



Township of Centre Wellington

Telephone/Internet Voting Election Policies and Procedures for the 2018 Ontario Municipal Elections

Approved by the
Clerk / Returning Officer of
The Township of Centre Wellington
This 12th day of December, 2017
Revised this 29th day of May, 2018

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1. Authority

On April 24, 2017, the Council of the Township of Centre Wellington adopted By-law Number 2017-29 authorizing the use of an alternative voting method, that being the Internet/Telephone Voting method.

The *Municipal Elections Act*, subsection 42(3), states as follows:

Procedures and forms

- (3) The Clerk shall,
- a) establish procedures and forms for the use of,
 - (i) any voting and vote-counting equipment authorized by by-law, and
 - (ii) any alternative voting method authorized by by-law; and
 - b) provide a copy of the procedures and forms to each candidate when his or her nomination is filed. 2009, c. 33, Sched. 21, s. 8 (22); 2016, c. 15, s. 31 (3).

Subsection 42(4), states that the Clerk shall provide the procedures and forms on or before December 31st in the year before the year of the election.

Subsection 42(4), states that the procedures and forms established 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 and further; if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

In addition, the Council of The Township of Centre Wellington has entered into an agreement with Intelivote, an eVoting Service Provider for Telephone/Internet Voting service, for the 2018 Municipal & School Board Elections.

Subsection 11(2) of the *Municipal Elections Act* states that the Clerk of a local municipality has responsibility for conducting elections within that municipality and responsibility for,

- a) preparing for the election;
- b) preparing for and conducting a recount in the election;
- c) maintaining peace and order in connection with the election; and
- d) in a regular election, preparing and submitting the report described in subsection 12.1 (2). 1996, c. 32, Sched., s. 11 (2); 2009, c. 33, Sched. 21, s. 8 (7).

With respect to the duties and authority of a Municipal Clerk, the *Municipal Elections Act* further states as follows:

- 12(1) A Clerk who is responsible for conducting an election may provide for any matter or procedure that,
 - (a) is not otherwise provided for in an Act or regulation; and
 - (b) in the Clerk's opinion, is necessary or desirable for conducting the election.
- 12(2) The power conferred by subsection (1) includes power to establish forms, including forms of oaths and statutory declarations, and power to require their use.
- 12(3) The power conferred by subsection (1) includes power to require a person, as a condition of doing anything or having an Election Official do anything under this Act, to furnish proof that is satisfactory to the Election Official of the person's identity or qualifications, including citizenship or residency, or of any other matter.
- 13(1) Any notice or other information that this Act requires the Clerk to give shall be given in a form and manner and at a time that the Clerk considers adequate to give reasonable notice or to convey the information, as the case may be.
- 13(2) The Clerk shall provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under this Act.

Subsection 42(5) states that when a by-law authorizing the use of an alternative voting method is in effect, Sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies. Since the purpose for the use of the alternative voting – being Telephone/Internet Voting – was to eliminate proxies, and By-law Number 2017-29 of The Township of Centre Wellington is silent on these issues, voting proxies are not applicable.


With respect to proxies, a person cannot give his or her Voter Information Letter to another eligible elector or other individual for the purpose of voting. Acceptance of a Voter Information Letter including the actual voting thereof will be considered an illegal and corrupt practice and therefore subject to the penalty provision under the *Municipal Elections Act*.

The *Municipal Elections Act*, Section 53, also provides that the Clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act and provides the authority to the Clerk to make arrangements for the proper conduct of the election. Any arrangements made by the Clerk, if they are consistent with the principles of the *Municipal Elections Act*, prevail over anything in the Act and the regulations and all such

arrangements, if made in good faith, shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.

Therefore, as Clerk of The Township of Centre Wellington and Returning Officer for the 2018 Municipal & School Board Elections, I do hereby certify and approve the following procedures for conducting the 2018 Municipal & School Board Elections and also establish that the attached list of forms are the forms permitted to be used during this election process.

December 12, 2017
Date Approved



Kerri O'Kane
Clerk / Returning Officer

2. Definitions

- a) Act – means the *Municipal Elections Act*, 1996, S.O. 1996 C.32, as amended.
- b) Auditor – means the person appointed by the Clerk who perform the prescribed combination of processes and procedures designed to validate a range of activities and/or functions of the internet/telephone voting system.
- c) Ballot - means either an image on a computer screen, or any web enabled device, of a ballot card for an election to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes; or when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the electors and instruction to mark their selection by depressing the numbered touchtone keypad.
- d) Candidate - means a person who has been nominated under Section 33 of the *Municipal Elections Act*, 1996.
- e) Certified Candidate - means a candidate whose nomination has been certified by the Municipal Clerk under Section 35 of the *Municipal Elections Act*, 1996.
- f) Clerk - means the Clerk of The Township of Centre Wellington who is responsible for conducting this election under the authority of the *Municipal Elections Act*, 1996, as amended. All references to the Clerk for the purposes of this manual shall mean the Returning Officer for the 2018 Municipal Election.
- g) Election Official - means the Clerk or other person(s) appointed in writing by the Clerk to carry out election duties under the *Municipal Elections Act*, 1996. An Election Official can only carry out the tasks and duties as assigned in writing by the Clerk, and must take the prescribed oath [s.15(4)].
- h) Eligible Elector - means a person who is entitled to be an elector at an election held in the local municipality, if on voting day he or she meets the qualifications outlined in Section 17(2) and 17(3) of the *Municipal Elections Act*, 1996. See section 8 of the Election Policies and Procedures, Voter Qualifications.
- i) eVoting Service Provider – means Intelivote Systems Inc.
- j) Friend – means a person who has been requested by an elector to assist him or her in the voting process.

- k) Password - means an additional access control word assigned by the eVoting Service Provider to each authorized user to provide additional security for access to the voting system.
- l) Personal Identification Number (PIN) - means a unique multiple digit number assigned by the eVoting Service Provider to each Voter to provide security for access to the voting system.
- m) Preliminary List of Electors - means a list of electors for the Township of Centre Wellington compiled by the Municipal Property Assessment Corporation (MPAC) and provided to The Township of Centre Wellington between July 31 and September 1 of an election year as agreed upon by MPAC and the Clerk.
- n) Registered Third Party – means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario and who's Notice of Registration for Third party Advertiser has been certified by the Clerk.
- o) Satisfactory Identification - means the identification required under the *Municipal Elections Act, 1996* (Ontario Regulation 304/13, Attachment 2) which would provide proof of identity and residence of an individual to the satisfaction of an Election Official.
- p) Script - means all information flow and system prompts from the eVoting system including instructions, informational messages, error messages, and exceptions.
- q) Scrutineer - means an individual, appointed in writing by a certified candidate, to represent him or her during the voting process or an individual appointed by Council, a local board or the Minister in relation to a by-law or question, or by an elector in the case of a recount.
- r) Support person - means a person who has been requested by an elector to assist him or her in the voting process.
- s) Voter Help Centre - means a location provided by The Township of Centre Wellington to assist electors with the Telephone/Internet Voting process or other general election inquiries, including revisions to the Voters list. The Voter Help Centre(s) is located at the Municipal Office, 1 MacDonald Square, Elora.

An additional Voter Help Centre will be set up on Election Day at the Centre Wellington Community Sportsplex – Unity Hall (Fergus), 550 Belsyde Ave. E., Fergus.

- t) Voters' List - means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the *Municipal Elections Act* 1996, c. 32, Sched., s. 22; 2006, c. 33, Sched. Z.3, s. 18 (3).
- u) Voting Day - means the final day on which the vote is to be taken in an election and shall be Monday, October 22, 2018 with the close of voting to be at 8:00 p.m.
- v) Voting Period - means the period in which an eligible Voter may cast their vote, either via internet or telephone and shall span from Monday, October 15, 2018 at 10:00 a.m. to Monday, October 22, 2018 at 8:00 p.m.
- w) Voter Information Letter - means a sealed envelope containing a Personal Identification Number (PIN) for each person on the Voters' List or who has completed an application, duly approved by an Election Official, for inclusion on the Voters' List, a telephone access number and internet address for voting, a Voter Help Centre number for assistance and a list of candidates for office. These envelopes shall be mailed individually, or hand-delivered as required, to every person on the Voters' List.

3. Application

1. This procedure has been developed under the authority of Subsection 42(4) pursuant to Subsection 42(3) (a) (ii) of the *Municipal Elections Act*, and applies to the Telephone/Internet Voting being conducted by The Township of Centre Wellington between October 15, 2018 and October 22, 2018.
2. The procedures and forms established by this document prevail over anything in the Act and its regulations, as per Subsection 42(4) of the *Municipal Elections Act*.
3. Where these procedures do not provide for any matter, the election shall be conducted as far as is consistent and practical within the principles of the *Municipal Elections Act* with the same being determined and established by the Clerk.
4. These procedures may be amended, as necessary and deemed appropriate, by the Clerk of The Township of Centre Wellington. Any amendment to these procedures shall be signed by the Clerk and a copy of the amendment(s) shall be provided forthwith to all certified candidates for office for The Township of Centre Wellington and/or school boards and/or others who have received a copy.

4. Nomination

1. Giving of notice (Section 32) for nominations shall be placed, as a minimum, in a local newspaper(s) prior to May 1, 2018 and on the municipal website.
2. Nomination Paper - Form 1 for the following offices will be available at the Clerk's Office from the first business day of May in 2018 to Thursday, July 26, 2018 during regular office hours, Monday to Friday, between 8:30 a.m. and 4:30 p.m., and on Friday, July 27, 2018 (Nomination Day) between 9:00 a.m. and 2:00 p.m. and from the municipal website for the following offices:

Mayor
Councillor Ward 1
Councillor Ward 2
Councillor Ward 3
Councillor Ward 4
Councillor Ward 5
Councillor Ward 6

County Councillor Ward 5
County Councillor Ward 6

Note: Nominations for County Councillor Ward 4 are to be submitted at the Township of North Wellington.

Nomination papers for school boards must be obtained and filed at the appropriate Municipal Office for the following offices:

School Board Trustee – English Public (CW Returning Office)
School Board Trustee – English Separate
School Board Trustee – French Public (London Returning Office)
School Board Trustee – French Separate

3. Nominations must be on the prescribed form and are to be filed with the Clerk at the appropriate Municipal Office in the following manner:
 - in person or through an agent;
 - during regular office hours at the Clerk's Office from the first business day in May of 2018 to Thursday, July 26, 2018 and between 9:00 a.m. and 2:00 p.m. on Friday, July 27, 2018 (Nomination Day);
 - with the prescribed declaration by at least 25 persons endorsing the nomination who are eligible to vote in an election for an office within the municipality, if a regular election was held on the day that the person endorses the nomination –“Nomination Paper”;
 - with the prescribed statement of qualifications, signed by the person being nominated;

- with the prescribed nomination filing fee of \$200.00 for Mayor and \$100.00 for all other offices - the filing fee shall be paid by cash, debit, certified cheque or money order payable to the municipality;
- with proof of identity and residence as prescribed in *O. Reg. 304/13*, as amended to the satisfaction of the Clerk;
- no faxed or other electronically transmitted nomination paper will be accepted - original signatures are required.

If a person is present at the Clerk's Office on Nomination Day at 2:00 p.m. and has not yet filed a nomination, he or she may file the nomination as soon as possible after 2:00 p.m.

The Clerk shall administer the Declaration of Qualifications on the Nomination Paper and the "Declaration of Qualifications – Municipal Candidates", Form EL18(A) or the "Declaration of Qualifications – School Board Candidates", Form EL18(B), oath to the Candidate. The date and time of filing are to be filled in by the Clerk and initialled by the candidate or his/her agent. The Clerk or designate will then sign the Nomination Paper and Declaration of Qualifications.

The certified cheque, cash, debit, or money order will be deposited with the Municipal Finance Division.

All candidates will record their name for the purposes of confirming pronunciation on the telephone ballot.

Estimated Campaign Expenses

4. The Clerk shall calculate the estimated maximum campaign expenses for each office on the "Estimated Maximum Campaign Expenses", Form CW01 and provide a copy to the candidate or his/her agent the day that the Nomination Paper is filed in accordance with Section 33.0.1 (1). The Clerk's calculation is final.

Notice of Penalties

5. The Clerk shall, before voting day, provide a notice of penalties on the "Notice of Penalties", Form CW02 to the candidate or their agent.

Municipal Freedom of Information and Protection of Privacy

6. The candidate may sign the consent to release personal information, Form CW03, authorizing the Clerk to release personal information to the public and media.

Unofficial List of Candidates

7. The Clerk shall provide notice of the unofficial list of candidates by preparing and, at a minimum, making it available in the Municipal Office and on the website an

“Unofficial List of Candidates”, Form CW04 which is to be updated as each Nomination Paper is filed. The list should be clearly marked "UNOFFICIAL".

Nomination Day – July 27, 2018

8. Nomination Papers will be received at the Municipal Office between 9:00 a.m. and 2:00 p.m. on Nomination Day, July 27, 2018.
9. Procedure for the handling of Nomination Papers on Nomination Day will be the same as above.

Certification of Nomination Papers

10. On or before Monday, July 30, 2018, at 4:00 p.m., the Clerk will review each nomination received to determine qualification and if the nomination complies with the *Municipal Elections Act, 1996*. Once satisfied the candidate is qualified, complete the “Certification by Clerk” section on “Nomination Paper - Form 1.
11. If the Candidate is not qualified to be nominated, or the nomination does not comply with the *Municipal Elections Act, 1996*, the Clerk will reject the Nomination. A telephone call or email shall be made to the candidate informing him/her of the rejection, and a “Notice of Rejection of Nominations”, Form CW05, shall be sent, by Registered Mail, as soon as possible, to:
 - the person who sought to be nominated, and
 - by regular mail to all candidates for the office.

Withdrawal of Nomination Papers

12. Candidates may withdraw their Nomination by filing in person a withdrawal in writing on “Withdrawal of Nomination”, Form EL19, with the Clerk before 2:00 p.m. on Nomination Day, Friday, July 27, 2018, if the person was nominated on or before Nomination Day; and before 2:00 p.m. on the Wednesday following Nomination Day, (August 1, 2018), if the person was nominated under Section 33(5) - Additional Nominations.
13. The withdrawal shall be noted on the “Unofficial List of Candidates”, Form CW04.

Official List of Candidates

14. The final list of certified candidates will be available at the Municipal Office and, as a minimum, posted on the website on or before, Friday, August 3, 2018 using the “Official List of Certified Candidates”, Form CW06.

Declaration of Election (Section 40)

15. If after 4:00 p.m. on Monday, July 30, 2018 the number of certified nominations filed for an office is more than the number of persons to be elected to the office, the Clerk shall declare an election to be conducted.
16. The Clerk shall give the electors notice of the following, as a minimum, through the use of newspaper advertisements and the municipal website:
 - a) under clause 42(1)(b), (alternative voting methods), the manner in which electors may use the Internet/Telephone voting method;
 - b) the dates and times of the voting period;
 - c) the location and hours of operation for the Voter Help Centre(s).

Acclamation

17. If after 4:00 p.m. on Monday, July 30, 2018, the number of certified candidates for an office is the same as or less than the number to be elected, the Clerk shall immediately declare the candidate(s) elected by acclamation. The Clerk shall post a "Declaration of Acclamation to Office" on, Form EL 20. In this situation there shall be no election conducted for this position(s).

Extension of Nomination Period

18. If at 4:00 p.m. on Monday, July 30, 2018, the number of certified nominations filed for an office is less than the number of persons to be elected to the office, additional nominations may be filed between 9:00 a.m. and 2:00 p.m. on Wednesday, August 1, 2018. The Clerk shall post a "Notice of Additional Nominations" advising that additional Nomination Papers may be filed for that office during the specified time. If at 2:00 p.m. on Wednesday, August 1, 2018, additional Nomination Papers have been filed, the procedure to certify or reject Nomination Papers shall be followed.
19. If between 9:00 a.m. and 2:00 p.m. on Wednesday, August 1, 2018, there are more than a sufficient number of certified Nominations to fill the office(s), an election shall be conducted with the names of the persons who have filed certified Nomination Papers.
20. Withdrawal of additional nominations must take place prior to 2:00 p.m. on Wednesday, August 1, 2018. Follow the procedure in the Withdrawal of Nomination Paper section above.
21. If at 4:00 p.m. on Thursday, August 2, 2018 there is a sufficient number of certified Nomination Papers filed to fill the office(s), the Clerk shall cause to be posted an additional "Declaration of Acclamation To Office", Form EL20.

Filling Vacancies

22. If an office remains vacant after the declaration of candidates by acclamation under section 37 and the declaration of the election of candidates following the conduct of the election for offices on the Municipal Council, the following rules apply:

Insufficient Number to Form a Quorum – Municipal Council

- If the number of candidates declared elected is insufficient to form a quorum of the Municipal Council, a by-election shall be held.

5. Candidate Campaigning and Campaign Advertising

- a) Campaigning, including advertising, are permitted no earlier than the date of filing nomination papers by the Candidate.
- b) All Candidate campaign advertising shall identify the Candidate by name, as it appears on the Nomination Form.
- c) All Candidates shall provide the following information to the broadcaster or publisher in writing: the name of the Candidate and the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate.
- d) All Information contained in/on all campaign material is the responsibility of the Candidate and any questions or concerns should be directed to the Candidate.
- e) Election Campaigning or the distribution/posting of election campaign advertising at municipally owned facilities or leased facilities is not permitted.
- f) The use of corporate resources is not permitted by Candidates for election purposes, this includes but is not limited to staff time, electronic devices, supplies, photos etc.
- g) Candidates are prohibited from offering use of electronic equipment to electors to vote.
- h) Candidates are prohibited from verifying whether an elector appears on the Voters' List and should direct all inquiries to the Clerk or designate.
- i) Election signs shall only be permitted in accordance with the Township of Centre Wellington Sign By-law.
- j) If the Clerk or designate is satisfied there has been a contravention of any section of the Act, any by-law or any policy regarding campaigning and advertising, they may require a person who they believe contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred to remove the advertisement or discontinue the advertising.

6. Candidate Contribution and Expenses

- a) A contribution shall not be made to or accepted by a person or an individual acting under the person's direction unless the person is a candidate.
- b) A contribution made to or accepted by a candidate, or to an individual acting under the candidate's direction, shall only be made during the candidate's election campaign period.
- c) Contributions shall only be made by the following:
 - i. An individual who is normally resident in Ontario;
 - ii. The candidate and his or her spouse, subject to if the spouse of a candidate is not normally resident in Ontario, a candidate and his or her spouse may make contributions only to the candidate's election campaign.
- d) The following shall not make a contribution:
 - i. A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.
 - ii. A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
 - iii. A corporation that carries on business in Ontario;
 - iv. A trade union that holds bargaining rights for employees in Ontario;
 - v. The Crown in right of Canada or Ontario, a municipality or local board.
- e) A contribution may be accepted only by a candidate or an individual acting under the direction of the candidate.
- f) A contribution may be accepted only from a person or entity that is entitled to make a contribution.
- g) A contribution of money that exceeds \$25 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor's name and account with the payment or by money order signed by the contributor.
- h) The listing of the phone number and email address and/or hyperlink to the candidate's website by the municipality or local board does not constitute a contribution to a candidate.

Maximum Contributions to Candidates

- i) A contributor shall not make contributions exceeding a total of:
 - i. \$1,200 to any one candidate in an election;

- ii. Except if a person is a candidate for more than one office a contributor's total contributions to that candidate in respect of all the offices shall not exceed \$1,200;
 - iii. \$5,000 to two or more candidates for office on the same council or local board;
 - iv. Except if the candidate is contributing to the candidates own election campaign, then the maximum contributions do not apply;
 - v. Except if the contributor is the spouse of the candidate, then the maximum contributions do not apply.
- j) The Clerk shall provide the Contributions to Registered Candidates Form CW12 at the time of filing.

Fundraising

- k) A fund-raising function shall not be held for a person who is not a candidate and may only be held during the campaign period.

Contributions

- l) In accordance with section 88.15 of the Act, contributions are money, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the person's direction.
- m) Candidates will be provided with a copy of sections 88.15 through 88.20 at the time of filing of nomination papers.

7. Third Party Advertising

- a) A Third Party Advertiser means an individual who is normally resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who's Notice of Registration for Third Party Advertiser has been certified by the Clerk.
- b) The following persons and entities are deemed ineligible to register:
- i. A candidate whose nomination has been filed.
 - ii. A federal political party registered under the *Canada Elections Act* or any federal constituency association or registered candidate at a federal election endorsed by that party.
 - iii. A provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*.
 - iv. The Crown in right of Canada or Ontario, a municipality or local board.
- c) A Candidate whose nomination has been filed shall not direct any third party advertisements.
- d) Notice of registrations – Form 7 – are to be filed with the Clerk at the Municipal Office, 1 MacDonald Square, Elora, from the first business day in May of 2018 to Friday, October 19, 2018 during regular office hours in the following manner:
- in person or by an agent
 - no faxed or other electronically transmitted registration notices will be accepted – original signatures required
 - with proof of identity as prescribed in *O. Reg. 304/13*, as amended
 - with the declaration of qualification, signed by the individual or by a representative of the corporation or trade union
 - a resolution from the corporation or trade union that authorizes the person or agent to register on their behalf, if applicable
- e) The Clerk shall administer the Declaration of Qualification, Form 7, and the Declaration of Qualifications – Third Party Advertiser, Form CW10, oaths to the individual or to the representative of the corporation or trade union. The date and time of filing are to be filled in by the Clerk and initialed by the individual or by a representative of the corporation or trade union. The Clerk will then sign the Notice for Registration and Declaration of Qualifications.

Estimated Maximum Third Party Expenses

- f) The Clerk shall calculate the estimated maximum third party expenses on Form CW11 and provide a copy to the individual filing the registration. The Clerk's calculation is final.

- g) The Clerk shall at least 30 days before the filing date, provide a notice of penalties.

Contributions

- n) In accordance with section 88.15 of the Act, contributions are money, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the person's direction.
- o) Candidates are will be provided with a copy of sections 88.15 through 88.20 at the time of filing of nomination papers.

8. Secrecy

- a) The Clerk shall require all Election Official(s) and/or other persons working in connection with the municipal elections to swear or affirm an Oath of Secrecy, Form EL10, in accordance with Section 49 of the *Municipal Elections Act, 1996*.
- b) No person shall interfere or attempt to interfere with an elector while in the process of accessing the Telephone/Internet Voting service or interfere or attempt to interfere in the voting process while using the Telephone/Internet Voting service unless expressly requested and authorized by an elector asking for assistance.
- c) No person shall obtain or attempt to obtain information about how an elector intends to vote or has voted. Any individual requested by an elector to assist him or her in voting is required to maintain the secrecy of the vote(s) cast by the elector and shall vote according to the instructions and wishes of the elector.
- d) No person shall communicate any information that might have been inadvertently obtained about how an elector intends to vote or has voted.
- e) No elector shall reveal how he or she intends to vote except when obtaining assistance in voting from either a support person or an Election Official.
- f) All electors voting at the Voter Help Centre(s) may vote with the assistance of a support person; however, the support person shall be required to take the appropriate oath prior to providing assistance.
- g) All complaints regarding any and/or all breaches of secrecy shall be investigated by the proper authorities and shall be prosecuted according to the provisions of "Corrupt Practices and Other Offences - Penalties and Enforcement" under Sections 89 and 90 of the *Municipal Elections Act, 1996*.

9. Preliminary List of Electors

1. The Preliminary List of Electors is provided by the Municipal Property Assessment Corporation (MPAC) and shall be requested from MPAC in an electronic format on a date prior to July 31, 2018 if no date is agreed upon with MPAC or prescribed by the Minister [Section 19 (1.1)]. The list shall be reviewed by the Clerk of The Township of Centre Wellington using Datafix and obvious errors shall be corrected as permitted under Section 22 of the *Municipal Elections Act*, and the list shall be approved for use as the Voters' List.

The Clerk shall, to the best of his/her ability and legislative authority, ensure that an elector's name appears on the PLE for a local municipality only once [Section 17 (6)].

- a) The list shall then be reproduced in paper or electronic format and distributed to those who are entitled to copies under Subsections 23(3), (4) and (5) of the Act. All certified candidates shall be entitled to receive two (2) copies or an electronic format and shall sign a statement acknowledging that the Voters' List shall not be used for any commercial purposes, Form EL14. Candidates only receive the part of the Voter's List pertaining to their nomination.

The candidates may alternatively receive login ID(s) and password(s) allowing them to view the Voters' List through the Intelivote Candidates Module that contains the names of the electors who are entitled to vote for their office. They can use the module to identify and track individual electors during the course of the election campaign and voting period to observe participation.

- b) The list shall be available in an electronic format to accommodate the administration in the voting process at the Voter Help Centre(s).
- c) Additions, corrections and deletions may be made to the list in accordance with the *Municipal Elections Act, 1996*.
- d) The Clerk and/or the eVoting Service Provider shall produce an electronic list of the additions, corrections and deletions, as stated in paragraph (c) of this document, and make available these additions, corrections and deletions to those who are entitled to copies of the Voters' List under the Act and the same shall be the final Voters' List.
- e) The Voters' List, as required under Section 27 of the *Municipal Elections Act*, shall be available for revisions commencing on September 1, 2018 at 1 MacDonald Square, Elora, Ontario, Monday through Friday, 8:30 am to 4:30pm. During the advance vote period the Voter Help Centre will have

extended hours as outlined in Section 15.1 of the Centre Wellington Election Policies and Procedures.

- f) The Voters' List, as corrected by the Clerk pursuant to Section 22 of the *Municipal Elections Act, 1996* shall be provided to the eVoting Service Provider in computer format in order for the eVoting Service Provider to manage the Voter Information Letter. Additions made on or before September 14 (subject to change) shall receive a Voter Information Letter by first class mail from the service provider.

Any Additions made September 15 through October 5 to the Voters' List (subject to change) will receive a Voter Information Letter either by mail or in person from an Election Official.

Additions made after October 6 (subject to change) a Voter Information Letter must be picked up in person by the elector.

10. Voters' List

Amendments to the Voters' List (Section 24 & 25)

Application for Change of Own Name

An elector may make an application to amend their information on the Voters' List using the prescribed form "Application to Amend Voters' List" Form EL15 and providing proof of identity and residence as prescribed in O. Reg. 304/13, between the 1st day of September, 2018 to the 21st day of October, 2018 during normal hours and on the 22nd day of October until 8:00 p.m.

An elector can no longer remove a family member's name from the Voters' List, except in the case of a deceased person. See Removal of Deceased Person's Name (EL16) below.

Removal of Deceased Person's Name (Section 25)

The Clerk may remove a person's name from the Voters' List up to 8:00 p.m. on October 22nd, 2018 if the Clerk is satisfied the person has died.

A person may make an application requesting that a deceased person's name be removed from the Voters' List by using the form "Application for Removal of Deceased Person's Name from the Voters List" Form EL16 and providing proof of identity and residence as prescribed in O. Reg. 304/13, between the 1st day of September, 2018 and the 21st day of October, 2018 during normal business hours and on the 22nd day of October until 8:00 p.m.

11. Voter Information Letter

1. Voter Information Letters shall be distributed by the eVoting service provider by first class mail or hand-delivered as required, to all eligible electors no later than October 10, 2018 to enable them to use the Telephone/Internet Voting service.
2. The Voter Information Letter will contain but not be limited to the following:
 - a) the elector's PIN and the telephone number to call to cast his/her vote and the designated internet address (URL) to access to cast his/her vote using the Internet;
 - b) instructions on how to vote;
 - c) dates and hours of voting;
 - d) the location and telephone number of the Voter Help Centre(s);
 - e) Voter eligibility criteria;
 - f) office and candidate information; and
 - g) information on illegal and corrupt practices.
3. The Voter Help Centre(s) shall be responsible for the following:
 - a) Eligible electors who attend the Voter Help Centre(s) and are not on the Voters' List will be able to be added to the list by filling out an Application to Amend Voters' List (EL15) and providing satisfactory identification.
 - i. Their name(s) will be added to the Voters' List and they will be assigned and receive (or mailed) a Voter Information Letter containing a Personal Identification Number (PIN); and
 - ii. They will be able to vote at the Voter Help Centre(s) if they so wish during the voting period.
 - iii. Additions to the List made after September 15, 2018, the Voter Information Letter containing a PIN will be provided to the individual either in person or by first-class mail.
 - b) Verifying and re-issuing a Voter Information Letter to qualified Voters:
 - i. where a person on the Voters' List has lost his/her Voter Information Letter or did not receive it in the mail, or does not have access to it, he/she can attend a Voter Help Centre in order to receive a new one by completing an Application of Re-Issue of a Voter Information Letter (Lost and Unused), Form CW07. Upon receipt of a completed application, the authorized Election Official will disable the Voter's lost Personal Identification Number (PIN) and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification to an Election Official, an oath shall be

taken by the Voter and a new Voter Information Letter containing a new Personal Identification Number (PIN) shall be issued.

- c) Verifying and re-issuing a Personal Identification Number (PIN) to qualified Voters:
- i. where a person on the Voters' List has lost his or her Personal Identification Number (PIN), did not receive it in the mail, or does not have access to it, he/she can attend a Voter Help Centre in order to receive a new one by completing an Application of Re-Issue of a Voter Information Letter (Lost and Unused), Form CW07. The authorized Election Official will disable the Voter's previous PIN and electronically mark it in the system with the appropriate details. Upon providing satisfactory identification or information to a Voter Help Centre Election Official, as may be defined, a new Personal Identification Number (PIN) shall be issued.
 - ii. Where a person on the Voters' List had attempted to vote and their PIN has already been used, he/she can attend a Voter Help Centre and prove to the satisfaction of the authorized Deputy Returning Officer that they did not vote the PIN and require a new PIN.
 - iii. Prior to issuing a new PIN, the Deputy Returning Officer shall advise the elector that once the new PIN has been assigned, the elector must vote immediately at the Voter Help Centre. Upon providing proof of identity and residence as prescribed in O. Reg. 304/13 to an Election Official, an "Application for Re-Issue of a Voter Information Letter (Used by an Impersonator)", (Form CW08) shall be completed by the elector and a new Voter Information Letter containing a new PIN shall be issued. The elector will be directed immediately to the Help Centre where telephone/internet access is available to eliminate any further misuse of the PIN.

12. Notices

1. The Clerk of The Township of Centre Wellington shall notify Voters of the following election information through the use of advertisements:
 - a) that municipal & school board elections are being held for The Township of Centre Wellington and that the Municipality has adopted an alternative voting method, being Telephone/Internet Voting;
 - b) the date(s), time(s) and location(s) for the holding of the vote including advance voting, and the methods of voting for each;
 - c) the office(s) of the council and/or school boards;
 - d) who is eligible to vote in the municipal & school board elections; and
 - e) the location(s) and dates, and hours of operation of the Voter Help Centre(s), how persons can check to see if their name is on the Voters' List and the procedures by which their name can be added or information corrected on the Voters' List.
2. At the Clerk's discretion, notices will be published in the Wellington Advertiser and/or posted on the Municipality's website. All notices shall be made available in English only. Other forms of media may be used at the Clerk's discretion.

The following essential notices shall be issued:

- a. Notice of Election Information.
- b. Notice of Revision of Voters' List.
- c. Notice of Nomination; and
- d. Certified Election Results.

The Clerk reserves the right to publish additional advertisements and notices as deemed appropriate.

3. Where possible, cooperative advertising may take place - costs to be approved and shared by the participating municipalities.
4. Each person on the Voters' List shall be mailed, by "first-class" mail a sealed Voter Information Letter containing:
 - a) his or her Personal Identification Number (PIN), the telephone number(s) to call to cast a vote, and the designated internet address (URL) to access to cast a vote using the internet;
 - b) instructions on how to vote;

- c) dates and hours of voting; and
 - d) the location(s) and telephone number(s) of the Voter Help Centre(s).
5. All Voter Information Letters shall be made available in English only.

13. Voting

1. A Telephone/Internet Voting method shall be used for the 2018 Municipal & School Board Elections. Services will be provided by Intelivote Systems Inc.

- a) Telephone/Internet Voting:

- i. Eligible Voters shall be required to telephone a designated number or access a designated internet address and cast their vote (telephones must be cellular or landline touchtone telephones not a rotary dial telephone).
 - ii. Every eligible elector shall be limited to only one vote through the use of a PIN distributed by first class mail, or hand-delivered as required, in a sealed and personalized Voter Information Letter.
 - iii. The eVoting Service Provider, will allow the eligible Voter to vote using a telephone or the internet.
 - iv. Following the Voter's selection, the voting system response shall identify the Voter's choice and provide the Voter with the option of changing or confirming their vote.
 - v. The voting system shall enable the Voter to decline from voting for an office(s) if he/she wishes to do so.
 - vi. Once the PIN has been used to complete all assigned races associated with the election it cannot be used again, and further access shall not be granted to the Telephone/Internet Voting service to vote again.

Note: If a Voter chooses, they may use one method to vote some of the races or questions and use the other method to vote the remaining races or questions. However, once a Voter has voted on a particular race or question, that race is closed and will not be available for voting again, regardless of the method.

- b) Voting will commence on October 15, 2018 at 10:00 am (EST).

2. Prior to the eVote activation, being on October 15, 2018 at 10:00 am (EST), the Auditor or other authorized Election Official will generate the confirmation report that contains all candidate names running for an office (through the eVoting system by secure ID and password) at the Municipal Office at 1 MacDonald Square, Elora. The report displays in real time the sum total of votes cast for each candidate running for an office. The timing of this report activity ensures that all

totals for all candidates, confirms zero (0) votes before the electronic election begins.

The eVote will be activated unless any of the counts associated with the candidate names do not indicate a zero total, and unless directed otherwise by an Election Official.

3. Candidates or their scrutineer may be present to verify and ensure that all totals of votes cast are at zero (0) and shall be permitted to sign a document that attests to this fact, Form CW13.
4. The eVoting Service Provider will make available to the Clerk and any other appropriate individuals, an online list of all Voters' by order of wards, who have voted during the voting period if such an event has taken place. The names of individuals who have voted will be marked as voted. A list of Voters who have voted will be provided or made available to the candidates or their respective scrutineer through the Clerk's office or by electronic means by the eVoting Service Provider at the Clerk's discretion. This list shall be provided by the eVoting Service Provider in real time or as closely as possible to real time.
5. If so allowed by the Clerk, the eVoting Service Provider will make available during the course of the election, IDs and passwords for candidates and their scrutineers, who when using this authorization can connect to a Candidate module to review Voter's List information previously identified by them to recognize participants in the election. This capability does not provide the candidate or their designate information on *how* a Voter has voted, only if they *have* voted in the election. A Voter who has voted at least one race during an election is considered a participant.
6. Candidates or their scrutineers may view this information any time after the start time of the election, being October 15, 2018 at 10:00 am (EST).
7. Where a Voter is associated with multiple properties within The Township of Centre Wellington, the Voter may vote only **once**, and the qualifying address to determine eligibility for voting shall be the place of residence of the Voter. All duplication of names on the Preliminary List of Electors shall be verified by the Clerk and/or Election Official(s), and all duplicate names of individuals shall be deleted prior to the final preparation of the Voters' List. Should a Voter receive more than one Voter Information Letter, the Voter may only vote **once** and must return the other Document(s) to the Municipal Office located at 1 MacDonald Square, Elora. All Voters that vote more than once or who improperly use the Voter Information Letter shall be reported to the Ontario Provincial Police for further investigation as to possible corrupt practices under the *Municipal Elections Act, 1996*.

8. Should a Voter Information Letter be returned to the Municipal Office unopened, the PIN status will be disabled by an Election Official in a manner that prevents the PIN from being successfully validated in the voting process. The Voter Information Letters will then be marked “unused” and be retained in a secure means and subsequently destroyed at the same time as all other Municipal Election material as provided for under Section 88(2) of the *Municipal Elections Act, 1996*.
9. Should a Voter Information Letter be returned to the Municipal Office that has been opened but has not been used for voting purposes, the PIN status will be disabled by an Election Official in a manner that prevents the PIN from being successfully validated in the voting process. In this circumstance, the Voter Information Letter shall be marked unused and be retained and destroyed as outlined in item 8 above.
10. The Clerk and the Election Official(s) shall ensure a complete audit trail is maintained of all Voter Information Letters:
 - a) that were sent to Voters on the Voters’ List;
 - b) that were undeliverable and returned from the Post Office;
 - c) that were returned by a Voter or other individual(s) either opened or unopened but unused for voting purposes;
 - d) that were re-issued to an eligible elector;
 - e) whose PIN on the Letters were set to a status that prevented them from being validated in the voting process.
11.
 - a) Where an eligible Voter has attempted to validate his or her PIN and they have determined that the PIN has already been used, the Voter can attend at the Municipal Office, 1 MacDonald Square, Elora, bringing satisfactory identification and have the Returning Officer or Deputy Returning Officer confirm that the PIN has been used by an impersonator.
 - b) Prior to authorizing the re-issuance of a new Voter Information Letter which contains a new PIN, the Voter shall be required to respond and answer any and all questions from the Returning Officer or Deputy Returning Officer. The Returning Officer or Deputy Returning Officer shall document, to his or her satisfaction, questions and answers of the Voter and, if deemed appropriate, the Clerk shall submit same to the Ontario Provincial Police for further investigation and prosecution.
 - c) If the Returning Officer or Deputy Returning Officer believes that all questions have been answered truthfully and to his or her satisfaction, the Returning Officer or Deputy Returning Officer may authorize the provision of a new Voter Information Letter which contains a new PIN or, at the discretion of the Returning Officer or Deputy Returning Officer the elector

will be required to make a declaration as to his or her statement and take an oath which shall be given by the Election Official. A copy of this declaration shall also be submitted to the Ontario Provincial Police should further questioning be required in order to ascertain if corrupt practices have occurred. The elector will be required to assist and cooperate in the investigation in determining the individual(s) who has fraudulently used the Voter's assigned PIN.

- d) Once the Voter has properly answered all questions and if required, taken the prescribed oath, a new Voter Information Letter containing a new PIN can be issued.

12.

- a) Where an eligible Voter has received an incorrect Voter PIN in terms of ward and/or school support association, the Voter can contact a Voter Help Centre(s) and have the proper information applied to the existing PIN. The Voter may re-access the system and vote all races not yet completed.
- b) The eligible Voter shall be able to re-enter the system at any time during the election using the existing PIN or the re-categorized PIN until voting for all races has been completed.

13. New PIN(s) shall not be given out over the telephone, electronic mail or by mail without the expressed approval of the Clerk or their designate. A Voter Information Letter containing a PIN shall not be given to any person at the Voter Help Centre(s) unless satisfactory identification is provided and the individual has taken the required oath, if required, as administered by an Election Official.

14. Voter Qualifications

1. A person is entitled to be an elector at an election held in a local municipality if, on Voting Day, October 22, 2018, he or she:
 - i. is a Canadian citizen,
 - ii. is at least 18 years old,
 - iii. resides in the local municipality, or is the owner or tenant of land in the local municipality, or the spouse, or same-sex partner of such a person; and
 - iv. is not prohibited from voting under subsection 17(3) of the *Municipal Elections Act, 1996* or otherwise, by law.

2. The following are prohibited from voting:
 - i. a person who is serving a sentence of imprisonment in a penal or correctional institution.
 - ii. a corporation.
 - iii. a person acting as executor or trustee or in any other representative capacity, except as a voting proxy in accordance with section 44.
 - iv. a person who was convicted of the corrupt practice described in subsection 90 (3), if voting day in the current election is less than five years after voting day in the election in respect of which he or she was convicted.

15. Voting Process

1. Eligible Voters may vote by:

- a) Accessing the telephone number provided by using a touch-tone telephone - but not a rotary dial telephone. “Digi-pulse” telephones will be able to access the system if the telephone over-ride button is set to a “touch-tone” mode. Should the preceding not be done correctly, the interactive response system will provide an error message requesting that the eligible elector obtain assistance,
- b) or by accessing the internet address provided by using a dial modem access or a high-speed connection.
- c) Eligible Voters may vote by:

- i. Attending an advanced Voter Help Centre, Municipal Office, 1 MacDonald Square, Elora during the following hours:

Date	Time
October 15 – 19	10 a.m. – 7 p.m.
October 20 - 21	11 a.m. – 2 p.m.

- ii. Attending the Victoria Park Seniors Centre, 150 Albert St. W., Fergus on Wednesday, October 17, 2018 from 10:00 a.m. till 12:00 noon.
 - iii. The following voter help centers will be open on **Election Day, Monday October 22, 2018 from 10 a.m. to 8 p.m.:**
 - Township Council Chambers: 1 MacDonald Square, Elora ON.
 - Centre Wellington Community Sportsplex – Unity Hall: 550 Belsyde Ave. E., Fergus, ON

and using a touch-tone telephone or the internet access provided. Any telephone provided at the Voter Help Centre shall delete any display options on the telephone.

- d) Attending a Voter Help Centre during hours identified in paragraph (c) with a support person, taking the appropriate oath(s), and having a support person vote using a touch tone telephone or the internet access provided. In the absence of a support person, the Voter may request the assistance of an Election Official, who may provide assistance only after the appropriate oath, if required, has been taken.

- e) Attending a Voter Help Centre during hours identified in paragraph (c) with an interpreter, taking the appropriate oral oath(s), and voting using a touch-tone telephone or the internet access provided.
- f) With the assistance of an Election Official(s) that will be present at the following institution(s) and retirement home(s) during the voting period at a date and time to be arranged with the institution(s) and retirement home(s):

Wellington Terrace, Aboyne
Highland Manor, Fergus
Caressant Care, Fergus

16. Scrutineers

1. Scrutineers may be appointed, in writing by the candidate, as stated under Section 16 of the *Municipal Elections Act, 1996*. If appointed, scrutineers will be entitled to the following:
 - a) upon request and after producing the properly signed "Appointment of Scrutineer", Form EL12A, and prescribing to the oath(s) of secrecy, they will be provided access to a Candidate module; showing them a Voter sequence number and/or the elector names who are entitled to vote for their designate office, allowing them to identify, observe, and list all electors that have participated in the area applicable to the candidate they represent. Scrutineers may log in to the system any time after the voting period has started and view who has voted.
 - b) upon request and after producing the properly signed appointment of scrutineer form and prescribing to the oath(s) of secrecy, they may attend a Voter Help Centre(s) during hours of operation to observe the process. Scrutineers who do not follow the instructions of the Clerk or Election Official, or who attempt to interfere, influence or determine how an elector is voting, will be requested to leave the Voter Help Centre immediately. Their appointment will be revoked and they will not be permitted to re-attend a Voter Help Centre(s).
2. Council may appoint scrutineers by resolution in relation to voting on a by-law or question submitted to the electors, to attend at the Municipal Office during the "0" count audit and receipt of voting results, including during a recount.

Equal number of scrutineers shall be appointed to represent supporters and opponents of the by-law and one scrutineer representing supporters and one representing opponents may be present at the Voter Help Centre located at the Municipal Office, 1 MacDonald Square, Elora during the receipt of voting results.

Equal numbers of scrutineers shall be appointed for each possible answer to the question and one scrutineer for each of the possible answers may be present at the Voter Help Centre during the receipt of voting results.

3. Use of a cellular telephone or any other electronic device shall NOT BE PERMITTED within a Voter Help Centre by any candidate or scrutineer.

17. System

1. The integrity of the voting process shall be the responsibility of the Clerk of The Township of Centre Wellington and shall be preserved by:
 - a) ensuring that every eligible elector on the Voters' List is mailed, using first class mail or hand-delivered as required, a sealed Voter Information Letter which contains the Voter's unique PIN;
 - b) ensuring that no one except the eVoting Service Provider, the Clerk of The Township of Centre Wellington, or designate, maintains a list of Personal Identification Numbers that matches each Voter's name and address; and
 - c) providing an opportunity for eligible electors who do not appear on the Voters' List to be added to the list, or to make amendments to the list, up to and including election day, October 22, 2018, at 8:00 p.m..
2. The voting system shall be tested on several occasions. The test(s) shall include, but not be limited to the following:
 - a) checking the wording of the script;
 - b) checking the Voter Help Centre telephones and internet access;
 - c) checking Script and input timing;
 - d) attempting to use a PIN more than once;
 - e) balancing a predetermined number of votes with those cast;
 - f) matching PINs to names and addresses;
 - g) checking the system which is used for activating PINs; and
 - h) deliberately entering the wrong information.
3. Tests will be performed by the Municipal Clerk and Auditor, appointed by the Clerk, independently and on several occasions.
4. All certified candidates are to provide to the Clerk the proper pronunciation of their name, in English, no later than August 2, 2018. Recording of the name will be taken at the time the nomination is filed.

18. Corrupt Election Practices – Provincial Offence and Prosecution

1. Sections 89 and 90 of the *Municipal Elections Act* provides for penalties and enforcement of corrupt practices and other offences during an election process.
2. Although The Township of Centre Wellington will be using an alternative voting method, being Telephone/Internet Voting, the principles and the integrity of the election process will remain and is enforceable.
3. Section 89 of the *Municipal Elections Act* continues by stating:

“A person is guilty of an offence if he or she

- a) votes without being entitled to do so;
 - b) votes more times than this Act allows;
 - c) votes in a voting place in which he or she is not entitled to vote;
 - d) induces or procures a person to vote when that person is not entitled to do so;
 - e) having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
 - f) having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
 - g) before or during an election, publishes a false statement of a candidates withdrawal;
 - h) furnishes false or misleading information to a person whom this Act authorizes to obtain information;
 - i) without authority, supplies a ballot to anyone;
 - j) delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
 - k) takes a ballot away from the voting place;
 - l) at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
 - m) attempts to do something described in clauses (a) to (l). 1996, c. 32, Sched., s. 89.”
4. No person(s) shall solicit a Voter Information Letter from an eligible elector. All valid complaints or knowledge of solicitation shall be reported immediately to the Ontario Provincial Police for investigation of corrupt practices.
 5. In addition, under the provisions of Section 90 of the *Municipal Elections Act*, if a person is convicted of an offence and the offence was committed knowingly, the offence also constitutes a corrupt practice.
 6. Although many provisions of the *Municipal Elections Act* also deal with voting places, ballots and ballot boxes, etc. the same must be used interchangeably with

the “alternative form” of voting since the principle of the Act must be maintained and is therefore enforceable and subject to penalties.

7. As such, the Municipal Clerk of The Township of Centre Wellington in this alternative form of voting, has agreed to the following rules and regulations:
 - a) THAT all complaints about actions which may contravene the provisions of the *Municipal Elections Act*, either verbally or written, will be investigated by the Clerk;
 - b) THAT all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police;
 - c) THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to their office for further investigation;
 - d) THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed will communicate with the Crown Attorney’s Office to determine if an individual(s) will be prosecuted.
 - e) THE Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

19. Mail Tampering – Criminal Offence and Prosecution

1. The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.
2. Since The Township of Centre Wellington will be using an alternative voting method, that being Telephone/Internet Voting, and the notification of the voting process and how electors can access the voting system in order to exercise their right to vote will be completed through the mail, mail tampering is a criminal offence under the Criminal Code of Canada.
3. As such and in order to ensure the integrity and confidence of the voting process for all electors and the candidates, the Municipal Clerk of The Township of Centre Wellington in this alternative form of voting has agreed to the following rules and regulations:
 - a) THAT all complaints about actions which may contravene the provisions of the Criminal Code of Canada with respect to mail tampering, either verbally or written, will be investigated by the Clerk;
 - b) THAT all such valid complaints, once investigated to the extent and knowledge of the Clerk, will be submitted to the local detachment of the Ontario Provincial Police;
 - c) THE Detachment Commander of the Ontario Provincial Police has been advised that all such complaints will be turned over to his or her office for further investigation;
 - d) THE Detachment Commander of the Ontario Provincial Police, once the investigation is completed, will communicate with the Crown Attorney's Office to determine if an individual(s) will be prosecuted.
 - e) THE Clerk or any Election Official will not attempt to intervene in the prosecution and may be called to give evidence during prosecution.

20. Results

1. The Township of Centre Wellington shall keep its public internet and telephone voting open until October 22, 2018 at 8:00 p.m. and its Voter Help Centre(s) access opened until the Clerk confirms that all eligible Voters in the Voter Help Centre(s) on October 22, 2018 at 8:00 p.m. have completed voting. An Election Official will confirm with the Municipal Clerk that all Voters have completed voting at the Voter Help Centre located at the Centre Wellington Community Sportsplex – Unity Hall (Fergus). The Auditor will confirm that votes can no longer be cast.
2. The Clerk of The Township of Centre Wellington, on October 22, 2018 at 8:00 p.m., providing that all eligible electors within the Voter Help Centre(s) have voted, shall request the close and deactivation of the Telephone/Internet Voting service and shall also request the tabulation of the results for each candidate. The final results of each candidate by ward and school support, shall be available as soon as possible after October 22, 2018 at 8:00 p.m. at the Municipal Office located at 1 MacDonald Square, Elora.
3. The Clerk shall report the “unofficial” results when received from the eVoting Service Provider as soon as practicable after October 22, 2018 at 8:00pm by posting on the municipal website and by forwarding to the Clerk of Wellington County. The Clerk shall also send each school board’s election results to the respective Clerk handling the school board election as soon as possible after the close of voting on Voting Day.
4. The Clerk shall compile the results for any race in which the Clerk is the Returning Officer prior to reporting the results of those races.
5. Pursuant to Subsection 55(4) and subject to the provisions of Section 56 of the *Municipal Elections Act, 1996* concerning “Recount”, the Clerk shall on October 23, 2018 at the Municipal Office located at 1 MacDonald Square, Elora;
 - i. declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected.
 - ii. declare the result of any vote on a by-law or question.
6. The “Official Results” of each candidate by ward, shall be available at the Municipal Office, 1 MacDonald Square, Elora, as soon as possible after Voting Day. Also, the Clerk shall post the “Official” results on the Municipal website.
7. As soon as possible after Voting Day, the Clerk shall make the following information available at no charge for viewing by the public on a website or in another electronic format:
 - a) The number of votes for each candidate. (Form EL32)
 - b) The number of declined and rejected ballots.
 - c) The number of votes for the affirmative or negative on a by-law or question.

21. Recount Procedures

1. Any recount shall be conducted in the same manner as the original count, whether manually or by vote counting equipment [Section 60 (1)], unless ordered otherwise by a judge as per Section 60 (3).
2. A recount is required when:
 - there is a tie vote where both or all candidates cannot be declared elected (Automatic)
 - the votes for the affirmative and negative on a by-law are equal (Automatic)
 - the votes for two or more answers to a question are equal (Automatic)
 - by resolution of Council (for Council offices or questions, or by-laws submitted by Council)
 - by resolution of local board (for offices on a local board or questions or by-laws submitted by a local board)
 - by order of the Minister (for questions submitted by the Minister)
 - by order of the Superior Court of Justice
3. Pursuant to Subsection 56(2) of the *Municipal Elections Act*, the recount shall be held within fifteen (15) days after the Clerk's declaration of the results of the election, and therefore the recount shall occur on or before November 7, 2018 at the Municipal Office located at 1 MacDonald Square, Elora.
4. Within 30 days after the Clerk's declaration of the results under subsection 55(4), a Council, local/school board may pass a resolution or, the Minister may make an order requiring a recount.

The recount is to be held within 15 days after the resolution is passed or the order is made. The resolution for a recount must be passed no later than Thursday, November 22, 2018. An order of the Minister must be made within the same time frame. The incoming council or local board is no longer able to make a decision on a recount.

5. A person who is entitled to vote in an election and who has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order directing the Clerk to hold a recount under section 63.

The application must be commenced within 30 days after the Clerk's official declaration of the results under subsection 55(4).

The Court, if satisfied there are sufficient grounds, shall make an order requiring the Clerk to hold a recount.

The recount is to be held within 15 days after the Clerk received a copy of the order.

6. The Clerk shall give notice of the recount date, time and place in accordance with sections 56, 57, 58 and O. Reg. 101/97 on "Notice of Recount", Form EL39, to the following:
 - all certified candidates for the office which is the subject of the recount;
 - where a resolution is involved, the Council or local/school board which passed the resolution;
 - the Minister when an order has been made;
 - the applicant in the case of a court order;
 - in the case of a recount concerning an office, by-law or question in respect of which electors of another municipality are entitled to vote, the Clerk who was responsible for the conduct of the vote in the other municipality;
 - notice of recount will be given by registered mail or personal service.

7. Pursuant to Subsection 61(1) of the *Municipal Elections Act*, the following persons will be authorized to attend the recount:
 - i. the Clerk and any other Election Official appointed by the Clerk for the recount procedure including the Municipal lawyer;
 - ii. every certified candidate for the office involved;
 - iii. the applicant, if any who applied for a recount;
 - iv. the lawyer for each of the above mentioned parties;
 - v. only one (1) scrutineer for each of the candidate(s);
 - vi. the applicant in the case of a court order

Where scrutineers are appointed under Section 61 (3) or (4), an equal number must be appointment to represent supported and opponents of the by-law and for each possible answer to the question.

8. In the case of a tie vote, within 15 days after the declaration of the election results, for the election of a candidate to an office and both or all of the candidates cannot be declared elected, or where there is a tied vote on a by-law or question, the Clerk of the Township of Centre Wellington shall request Intelivote, the eVoting Service Provider to re-tabulate the results for the office(s) that are subject to the recount procedure and that the results be segregated by ward. A re-tabulation of the votes cast must be in the same manner in which the original tabulation was completed.

Intelivote Systems Inc., shall forward the results of the recount by facsimile transmission and/or by electronic mail (e-mail), along with any documentation, if required, to support the integrity, security and accuracy of the electronic voting system, and these results will be compared to the results tabulated by the Auditor assigned to the election.

9. The Clerk shall announce the results of the recount and in the event of a tied vote, Subsection 62(3) of the *Municipal Elections Act* shall apply, being as follows:

“If the recount indicates that two or more candidates who cannot both or all be declared elected to an office have received the same number of votes, the Clerk shall choose the successful candidate or candidates by lot”.

10. In the event that a tied vote occurs after the statutory recount, the following procedure shall be used and applied:

- a. The Clerk shall determine the texture and quality of the paper used for this process and each candidate or the candidates’ lawyer and/or scrutineer will have an opportunity to examine the paper to be used to inscribe the names of the candidates;
 - b. The Clerk shall inscribe the name of each candidate on a similar size paper and the candidates, the candidates’ lawyer and/or scrutineer, without touching the paper, examine the same. In addition, all persons present will have an opportunity to examine the box which will be used for conducting the lot;
 - c. Upon acceptance by the all candidates, the candidates’ lawyer and/or scrutineer, that the processes outlined in paragraphs a) and b) have been adhered to, the Clerk shall fold the papers bearing each candidate’s name twice in two (2) equal parts and shall deposit these papers, in full view of all persons present and authorized to attend, in an open-end box that will be acceptable to all persons present. In the event of a conflict or difference of opinion as to the selection of the box, the Clerk shall determine the box to be used for this process.
11. Upon completion of this process, the Clerk shall hold the bag and, without looking into the bag, ensure that the contents have been displaced sufficiently, and request the Municipal lawyer to draw only one (1) or the required number for the purpose of determining the successful candidate(s).
 12. The Municipal lawyer shall hand directly to the Clerk the selected and required number of papers and the Clerk shall read aloud the name of the candidate or candidates and proceed to declare this or these individuals elected.
 13. Once completed, the Municipal lawyer shall remove the remaining contents from the bag and provide an opportunity for all persons present to examine these slips of papers including the box.

Costs Incurred for a recount

14. Costs incurred by the Clerk to conduct a recount are to be paid by the municipality, local board, upper-tier municipality or the Minister as soon as possible after the Clerk has signed a certificate verifying the amount. The municipality is to be reimbursed for its reasonable costs in the following situations:
 - a. a regular election when the recount is for:
 - an office on a local board or an upper tier municipality
 - a by-law or question submitted by an upper-tier municipality; or
 - a question submitted by a local board or by the Minister
 - b. a by-election for a local board or for an upper tier municipality; or for the Minister, or a recount in such a by-election

Any expenses incurred by a candidate will be the responsibility of the candidate (ie: legal counsel in attendance on behalf of the candidate).

The Clerk shall submit a signed certificate verifying the costs to the appropriate municipality, local board, upper-tier municipality or the Minister who shall in turn be responsible for paying the costs as soon as possible.

22. After Voting Day

1. At no time after voting day shall any information regarding the Voter, PINs and ballots come together to allow anyone to know how an elector has voted.
2. All election materials shall be destroyed in accordance with the principles of Section 88 of the *Municipal Election Act, 1996*.

23. Emergencies

Pursuant to the *Municipal Elections Act, 1996*, Section 53, an emergency shall be declared in the event of a flood, fire or power failure in the municipality; acute illness or accident of the Clerk/Returning Officer or Assistant Returning Officer which prevents her/him from conducting the election pursuant to the *Municipal Elections Act*.

In the event of an emergency, the Clerk/Returning Officer shall advertise on radio and television stations if possible, and post notices to the extent possible, that the election has been delayed.

In the event of an emergency, the eVoting Service Provider under direction from the Clerk/Returning Officer, shall stop the eVote system from accepting calls via a telephone and connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.

In the event the Clerk/Returning Officer or Assistant Returning Officer is unable to be present to conduct procedures on voting day, there shall be a substitute qualified person appointed or available to attend to the election details.

24. Accessibility

1. The 2018 Municipal Election Accessibility Plan supports and strengthens the Township's commitment and efforts to respond to the needs of persons with disabilities.

The focus of this Plan is to ensure that electoral services are accessible to all electors and candidates, to identify and eliminate barriers for persons with disabilities and to create a positive voting experience.

The Municipal Clerk and Election Officials will continue to learn, develop and adjust our approaches in order to meet the needs of persons with disabilities. The review of accessibility issues and initiatives and addressing barrier prevention or removal is an ongoing practice. This plan will be improved and updated as new opportunities are identified or become available.

Legislative Requirement

2. The Municipal Clerk is responsible for conducting municipal elections and establishing policies and procedures to ensure that all electors have the opportunity to fully participate in the 2018 Municipal Election.

3. The *Municipal Elections Act, 1996*, as amended states the following:

12.1 (1) A Clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities.

12 (2) The Clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before voting day in a regular election. 2016, c. 15, s. 11.

12 (3) Within 90 days after voting day in a regular election, the Clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the report available to the public. 2016, c. 15, s. 11.

41 (3) The Clerk shall make such changes to some or all of the ballots as he or she considers necessary or desirable to allow electors with visual impairments to vote without the assistance referred to in paragraph 4 of subsection 52 (1). 1996, c. 32, Sched., s. 41 (3); 2001, c. 32, s. 30 (1).

45 (2) In establishing the locations of voting places, the Clerk shall ensure that each voting place is accessible to electors with disabilities.

Voter Help Centre(s)

4. The Clerk shall ensure the Voter Help Centre(s) is accessible to candidates and electors with disabilities and complete an accessibility audit of each Voter Help Centre. The following will be considered:
 - a) Entrance and Egress
The route to the entrance of the Voter Help Centre(s) shall be unobstructed and accessible. The route shall be wide enough to allow for an individual using a wheelchair, scooter, other assistive device, or service animal to travel safely. Doors into the Voter Help Centre(s) and voter area shall be accessible and easy to open or shall remain propped open for the duration of the polling locations hours. Routine checks of entrance and egress routes will be made throughout the voting day.
 - b) Parking
Accessible parking shall be available at all voting locations. The designated parking spaces(s) shall be clearly marked with the international symbol of Accessibility and will be on firm and level ground, close to the entrance to the Voter Help Centre(s). The Municipal Law Enforcement Officer will monitor and enforce parking at the Voter Help Centre(s) throughout the day.

Accessibility of eVoting Services

5. The use of technology has provided people the advantage of accessing information on demand and performing activities in a convenient and effective method. Everyday technologies including computers, telephones, smartphones, touchscreens, and other tools present opportunities for persons with disabilities to accomplish more while being consistent with standard principles of independence, dignity, integration and equality of opportunity. Intelivote's eVoting technology strives to provide universal accessibility while promoting independence and empowerment in election participation.

Internet Voting (persons with disabilities access Intelivote's eVoting services over the internet.)

6. The Intelivote system has been created ensuring it meets the Web Accessibility Initiative (WAI) requirements guaranteeing that persons with disabilities and older people with changing abilities due to aging can perceive, understand, navigate and interact with the Web. Web Accessibility encompasses all disabilities that affect access to the Web to allow individuals to more actively participate in society – including the ability to vote independently in elections. The standards set in the WAI respect visual, auditory, physical, speech, cognitive and neurological disabilities, with the goal of providing equal access and equal opportunity. Web Accessibility also addresses “temporary disabilities” that people may experience due to an illness or health circumstance.

Intelivote has taken measures and has been proactive in accommodating persons with disabilities facilitating their comfort with the availability of eVoting services. Intelivote's online solution is compliant with the guidelines as listed by the W3C technologies website principles which include organization, functionality and readability of information provided, as well as alternative ways of representing information (audio). Additionally, the Intelivote system has full compliance with the *Accessibility for Ontarians with Disabilities Act, 2005*.

In performing regular internal auditing against WCAG-2 and Section 508 standards, Intelivote ensures the application is addressing the needs of disabled participants at all times. The Voter Module is coded with XHTML transitional document type and conforms to all W3C web standards. The Module also supports and is compatible with other accessible technologies such as screen reader software.

Online voting has afforded flexibility to many disabled person across Canada in hundreds of elections conducted by Intelivote systems.

Telephone Voting (persons with disabilities may access the eVoting services over the telephone)

7. Communication barriers can make it difficult for persons with disabilities to receive or convey information. Telephone barriers may come in the form of low volume, the use of language that is not clear or plain, and confusing or unorganized menus and menu options.

Intelivote Systems Inc., has created the telephone voting service taking the following into consideration:

- The telephone eVoting service is offered on all types of touch tone phones and wireless devices including cell phones and smartphones.
- Clear natural language is used and is also offered in English or French.
- Menu options are clear and easy to follow, advising when to select options and providing confirmations of selections made.
- Standard volume is used to allow for adjustments dependent on the telephone device.
- Users are given a generous amount of time to complete ballot activity and prompts are repeated when no action is detected.

Persons who suffer from a vision loss or vision disability including total blindness and legal blindness have the ability to use the Intelivote telephone eVoting service to cast a ballot in an election. Telephone voting has allowed many individuals the opportunity to cast a ballot remotely with little to no assistance required. The application is also capable to integrate with TTY (Teletypewriter) service for users who are deaf, deafened, hard of hearing, or who are deafblind and do not have access to a computer.

Advantages

8. Election Officials who are responsible for conducting an election must have regard for the needs of electors and candidates with disabilities. Municipal and school board elections must provide the public with equal access and equal opportunity in casting a ballot. By offering electors the choice of voting electronically through the Intelivote system, Election Officials are providing accessibility to the disabled persons in their community.
9. The Intelivote system is comprised of Internet and Telephone voting capabilities. Using the Intelivote system, disabled persons are given the capability to vote from the comfort of their own home. Voting from home facilitates the voting process for disabled persons who have mobility restrictions and/or have a difficult time with transportation due to physical disabilities, whereas these barriers would otherwise be difficult or cumbersome in traditional elections.

Remote voting from any location and from more than one eVoting channel benefits disabled persons in a multitude of ways. It gives disabled persons the same independence and privacy in participating in an election as other voters' where they can vote without any assistance. If assistance is still required, Centre Wellington provides local Voter Help Centres or voting assistance locations where election staff may assist in the voting process.

10. The Intelivote system is also intended to accommodate the older population in the community. Election staff travel to senior citizen homes to assist in the voting process to maintain the high participation rates found in the 65 years+ age range. Voter Instruction Letters belonging to electors residing in senior homes or other such facilities can be arranged to be delivered by hand by the election officials. Seniors may choose the telephone to complete their voting, or election staff may visit the facility with kiosk wireless Internet-enabled devices as a voting choice to cast their ballot. Devices may include laptops and tablets and can include touch-screen mechanisms to assist with coordination in voting.

Voting Assistance

11. Persons with disabilities shall be permitted to be accompanied by a support person at any Voter Help Centre. A designated support person and/or "Friend of the Voter", Form EL27, will be administered an oath of secrecy/confidentiality by an Election Official prior to providing any such assistance.
12. Individuals requiring service animals are permitted to be accompanied by a service animal at all Voter Help Centres.
13. At the Voter Help Centres, upon request, Election Officials are available to assist any voter who requires assistance in casting their online or telephone ballot. All

individuals working in the capacity of an Election Official are formally appointed as such and have sworn or affirmed an oath of secrecy prior to voting day.

Communications and Information

14. The 2018 Municipal Election Accessibility Plan will be made available at the Centre Wellington Municipal Office and posted on the Township's web site www.centrewellington.ca/election. Alternative formats will be made available upon request.
15. Information regarding the accessibility measures provided for the 2018 Municipal Election shall be shared and made publically available via the Township's website.

Alternative Formats

16. Alternative formats are other ways of publishing information besides regular print. Some of these formats can be used by everyone while others are designed to address the specific needs of a user.

The Township and the person with a disability may agree upon the format to be used for the document or information.

In the event the information is not generated by the Township or is supplied by a third party, the Township will make every effort to obtain the information from the third party in an alternative format and/or will attempt to assist the Elector by providing assistive equipment.

General Election Materials

17. Large Print – Printed material generated by the Township will be provided in an Arial font, minimum 11 point, and can be made available in a font (print) size that is 16 to 20 points or larger.
18. Website – Information generated by the Township on the website in relation to the election will be compliant with WCAG 2.0 Level A, and allow for assistive software to be utilized. In addition, website font can be adjusted within the browser's functionality to aid the user in reading the information.
19. Video – Any promotional and educational videos created for the 2018 municipal election shall incorporate audio and captioning.

Election Feedback

20. The Township of Centre Wellington welcomes and encourages voters to submit feedback regarding the provision of accessible customer service. This feedback can be submitted through regular mail, email, telephone, facsimile, or by using the Township's Customer Service Feedback form, which is available to all staff at all service counters and via the Township's website. Feedback about the manner in which election services are provided will be addressed using the same method.

Telephone: 519-846-9694 or 1-800-750-5023

Fax: 519-846-2074

Email: elections@centrewellington.ca

In person/Mail: Municipal Office, 1 MacDonald Square, Elora, ON N0B 1S0

Website: www.centrewellington.ca/election

Pursuant to Section 12.1, the Clerk shall prepare a Report to be submitted to the Council 90 days after Voting Day about identification, removal, and prevention of barriers that affect Voters and candidates with disabilities.

25. Amendments to Procedures

The Clerk has the right, at any time, up to and including Voting Day, to amend the procedures contained herein. A copy of any amendment will be forwarded to each candidate.

26. Attachments – Forms

The following forms have been approved for use by the Township of Centre Wellington for the election process:

Form #	Name of Form
EL07	List of Certified Candidates
EL08	Certificate of Election Results
EL09	Final Summary of Election Results
EL10	Appointment and Oath of DRO
EL11	Appointment and oath of an Election Official
EL12(A)	Appointment of Scrutineer by Candidate
EL12(B)	Oral Oath of Secrecy
EL14	Candidate's Declaration-Proper Use of Voters' List
EL15	Application to Amend Voters' List
EL17	Notice of Nomination for Office
EL18(A)	Declaration of a Qualified Candidate – Municipal
EL18(B)	Declaration of a Qualified Candidate - School Trustee
EL19	Withdrawal of Nomination
EL20	Declaration of Acclamation to Office
EL21	Notice of Death of Candidate
EL22	Certificate on Voters' List
EL24	Sample Notice of Election Information (For Newspaper Ad)
EL27	Oral Oath of Friend or Interpreter
EI 27A	Oath of Elector Requesting Assistance of a Friend
EL32	Declaration of Election Candidate
EL36	Disclaimer to Right to Office
EL37	Certificate of Maximum Campaign Expenses
EL38	Witness Statements as to Destruction of Ballots / Election Materials
EL39	Notice of Recount
EL40	Recount Results
EL41	Declaration of Recount Results
EL42	Notice to Candidate of Filing Requirements
EL43	Notice of Default
EL47	Election Official Application
EL48	Refund of Nomination Fee

Additional forms have been prepared for the 2018 Municipal Elections and will be utilized when necessary or desirable for conducting the election under the direction of

the Clerk, as per Section 12(1) and 12(2) of the *Municipal Elections Act, 1996*, S. O. 1996. Additional Forms not listed may be used at the Clerk's Discretion.

Form #	Name of Form
CW01	Estimated Maximum Campaign Expenses
CW02	Notice of Penalties
CW03	Consent to Release Personal Information
CW04	Unofficial List of Candidates
CW05	Notice of Rejection of Nominations
CW06	Official List of Certified Candidates.
CW07	Application for Re-Issue of a Voter Information Letter
CW08	Application for Re-Issue of a Voter Information Letter (Used by an Impersonator)
CW09	Broadcaster / Publisher Information Sheet
CW10	Declaration of Qualifications – Third Party Advertiser
CW11	Maximum Third Party Expenses
CW12	Contributions to Registered Candidates
CW13	Activation of System – Zero Count Verification