Memory Cards to be used by the Vote Counting Equipment:

- (a) in the advance poll at the returning office; and
- (b) in person at the returning office by special ballot.

(7) Where Vote Counting Equipment is being used at area advance polls and on election day, it shall be pre-event logic and accuracy tested as follows:

- (a) inserting the Memory Cards into the Vote Counting Equipment;
- (b) powering up the Vote Counting Equipment;
- (c) activating the Vote Counting Equipment using the security key;
- (d) printing a Zero Totals Report from the Vote Counting Equipment;
- (e) tabulating a pre-audited group of ballots marked manually that include ballots in the following categories:
 - (i) Misread Ballots; and
 - (ii) ballots which are marked with a predetermined number of valid votes for each Candidate;
- (f) printing the results from the Vote Counting Equipment; and
- (g) comparing the output of the count against the pre-audited results.

(8) The process outlined in subsection 8(7) shall be repeated to complete the testing of the different Memory Cards to be used by the Vote Counting Equipment,

- (a) in the area advance polls; and
- (b) on election day.

(9) If the Tabulator Deputy Returning Officer detects any error in any pre-event logic and accuracy testing, the cause of the error shall be ascertained and corrected and, should the error not be able to be corrected, the Vote Counting Equipment shall be replaced.

(10) The Tabulator Deputy Returning Officer shall, at the completion of any pre-event logic and accuracy testing described by subsection 8(7), ensure that the vote totals are cleared from the Vote Counting Equipment Memory Cards.

(11) The pre-audited group of ballots, the result tapes, and any other materials produced during any pre-event logic and accuracy testing are to be placed in the Logic

and Accuracy Test Envelope – Envelope L (F130L) and provided to the Returning Officer to be held in a secure location.

Candidates and Scrutineers

10. To protect the secrecy of the vote while ballots are being deposited into the Vote Counting Equipment by the Tabulator Deputy Returning Officer, Candidates or Scrutineers shall not be permitted to examine or object to ballots or to the counting of ballots by the Vote Counting Equipment.

11. A Candidate or his or her Scrutineer may be present in the returning office for the period of time when Vote Counting Equipment and Accessible Voting Equipment is in use for the sole purpose of in person voting by special ballot by an elector.

Opening Procedures for Vote Counting Equipment

12. (1) Before the Ballot Box is sealed prior to the start of voting using Vote Counting Equipment:

- (a) in the advance poll at the returning office held starting on Sunday, November 19, 2023;
- (b) in person at the returning office by special ballot starting on Saturday, November 25, 2023;
- (c) in the area advance polls starting on Wednesday, November 22, 2023; and
- (d) on election day, Thursday, November 30, 2023, at voting locations determined by the CEO,

the Tabulator Deputy Returning Officer shall:

1. inspect the Ballot Box and Auxiliary Compartment to confirm they are empty;
2. show the empty Ballot Box and Auxiliary Compartment to any Candidate or Scrutineer present;
3. print a copy of the Zero Totals Report;
4. leave the copy of the Zero Totals Report attached to the Vote Counting Equipment; and
5. permit the Candidates and Scrutineers present to view the Zero Totals Report.

(2) If the totals are zero for all Candidates on:

- (a) the first day of the advance poll at the returning, being Sunday, November 19, 2023;
- (b) the first day of the in-person voting by special ballot at the returning office, being Saturday, November 25, 2023;
- (c) the first day of the area advance polls, being Wednesday, November 22, 2023; and
- (d) on election day, being Thursday, November 30, 2023,

the Tabulator Deputy Returning Officer shall:

- 1. seal the Ballot Box and initial the seal and permit any Candidate or Scrutineer present to also initial the seal; and
- 2. leave the Zero Totals Report attached to the Vote Counting Equipment during voting,

(3) If the totals are not zero for all Candidates on:

- (a) the first day of the advance poll at the returning, being Sunday, November 19, 2023;
- (b) the first day of the in-person voting by special ballot at the returning office, being Saturday, November 25, 2023;
- (c) the first day of the area advance polls, being Wednesday, November 22, 2023; and
- (d) on election day, being Thursday, November 30, 2023,

the Tabulator Deputy Returning Officer shall direct that voting commence by ballots being deposited into the Auxiliary Compartment and shall contact the Elections Ontario technical support call centre to request assistance from a field technician.

Issuing Ballots

13. (1) Every elector who is entitled to receive a ballot shall be given a ballot initialled by a Deputy Returning Officer, Advance Poll Deputy Returning Officer, or Special Ballot Officer, as applicable, in a Secrecy Folder.

(2) Before an elector is issued a ballot, the elector shall be advised that a ballot can be marked manually or, in the following circumstances, by using the Accessible Voting Equipment:

- (a) at the advance poll at the returning office; or
- (b) during in-person voting by special ballot at the returning office.

Provision of Ballot to Tabulator Deputy Returning Officer for Feeding into Vote Counting Equipment or Deposit into Auxiliary Compartment

14. After marking their ballot, the elector shall place the ballot into the Secrecy Folder and provide the Secrecy Folder to the Tabulator Deputy Returning Officer, who shall, as soon as practicable, feed the ballot into the Vote Counting Equipment, or deposit the ballot into the Auxiliary Compartment, as appropriate.

Where the Ballot is Marked Manually

15. (1) An elector who is issued a ballot to be marked manually shall:

- (a) proceed to one of the voting screens;
- (b) remove the ballot from the Secrecy Folder; and
- (c) indicate the Candidate of his or her choice by marking one of the circular spaces on the ballot with a cross or other mark using the sharpie marker provided.

(2) Once the elector has marked the ballot, the elector shall:

- (a) insert the ballot into the Secrecy Folder;
- (b) give the Secrecy Folder containing the ballot to the Tabulator Deputy Returning Officer; and
- (c) be asked to wait beside the Tabulator Deputy Returning Officer while the Tabulator Deputy Returning Officer feeds the ballot into the Vote Counting Equipment.

(3) For greater certainty, an elector who is unable to read or who is disabled is not required to use the Accessible Voting Equipment and may be assisted in marking their ballot manually by the Advance Poll Deputy Returning Officer, the Deputy Returning

Officer, the Special Ballot Officer, or a friend in the manner prescribed in section 55 of the Act, if so desired.

Where the Ballot is Marked Using the Accessible Voting Equipment

16. (1) An elector who is issued a ballot to be marked using the Accessible Voting Equipment shall:

- (a) in consultation with the Tabulator Deputy Returning Officer, determine the type of assistance required by the elector; and
- (b) be instructed on how to use the Accessible Voting Equipment.

(2) The Tabulator Deputy Returning Officer shall start an accessible voting session by using the security key and inserting the ballot into the Accessible Voting Equipment.

(3) The elector shall be provided with the appropriate requested assistive device to mark the ballot.

(4) After listening to the Accessible Voting Equipment instructions, the elector may select the Candidate of his or her choice using the chosen assistive device, mark the ballot, and may verify that selection using the Accessible Voting Equipment's audio confirmation.

(5) Once the Accessible Voting Equipment has marked the elector's ballot, the Tabulator Deputy Returning Officer shall place the elector's ballot in a Secrecy Folder, and invite the elector to wait while the Tabulator Deputy Returning Officer deposits the ballot into the Vote Counting Equipment.

Misread Ballots

17. (1) When a ballot that has been marked in accordance with paragraphs 14 or 15 above, is returned by the Vote Counting Equipment because it is a Misread Ballot:

- (a) the Tabulator Deputy Returning Officer shall inform the elector that their ballot, as marked, has not been counted, and inquire whether the elector wishes to receive another ballot;
- (b) should the elector request another ballot, the Tabulator Deputy Returning Officer shall ask the Advance Poll Supervising Deputy Returning Officer, Supervising Deputy Returning Officer or Special Ballot Revision Officer, as applicable, to assist the elector with receiving a replacement ballot;

- (c) the Advance Poll Supervising Deputy Returning Officer, Supervising Deputy Returning Officer or Special Ballot Revision Officer, as applicable, shall ensure the following:
 - (i) the original ballot is returned to the Advance Poll Deputy Returning Officer, the Deputy Returning Officer, or the Special Ballot Officer;
 - (ii) the Advance Poll Deputy Returning Officer, the Deputy Returning Officer, or the Special Ballot Officer marks the original ballot "cancelled", places it in the Cancelled Ballot Envelope (Form F0004), and gives another ballot to the elector;
 - (iii) the Advance Poll Deputy Returning Officer, the Deputy Returning Officer, or the Special Ballot Officer instructs the elector to mark another ballot in accordance with the instructions; and
- (d) if the elector does not wish to receive another ballot, the Tabulator Deputy Returning Officer shall place the returned ballot in the Auxiliary Compartment Ballot Envelope (F1307).

(2) When a ballot that is marked in accordance with paragraphs 14 or 15 above is returned by the Vote Counting Equipment and the elector has left the polling place, the Tabulator Deputy Returning Officer shall hand the ballot to the Advance Poll Supervising Deputy Returning Officer, the Supervising Deputy Returning Officer, or the Special Ballot Revision Officer as applicable, and he or she will place the ballot in the Auxiliary Compartment Ballot Envelope (F1307).

Inoperative Vote Counting Equipment

18. (1) If, in the opinion of the Tabulator Deputy Returning Officer, the Vote Counting Equipment becomes inoperative and the Advance Poll Supervising Deputy Returning Officer, Supervising Deputy Returning Officer or Special Ballot Revision Officer, as applicable, determines that voting may continue, the Tabulator Deputy Returning Officer shall:

- (a) immediately, allow voting to continue by inserting electors' ballots into the Auxiliary Compartment; and
- (b) contact the Elections Ontario technical support call centre and request assistance from a field technician.

(2) Should the Elections Ontario technical support call centre or field technician inform that the Vote Counting Equipment is inoperative due to a hardware failure, the Tabulator Deputy Returning Officer shall:

- (a) remove the inoperative Vote Counting Equipment from the Ballot Box;
- (b) affix the replacement Vote Counting Equipment to the Ballot Box;
- (c) ensure that the Vote Counting Equipment Memory Cards from the inoperative Vote Counting Equipment are transferred to the replacement Vote Counting Equipment by the field technician and the Tabulator Deputy Returning Officer;
- (d) ensure that the Vote Counting Equipment Seal Control Sheet (Form F0560) is completed;
- (e) remove the Zero Totals Report from the inoperative Vote Counting Equipment and affix it to the replacement Vote Counting Equipment;
- (f) seal and secure the inoperative Vote Counting Equipment for safekeeping by the Returning Officer pending further instruction from the CEO; and
- (g) at the close of polls, feed the ballots from the Auxiliary Compartment into the replacement Vote Counting Equipment.

(3) Should the Elections Ontario technical support call centre or field technician inform that the Vote Counting Equipment is inoperative due to a Memory Card failure, the Tabulator Deputy Returning Officer shall:

- (a) instruct the Advance Poll Supervising Deputy Returning Officer, the Supervising Deputy Returning Officer or the Special Ballot Revision Officer assemble a replacement Ballot Box;
- (b) remove the Vote Counting Equipment from the initial Ballot Box and provide the Vote Counting Equipment to the field technician;
- (c) immediately close and seal the initial Ballot Box;
- (d) instruct the Advance Poll Supervising Deputy Returning Officer, the Supervising Deputy Returning Officer or the Special Ballot Revision Officer, as applicable, to supervise the field technician, who shall remove the inoperative Memory Cards and replace them with new Memory Cards;
- (e) immediately, upon removal of the inoperative Memory Cards from the Vote Counting Equipment, submit the inoperative Memory Cards to the Advance Poll Supervising Deputy Returning Officer, the Supervising Deputy Returning Officer or the Special Ballot Revision Officer, as applicable, who shall immediately place the inoperative Memory Cards into the Poll Return Envelope – Envelope A (F000A);

- (f) immediately upon insertion of the new Memory Cards into the Vote Counting Equipment, affix the Vote Counting Equipment to the newly assembled replacement Ballot Box and complete the Seal Control Sheet (Form F0560) noting the new Memory Cards seal numbers; and
- (g) as soon as practicable, feed the ballots from the Auxiliary Compartment and the ballots from the initial Ballot Box into the Vote Counting Equipment and replacement Ballot Box.

(4) To protect the secrecy of the vote while ballots are being fed into the Vote Counting Equipment, in accordance with subsection 2(g) or subsection 3(g) herein, Candidates or Scrutineers shall not be permitted to examine or object to ballots.

(5) Inoperative Memory Cards or inoperative Vote Counting Equipment shall not be tested or used to generate results pending further instruction from the CEO.

(6) If, in the opinion of the Tabulator Deputy Returning Officer, a piece of Accessible Voting Equipment becomes inoperable and the Advance Poll Deputy Returning Officer or Special Ballot Officer determines that voting may continue, then electors who are unable to read or who are disabled shall be advised by the Advance Poll Deputy Returning Officer or Special Ballot Officer that they may be assisted in marking a ballot manually by, a Advance Poll Deputy Returning Officer, a Special Ballot Officer or a friend in the manner prescribed in section 55 of the Act, if so desired.

Nightly Closing Procedures for Area Advance Polls

19. In the case of the area advance polls from Wednesday, November 22, 2023 to Friday, November 24, 2023, at the end of each day, the Tabulator Deputy Returning Officer shall:

- (a) record the number of ballots accepted by the Vote Counting Equipment on the Seal Control Sheet (Form F0560);
- (b) power down the Vote Counting Equipment using the security key;
- (c) remove all of the ballots from the Ballot Box and place the ballots in the Accepted Ballot Envelope (F0001) and provide them to the Advance Poll Supervising Deputy Returning Officer for delivery to the returning office; and
- (d) secure the Vote Counting Equipment in the voting location.

Opening Procedures for Returning Office Advance Poll, Area Advance Polls, and Special Ballot Voting

20. Before the start of voting, and in the presence of any Candidates or Scrutineers at the location,

- (a) in the case of the advance poll at the returning office from Sunday, November 19, 2023 to Friday, November 24, 2023;
- (b) in the case of the area advance polls from Wednesday, November 22, 2023 to Friday, November 24, 2023; and
- (c) in the case of special ballot voting at the returning office from Saturday, November 25, 2023 to Thursday, November 30, 2023,

the Tabulator Deputy Returning Officer shall:

- 1. ensure that all seals on the Ballot Box are intact;
- 2. power up the Vote Counting Equipment and activate the Vote Counting Equipment using the security key;
- 3. confirm that the number of ballots cast has not changed from the closing number of the previous day by confirming the information noted on the Seal Control Sheet (Form F0560); and
- 4. call the Elections Ontario technical support call centre for instructions if the number of ballots cast has changed from the closing number of the previous day or the seals have been broken.

Closing Procedures

Closing Procedures at the Area Advance Polls

21. (1) On Friday, November 24, 2023, the Tabulator Deputy Returning Officer shall complete the closing procedure for the area advance polls, in the presence of any Candidate or Scrutineers, as follows:

- (a) ensure that the Auxiliary Compartment does not contain any ballots that have not been processed;
- (b) feed any remaining ballots found in the Auxiliary Compartment into the Vote Counting Equipment;

- (c) record the number of ballots accepted by the Vote Counting Equipment on the Seal Control Sheet (F0560);
- (d) power off the Vote Counting Equipment using the security key;
- (e) remove all of the ballots from the Ballot Box and place the ballots in the Accepted Ballot Envelope (F0001) and provide the Accepted Ballot Envelope (F0001) to the Advance Poll Supervising Deputy Returning Officer for delivery to the returning office; and
- (f) secure the Vote Counting Equipment in its protective case and return it to the returning office.

Closing Procedures at the Advance Poll at the Returning Office

(2) On Friday, November 24, 2023, the Tabulator Deputy Returning Officer shall complete the closing procedure for the advance poll at the returning office as follows:

- (a) ensure that the Auxiliary Compartment of the Ballot Box does not contain any ballots that have not been processed;
- (b) feed any remaining ballots found in the Auxiliary Compartment into the Vote Counting Equipment;
- (c) record the number of ballots accepted by the Vote Counting Equipment on the Seal Control Sheet (F0560);
- (d) power off the Vote Counting Equipment using the security key;
- (e) remove all of the ballots from the Ballot Box and place the ballots in the Accepted Ballot Envelope (F0001) and provide the Accepted Ballot Envelope (F0001) to the Advance Poll Supervising Deputy Returning Officer for delivery to the returning office;
- (f) break the seals on the Vote Counting Equipment and retrieve the Memory Cards;
- (g) immediately place the Memory Cards in the Memory Card Envelope – Envelope M (F130M);
- (h) insert the new Memory Cards for in-person special ballot voting and seal the Vote Counting Equipment; and
- (i) complete the Seal Control Sheet (F0560) noting the new memory card seal numbers

Closing Procedures at In Person Voting by Special Ballot at the Returning Office

(3) On Thursday, November 30, 2023, the Tabulator Deputy Returning Officer and Special Ballot Officer shall complete the closing procedure for the in person voting by special ballot, in the presence of any Candidate or Scrutineers, as follows:

- (a) ensure that the Auxiliary Compartment of the Ballot Box does not contain any ballots that have not been processed;
- (b) feed any remaining ballots found in the Auxiliary Compartment into the Vote Counting Equipment;
- (c) record the number of ballots accepted by the Vote Counting Equipment on the Seal Control Sheet (F0560);
- (d) using the security key to access the administrative menu on the Vote Counting Equipment, press the button labelled "Close Polls" ;
- (e) the Vote Counting Equipment will print three copies of the results tape, and all three copies shall be given to the Special Ballot Officer;
- (f) power off the Vote Counting Equipment using the security key;
- (g) remove all of the ballots from the Ballot Box and place the ballots in the Accepted Ballot Envelope (F0001) and provide them to the Special Ballot Revision Officer; and
- (h) secure the Vote Counting Equipment in its protective case and return it, as directed by the Returning Officer.

Closing Procedures on Election Day

(4) On Thursday, November 30, 2023, the Tabulator Deputy Returning Officer and Supervising Deputy Returning Officer shall complete the closing procedures for election day, in the presence of any Candidate or Scrutineers, as follows:

- (a) ensure that the Auxiliary Compartment of the Ballot Box does not contain any ballots that have not been processed;
- (b) feed any remaining ballots found in the Auxiliary Compartment into the Vote Counting Equipment;
- (c) record the total number of ballots that have been accepted on the Seal Control Sheet (Form F0560);
- (d) using the security key to access the administrative menu on the Vote Counting Equipment, press the button labelled "Close Polls" ;
- (e) the Vote Counting Equipment will print three copies of the results tape;

- (i) one copy of the results tape shall be posted in a clearly visible location for Candidates and Scrutineers to view;
- (ii) one copy of the results tape shall be placed with the Ballot Statement Of The Poll (Form F0525) in the Official Tabulation Envelope – Envelope C (F000C); and
- (iii) one copy of the results tape shall be placed in the Poll Return Envelope – Envelope A (F000A);
- (f) power off the Vote Counting Equipment by using the security key;
- (g) remove the ballots from the Ballot Box and secure them in the Accepted Ballot Envelope (F0001) and provide them to the Supervising Deputy Returning Officer for delivery to the returning office; and
- (h) secure the Vote Counting Equipment in its protective case and return it to the returning office.

Vote Counting Equipment Results

22. (1) The Vote Counting Equipment shall not be commanded to produce results until 9:00 p.m. (Eastern Standard time) on election day.

(2) The Returning Officer shall give Candidates notice of the location designated by the Returning Officer for the purpose of producing the Vote Counting Equipment results from the returning office advance poll, area advance polls, in person voting by special ballot, and election day.

(3) In accordance with the Act, each Candidate and / or one Scrutineer for each Candidate, may be present during the production of the Vote Counting Equipment results.

In Person Special Ballot Vote Counting Equipment Results

(4) On Thursday, November 30, 2023, the Tabulator Deputy Returning Officer and Special Ballot Officer shall produce the results tape from the Vote Counting Equipment from the in person voting by special ballot, as follows:

- (a) confirm that the Memory Card seal numbers match the recorded numbers on the Seal Control Sheet (Form F0560);
- (b) using the security key to access the administrative menu, press the button labelled “Close Polls”;

- (c) the Vote Counting Equipment will print three copies of the results tape;
 - (i) two copies of the results tape shall be placed with the Ballot Statement of the Poll (F0525); and
 - (ii) one copy of the results shall be placed in the Poll Return Envelope – Envelope A (F000A);
- (d) the Special Ballot Officer uses the results tapes to complete the report for Candidate results
- (e) power off the Vote Counting Equipment using the security key; and
- (f) remove the Memory Cards that have recorded the ballots cast for the in person special ballot voting and place them in Memory Card Envelope – Envelope M (F130M) which shall be delivered to the returning office.

Returning Office Advance Poll Vote Counting Equipment Results

(5) On Thursday, November 30, 2023, the Tabulator Deputy Returning Officer and Advance Poll Supervising Deputy Returning Officer shall produce the results tape from the Vote Counting Equipment from the returning office advance poll, as follows:

- (a) obtain the Memory Cards with the returning office advance poll results from the secure location;
- (b) insert the Memory Cards with the returning office advance poll results into the Vote Counting Equipment;
- (c) affix the appropriate seals to the Vote Counting Equipment;
- (d) power on the Vote Counting Equipment;
- (e) confirm that the Memory Card seal numbers match the recorded numbers on the Seal Control Sheet (Form F0560);
- (f) using the security key to access the administrative menu, press the button labelled “Close Polls”;
- (g) the Vote Counting Equipment will then print three copies of the results tape;
 - (i) one copy of the results tape shall be posted in a clearly visible location;
 - (ii) one copy of the results tape shall be placed with the Ballot Statement Of The Poll (Form F0525) in the Official Tabulation Envelope – Envelope C (F000C); and

- (iii) one copy of the results shall be placed in the Poll Return Envelope – Envelope A (F000A);
- (h) the Advance Poll Supervising Deputy Returning Officer shall call the returning office to report the results; and
- (i) secure the Vote Counting Equipment in its protective case and return it to the returning office.

Area Advance Poll Vote Counting Equipment Results

(6) On Thursday, November 30, 2023, the Tabulator Deputy Returning Officer and Advance Poll Supervising Deputy Returning Officer shall produce the results tape from the Vote Counting Equipment from the area advance polls, as follows:

- (a) power on the Vote Counting Equipment;
- (b) confirm that the Memory Card seal numbers match the recorded numbers on the Seal Control Sheet (Form F0560);
- (c) using the security key to access the administrative menu, press the button labelled “Close Polls”;
- (d) the Vote Counting Equipment will print three copies of the results tape;
 - (i) one copy of the results tape shall be posted in a clearly visible location;
 - (ii) one copy of the results tape shall be placed with the Ballot Statement Of The Poll (Form F0525) in the Official Tabulation Envelope – Envelope C (F000C); and
 - (iii) one copy of the results tape shall be placed in the Poll Return Envelope – Envelope A (F000A);
- (e) the Advance Poll Supervising Deputy Returning Officer shall call the returning office to report the Candidate results; and
- (f) secure the Vote Counting Equipment in its protective case, and return it to the returning office.

Election Day Vote Counting Equipment Results

(7) On Thursday, November 30, 2023, the Tabulator Deputy Returning Officer and Supervising Deputy Returning Officer shall produce the results tape from the Vote Counting Equipment from election day, as follows:

- (a) using the security key to access the administrative menu, press the button labelled “Close Polls”;
- (b) the Vote Counting Equipment will print three copies of the results tape;
 - (i) one copy of the results tape shall be posted in a clearly visible location;
 - (ii) one copy of the results tape shall be placed with the Ballot Statement Of The Poll (Form F0525 in the Official Tabulation Envelope – Envelope C (F000C); and
 - (iii) one copy of the results tape shall be placed in the Poll Return Envelope – Envelope A (F000A);
- (c) the Supervising Deputy Returning Officer shall call the returning office to report the Candidate results; and
- (d) secure the Vote Counting Equipment in its protective case and return it to the returning office.

Results Tape Printed Prematurely

23. Should a results tape be printed prematurely before the close of voting on Thursday, November 30, 2023, the following procedures shall be completed by the Tabulator Deputy Returning Officer:

- (a) separate the Zero Totals Report from the prematurely printed results tape;
- (b) confirm that the number of ballots cast that is indicated on the Vote Counting Equipment screen is the same as what is on the prematurely printed results tape;
- (c) provide the prematurely printed results tape to the Advance Poll Supervising Deputy Returning Officer or Supervising Deputy Returning Officer, as applicable, who shall secure it in the Poll Return Envelope – Envelope A (F000A) without disclosing it to anyone or any details thereof;
- (d) immediately, upon securing the printed results tape in the Poll Return Envelope – Envelope A (F000A), allow voting to continue by inserting electors’ ballots into the Auxiliary Compartment;
- (e) call the Elections Ontario technical support call centre to report the premature printing of the results tape;
- (f) affix the Zero Totals Report to the Vote Counting Equipment;

- (g) re-open the poll by powering on the Vote Counting Equipment and resume inserting electors' ballots into the Vote Counting Equipment; and
- (h) at the close of polls, feed any ballots deposited into the Auxiliary Compartment into the Vote Counting Equipment.

Inoperative Vote Counting Equipment at Close of Polls and No Replacement Vote Counting Equipment Can Be Located in a Reasonable Timeframe

24. Should the Vote Counting Equipment be inoperative at the close of polls, and replacement Vote Counting Equipment cannot be located in a reasonable timeframe:

- (a) the Tabulator Deputy Returning Officer shall contact the Elections Ontario technical support call centre to report that the Vote Counting Equipment is inoperative; and
- (b) the Advance Poll Supervising Deputy Returning Officer or Supervising Deputy Returning Officer, as applicable, shall contact the Returning Officer to report the issue and to inform the Returning Officer that the ballots will be counted manually in accordance with the Act.

Post-Event Logic and Accuracy Test of the Vote Counting Equipment and Accessible Voting Equipment

25. (1) The Returning Officer shall give notice of the date, time and location of any post-event logic and accuracy testing of the Vote Counting Equipment and Accessible Voting Equipment to Candidates and Scrutineers.

(2) Before the official tabulation, the Returning Officer shall provide the Tabulator Deputy Returning Officer with the Logic and Accuracy Test Envelope – Envelope L (F130L), which contains the pre-audited group of ballots from the pre-event logic and accuracy testing, the result tapes, and any other materials produced during the pre-event logic and accuracy test.

(3) The Tabulator Deputy Returning Officer shall feed the pre-audited group of ballots from the pre-event logic and accuracy testing into the Vote Counting Equipment to ensure that the Vote Counting Equipment produces correct results in accordance with the marked ballots.

(4) In the event that the post-event logic and accuracy test is inconsistent with the pre-event logic and accuracy test, the Returning Officer shall immediately advise the CEO to obtain direction in accordance with subsection 44.1(8) of the Act.

Return of Materials

26. Following the official tabulation, the Returning Officer shall deliver all of the items noted in section 84(1) of the Act to Elections Ontario.

Modifications

27. In order to facilitate the use of the Vote Counting Equipment and Accessible Voting Equipment, the following specific sections of the Act will be modified: 34(6); 35(2); 36(1) and (2); 39(1), (4) and (6); 42(1) and (2); 44.1(3) 2; 44.1(6) 7; 45(5); 46(1), (2), (3) and (4); 47(5) and (6); 48(1), (2) and (2.1); 57(1), (4) and (5); 58(1); 59(1) and (2); 60; 62(1); 84(1) and 93. The modifications are as follows in the chart immediately below.

<i>Election Act</i>	Process and Method Being Modified	Modifications
34(6)	Numbering of Ballots	The ballots will not be numbered; they will not have stubs; and they will not be stapled or stitched into units of 25. The ballots will arrive wrapped in cellophane with a label describing whether they are a package of 100 or 200 ballots. Each box containing the packages of ballots shall be labeled with electoral district name and number.
35(2)	Printing of Ballots	The ballots will not have the electoral district name on the back. The date of polling will be on the front of the ballot. The printer's name will not be on the ballot.
36(1)	Supply of ballots, etc., to D.R.O.	The Returning Officer will supply each Advance Poll Supervising Deputy Returning Officer and Supervising Deputy Returning Officer ballots in voting locations with technology and each advance and polling day Tabulator Deputy Returning Officer with a Ballot Box and materials necessary for the conduct of the poll.
36(2)	Record of quantity of ballots provided	The ballots will not have serial numbers.

Election Act	Process and Method Being Modified	Modifications
39(1)	Poll Officials	<p>There will be additional Deputy Returning Officers, as follows:</p> <ol style="list-style-type: none"> 1. Advance Poll Deputy Returning Officers; 2. Advance Poll Supervising Deputy Returning Officers; 3. Advance Poll Tabulator Deputy Returning Officers; 4. Supervising Deputy Returning Officers; and 5. Tabulator Deputy Returning Officers. <p>There will be no Poll Clerks at polls with technology (as defined by the Act).</p>
39(4)	Oath or affirmation	<p>In addition to the Deputy Returning Officer, the Advance Poll Deputy Returning Officer, Advance Poll Supervising Deputy Returning Officer, Advance Poll Tabulator Deputy Returning Officer, Supervising Deputy Returning Officer, Tabulator Deputy Returning Officer will take the prescribed oath or affirmation and place it in the poll record.</p>
39(6)	Forfeiture of right to payment	<p>Forfeiture of payment, as per s. 39(6) of the Act will apply to the following offices in addition to those stated in the Act:</p> <ol style="list-style-type: none"> 1. Advance Poll Deputy Returning Officer 2. Advance Poll Supervising Deputy Returning Officer; 3. Advance Poll Tabulator Deputy Returning Officer; 4. Supervising Deputy Returning Officer; and 5. Tabulator Deputy Returning Officer.
42(1)	Voter privacy	<p>Section 42(1) of the Act regarding voter privacy will apply to the Advance Poll Deputy Returning Officer, Supervising Deputy Returning Officer, Advance Poll Supervising Deputy Returning Officer Advance Poll Tabulator Deputy Returning Officer and the Tabulator Deputy Returning Officer.</p>
42(2)	Oath or affirmation of secrecy	<p>In a voting location with technology, the following persons shall take an oath or affirmation of secrecy required by s. 42(2) of the Act:</p> <ol style="list-style-type: none"> 1. the Advance Poll Deputy Returning Officer; 2. the Supervising Deputy Returning Officer; 3. the Advance Poll Supervising Deputy Returning Officer; 4. the Advance Poll Tabulator Deputy Returning Officer and 5. the Tabulator Deputy Returning Officer.
44.1 (3) 2	Returning offices	<p>Polling day will be the last day to use Assistive Voting Equipment in the returning office voting in person by special ballot. After the last day of advance polls, the equipment shall continue to be made available from the fifth day before polling day until the last day on polling day, for electors voting in person by special ballot at returning offices in their own electoral districts</p>
44.1(6) 7	Rules	<p>The printer's name will not be on the ballot (this is also referenced under 35(2)).</p>
45(5)	Counting of ballots	<p>The Tabulator Deputy Returning Officer will print the Candidate results tape from the Vote Counting Equipment. The Ballot Box will be opened and the ballots placed in the Accepted Ballot Envelope (F0001).</p>

Election Act	Process and Method Being Modified	Modifications
46(1)	Ballot and ballot box security	In all polls the Deputy Returning Officers and Advance Poll Deputy Returning Officers will be instructed to arrive at the poll one hour before polls open.
46(2)	Counting ballots at opening of poll	The ballots will be given to the Advance Poll Supervising Deputy Returning Officer and Supervising Deputy Returning Officer, as applicable, in packages of 200. The packages will not be opened until the polls open and will not be counted in the presence of Scrutineers before the opening of the poll.
46(3)	Deputy Returning Officer to show box empty, then seal	The Ballot Box and the Vote Counting Equipment will be set up and sealed before advance poll and polling day by the Tabulator Deputy Returning Officer. The empty Ballot Box will be shown to Advance Poll Supervising Deputy Returning Officer or Supervising Deputy Returning Officer, as applicable.
46(4)	Placement of the Ballot Box	The Ballot Box will be on the floor.
47(5)	Deputy Returning Officer to initial back of ballot	A Deputy Returning Officer or a Advance Poll Deputy Returning Officer will initial the upper-right corner on the front of the ballot in a specified box.
47(6)	Instructions	The ballot shall be placed into a Secrecy Folder and fed into the Vote Counting Equipment.
48(1)	Casting Vote	The elector shall use the black sharpie marker provided.
48(2)	Verification of Ballot	The ballot shall not be refolded. The Deputy Returning Officer or Advance Poll Deputy Returning Officer initials will be visible on the front of the ballot.
48(2.1)	Deposit in Ballot Box	The elector will return the ballot in the Secrecy Folder to the Tabulator Deputy Returning Officer and the Tabulator Deputy Returning Officer will feed the ballot into the Vote Counting Equipment.
57(1)	Counting the Ballots	The Tabulator Deputy Returning Officer will “close the poll” on the Vote Counting Equipment. The Vote Counting Equipment will be counting the ballots. The Tabulator Deputy Returning Officer will print the Candidate results tape. The Tabulator Deputy Returning Officer will retrieve all of the ballots from the Ballot Box and will place them in Accepted Ballot Envelope (F0001).
57(4)	Objections to be noted	The ballots in the Vote Counting Equipment will not be shown to Candidates or Scrutineers; therefore, there will be no objections.
57(5)	Numbered and initialed	The ballots in the Vote Counting Equipment will not be shown to Candidates or Scrutineers; therefore, there will be no numbered or initialed objections.
58(1)	How Ballots to be Counted	The Vote Counting Equipment will be programmed to accept only validly marked ballots, Unmarked Ballots, and Rejected Ballots. The ballots will not have stubs.

Election Act	Process and Method Being Modified	Modifications
59(1)	Statement of the poll	The Advance Poll Supervising Deputy Returning Officer or Supervising Deputy Returning Officer will complete the Ballot Statement of the Poll (Form F0525) to account for all the ballots supplied to them. The statement will be signed by the Advance Poll Supervising Deputy Returning Officer or Supervising Deputy Returning Officer.
59(2)	Disposition of statements	The Advance Poll Supervising Deputy Returning Officer or Supervising Deputy Returning Officer will retain one part of the Ballot Statement of the Poll (Form F0525).
60	Certificate of results of poll	The Tabulator Deputy Returning Officer will print three copies of the results tape from the Vote Counting Equipment and place one copy in plain view for Candidates or Scrutineers to view.
62(1)	Delivery of poll return envelope to the returning office	The Tabulator Deputy Returning Officer will return the Vote Counting Equipment to the returning office.
84(1)	Shipment to CEO of election documents	After completion of the Returning Officer's return, Elections Ontario, and not the Returning Officer, will be fulfilling the remaining duties in s. 84(1) of the Act.
93	Neglect of duties (offence)	The offence provisions in s. 93 apply to the: <ol style="list-style-type: none"> 1. Advance Poll Deputy Returning Officers; 2. Advance Poll Supervising Deputy Returning Officers; 3. Advance Poll Tabulator Deputy Returning Officers; 4. Supervising Deputy Returning Officers; and 5. Tabulator Deputy Returning Officers.