

Standard Operating Procedure



Ballot Procedures

Department:	City Clerk's Office
Division:	ELE - Elections
Category:	BA – Ballot
SOP Number:	004
Effective Date:	January 1, 2022
Last Revision Date:	May 31, 2022

Purpose

To provide information on procedures related to the preparation, handling, marking and management of ballots.

Application

This procedure applies to all eligible electors, candidates, scrutineers, election officials and staff.

Procedure

Ballot Composition

- a) Ballots composition will comply with Section 41 of the Act. The City Clerk has discretion to determine layout and formatting details with respect to ballots.
- b) A composite ballot will be used and each ballot will contain the list of candidates for mayor, ward councillor and, if applicable, school board trustee.
- c) A space for marking the ballot shall appear to the right of each candidate's name or, in the case of a by-law or question, to the right of each answer.
- d) All ballots for the same office or relating to the same by-law or question shall be identical or as nearly alike as possible.

Appearance of Certified Candidate Names on Ballot

In accordance with Section 41(2) of the Act, the following additional rules apply to ballots:

- a) Only the names of certified candidates shall appear on the ballot.
- b) The candidates' names shall appear on the ballot in alphabetical order, based on their last names and, in the case of identical last names, their first names.

- c) If the candidate wishes, and the City Clerk agrees, another name that the candidate also uses may appear on the ballot instead of or in addition to their legal name.
- d) No reference to a candidate's occupation, degree, title, honour or decoration shall appear on the ballot.
- e) If the last names of two or more candidates for an office are identical or, in the City Clerk's opinion, so similar as to cause possible confusion, every candidate's qualifying address shall appear under their name.

Distribution of Ballots to Voting Locations

- a) Ballots are distributed to Managing Officers for each voting location. When ballots are assigned, a Certificate and Receipt of Ballots confirming the number of ballots assigned to a voting location is completed and signed by the City Clerk/Returning Officer or designate and placed inside the labelled box with the ballots.
- b) Managing Officers shall review the Certificate and Receipt of Ballots and sign to confirm the number of ballots they received matches the number noted on the Certificate and Receipt of Ballots.
- c) Ballots deployed in a voting location are stored in a location that is secure and always monitored by election officials.
- d) Revision/Ballot Officers and Deputy Returning Officers count all ballots prior to their distribution to electors to verify the information is correct on the Certificate and Receipt of Ballots.

Ballot Reassignment

- a) Unused ballots that were assigned to an advance voting location may be reassigned to a different voting location on Voting Day.
- b) A Certificate of Ballot Reassignment will be completed and signed by the City Clerk/Returning Officer or designate for every ballot reassignment.
- c) The Certificate of Ballot Reassignment will be stored in the labelled box of unused ballots from which the reassigned ballots were removed.

Secrecy of the Ballot

- a) All election officials, candidates, scrutineers or other persons authorized to be in the voting place during voting hours are required to take the Oath of Secrecy in the form required and provided by the City Clerk.
- b) Every person who is present in the voting place or at the counting of the votes shall maintain the secrecy of the vote.

No person shall:

1. Interfere with an elector or attempt to interfere with an elector who is marking a ballot.

2. Obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted.
3. Communicate any information obtained at a voting place about how an elector intends to vote or has voted.

Photography and Recording

- a) No elector shall take a photograph or video recording of their marked ballot or show their marked ballot to any person revealing how they voted. An exception may be granted if an elector requests assistance to mark their ballot.

Entering Voting Screen

- a) With the exception of assistance requests, no person other than the elector shall be allowed to access the voting screen while an elector is voting or be in any position to see how an elector marks a ballot.
- b) If an elector requests assistance, the elector and their designated assistant shall swear the appropriate oral oaths in the presence of an election official prior to voting.

Breaches of Secrecy

- a) All complaints regarding a breach of secrecy shall be investigated by the proper authorities in accordance with Sections 89 and 90 of the Act.

Marking the Ballot

- a) Electors will be instructed to mark their ballot in the designated space next to the name of the candidate of their choice. It is the elector's responsibility to mark the ballot according to the instructions for the ballot to be valid and counted properly.

Storage and Destruction of Unmarked Ballots

- a) Any unmarked ballots are returned to Guelph City Hall at the close of voting and stored in labelled boxes in a locked room in accordance with Section 88 of the Act. In the event of a recount or court order, Section 88 (3) will be followed. After the legislatively required time period, any unused ballots are securely destroyed.

Definitions

"Act" means the [Municipal Elections Act, 1996, S.O. c 32](#) as amended.

"Advanced voting period" means the period of voting prior to voting day in accordance with the Act.

"Ballot" means a ballot prepared under subsections 41(1), 41(2) and 41(6) of the Act.

"Candidate" means a person who has been nominated under section 33 of the Elections Act.

“City Clerk” means the Clerk of the municipality, responsible for conducting election duties as outlined in the Elections Act.

“Election official” means any individual appointed by the City Clerk, where powers and duties in relation to an election are delegated.

“Elector” means a person who meets the qualifications as determined under the Act and appears on the voters’ list or is added to the list during the revision period.

“Office” means an elected position which is governed by the Act (i.e. Mayor, Councillor, School Board Trustee).

“Scrutineer” means a person appointed in writing by a candidate to oversee the voting process at a specific voting place or during results tabulation.

“Valid mark” means a mark made, in accordance with the instructions on the ballot, in the designated space on the ballot next to a candidate’s name using the black ballot-marking pen provided by the election official.

“Voting day” means the day on which the final votes will be taken in accordance with Section 5 of the Act.

“Voting location” means the physical location (building) and its surrounding property which has been designated by the City Clerk under Section 45 of the Act and where electors may attend to cast their vote using a vote tabulator in the Municipal Election.

“Voting screen” means an area designated to provide privacy to an elector while they mark the ballot.

References

[Municipal Elections Act, 1996.](#)