

**MÉTIS NATION OF ONTARIO POLICY #2019-003  
POLICY ON ELECTRONIC AND TELEPHONE VOTING  
(AUGUST 2019)**

AGA approved August 24,  
2019

**AUTHORITY**

1. This Policy is made pursuant to article 43 of the MNO Electoral Code: Part A.

**APPLICATION**

2. This Policy applies to all Elections governed by the MNO Electoral Code: Part A.

**EFFECTIVE DATE**

3. This Policy is effective as of the date that it is adopted by a special resolution of the Annual General Assembly.<sup>1</sup>

**DEFINITIONS**

4. Unless specifically provided otherwise in this section, the terms used in this Policy have the same meaning as defined in the MNO Electoral Code: Part A.

“**Electronic Ballot**” means an image of a ballot on a computer screen prepared in accordance with section 10 of this Policy;

“**Electronic Ballot Box**” means the database, which is part of the Electronic Voting System, where Electronic Ballots are recorded, designed in accordance with section 11 of this Policy.

“**Electronic Voting**” means voting via the internet on Electronic Voting Dates in accordance with this Policy;

“**Electronic Voting Days**” means the dates fixed by the Chief Electoral Officer for Electronic Voting in accordance with sections 5 and 6 of this Policy;

“**Electronic Voting System**” means the technology, including the software, established by the Chief Electoral Officer under sections 12-14 of this Policy that enables an Elector to vote using the internet;

“**Telephone Ballot**” means an audio set of instructions which describe the choices available to the Elector and instructions to mark the Elector’s selection of an affirmative or negative response by depressing the numbered telephone keypad of a telephone or wireless phone, prepared in accordance with section 10 of this Policy;

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<sup>1</sup> This Policy was adopted by the MNO AGA on August 24, 2019.

**“Telephone Ballot Box”** means the database, which is part of the Telephone Voting System, where Telephone Ballots are recorded, designed in accordance with section 11 of this Policy;

**“Telephone Voting”** means voting via a telephone or wireless phone on Telephone Voting Days in accordance with this Policy;

**“Telephone Voting Days”** means the dates fixed by the Chief Electoral Officer for Telephone Voting in accordance with sections 5 and 6 of this Policy;

**“Telephone Voting System”** means the system established by the Chief Electoral Officer under sections 12-14 of this Policy to enable an Elector to listen to voting options and vote through the telephone including wireless phones;

**“Personal Identification Number”** or **“PIN”** means a unique personal identification number issued to an Elector for use in Electronic or Telephone Voting;

**“Voting Hours”** means the hours established for Electronic and Telephone Voting under sections 5 and 6 of this Policy;

**“Electronic and Telephone Voting Officer”** means an individual designated by the Chief Electoral Officer to carry out all or some of the Chief Electoral Officer’s responsibilities under this Policy pursuant to section 37 of this Policy and subject to article 14 of the MNO Electoral Code: Part A.

## **ELECTRONIC AND TELEPHONE VOTING DAYS**

5. Before posting the notice required by article 7 of the MNO Electoral Code: Part A, the Chief Electoral Officer must establish the Electronic and Telephone Voting Days, including the Voting Hours, in accordance with section 6 of this Policy.
6. The Chief Electoral Officer must:
  - a) conduct Electronic and Telephone Voting on three (3) days of the nine (9) day period before the date of the Election as set out in article 4 of the MNO Electoral Code: Part A;
  - b) the Voting Hours must be, at a minimum, from 8:30 am until 6:00 pm on each Electronic and Telephone Voting Day; and
  - c) end Electronic and Telephone Voting at least two (2) days before the date of the Election as set out in article 4 of the MNO Electoral Code: Part A.

## **NOTICE OF ELECTRONIC AND TELEPHONE VOTING**

7. The notice posted by the Chief Electoral Officer pursuant to article 11 of the MNO Electoral Code: Part A shall include:
  - a) the Electronic and Telephone Voting Days set by the Chief Electoral Officer; and

- b) any other information on Electronic or Telephone Voting that the Chief Electoral Officer considers necessary or advisable for the better administration of the Election.

#### **ELECTRONIC AND TELEPHONE VOTING PIN**

- 8. At least 30 days before the date of the Election, the Chief Electoral Officer must deliver to every Elector a PIN for Electronic and Telephone Voting.
- 9. After the close of Advance Polls, the PINs for Electors who cast their votes in Advance Polls will be disabled prior to Electronic and Telephone Voting Days in order to prevent duplicative voting.

#### **FORM OF ELECTRONIC AND TELEPHONE BALLOTS**

- 10. An Electronic or Telephone Ballot must be in the form approved by the Chief Electoral Officer, and this form must be consistent with the requirements of article 19 of the MNO Electoral Code: Part A.

#### **ELECTRONIC AND TELEPHONE BALLOT BOX REQUIREMENTS**

- 11. The Electronic and Telephone Voting Systems must include the use of Electronic and Telephone Ballot Boxes that comply with the following requirements:
  - a) be able to be electronically sealed;
  - b) permit Electronic and Telephone Ballots to be recorded but not deleted; and
  - c) not be opened unless the electronic seal is clearly indicated as having been broken by the Chief Electoral Officer.

#### **THE ELECTRONIC AND TELEPHONE VOTING SYSTEM**

- 12. The Chief Electoral Officer is responsible for:
  - a) establishing the technology, including the software, for Electronic or Telephone Voting; and
  - b) administering, maintaining, monitoring, and performing audits of the Electronic and Telephone Voting Systems.
- 13. For the purposes of carrying out his or her duties under section 12, the Chief Electoral Officer must have access to the Electronic and Telephone Voting Systems beyond the access necessary to vote by Electronic or Telephone Voting.
- 14. When an Elector wishes to vote using either the Electronic or Telephone Voting System, the System must:

- a) request the PIN of the Elector and at least one other piece of information unique to the Elector so that the Elector can be identified, and their identity verified;
- b) request that the Elector affirm the affirmation set out in article 5.7 of the MNO Electoral Code: Part A;
- c) verify that the Elector has not already voted through Electronic and Telephone Voting;
- d) if the Elector has not already voted in the Election and has met the requirements set out in a) and b), issue an Electronic or Telephone Ballot to the Elector in a manner that ensures the secrecy of the Electronic or Telephone Ballot, as the case may be, and protects the secrecy of the Elector's vote;
- e) provide to the Elector, in the form approved by the Chief Electoral Officer, instructions for marking the Electronic or Telephone Ballot, as the case may be;
- f) permit the Elector to mark the Electronic or Telephone Ballot, as the case may be, and record it in the Electronic or Telephone Ballot Box; and
- g) indicate on the List of Electors that the Elector has voted as soon as the Electronic or Telephone Ballot is recorded in the Electronic or Telephone Ballot Box.

#### **INDIVIDUALS REQUIRING ASSISTANCE WITH ELECTRONIC OR TELEPHONE BALLOTS**

15. Where an Elector is unable to vote by Electronic or Telephone Voting due to a physical disability, the Elector may enlist the assistance of another individual to do so.

#### **REPLACEMENT PIN**

16. If an Elector did not receive a PIN, has lost his or her PIN, or the PIN does not work, the Chief Electoral Officer may issue a new PIN to the Elector to allow him or her to vote if:
- a) the Chief Electoral Officer is satisfied that the individual is an Elector who has not already voted in the Election; and
  - b) if applicable, the original PIN assigned to the Elector has been cancelled such that it cannot be used for Electronic or Telephone Voting.
17. The Chief Electoral Officer shall maintain a record of the original and replacement PINs assigned to each Elector until the end of the retention period set out in article 39 of the MNO Electoral Code: Part A.

#### **SEALING OF ELECTRONIC AND TELEPHONE BALLOT BOXES**

18. Before any Electronic or Telephone Ballots are recorded in the Electronic or Telephone Ballot Boxes, the Chief Electoral Officer shall cause each of the Electronic and Telephone Voting Systems to generate a report that indicates that the Electronic or Telephone Ballot Box is empty. The Chief Electoral Officer will then ensure that the Electronic and Telephone

Ballot Boxes are sealed in such a manner that Electronic and Telephone Ballots can be recorded but not deleted and cannot be opened unless the electronic seal is clearly indicated as being broken by the Chief Electoral Officer.

19. The Chief Electoral Officer must ensure the Electronic and Telephone Ballot Boxes are secure at all times and are free from any tampering during Electronic and Telephone Voting until the end of the retention period set out in article 39 of the MNO Electoral Code: Part A.

#### **SUSPENSION OF ELECTRONIC OR TELEPHONE VOTING**

20. The Chief Electoral Officer may suspend Electronic and/or Telephone Voting if the Chief Operating Officer considers that the integrity of the voting is at risk.
21. Voting may be suspended under this section:
  - a) until a later time on the same day; or
  - b) to a day and time to be set by the Chief Electoral Officer.
22. While voting is suspended under section 21 of this Policy, the Chief Electoral Officer must make all reasonable efforts to ensure:
  - a) the Electronic and/or Telephone Ballots and Electronic and/or Telephone Ballot Boxes and all other election materials are secured; and
  - b) the integrity of the Election is not compromised.
23. The Chief Electoral Officer must give notice to persons affected by any suspension of voting under section 21 of this Policy in any manner the Chief Electoral Officer considers necessary or advisable in the circumstances.

#### **LIST OF ELECTORS WHO VOTED BY ELECTRONIC AND TELEPHONE BALLOTS**

24. Within 24 hours after the close of Electronic and Telephone Voting, the Chief Electoral Officer must cause each of the Electronic and Telephone Voting Systems to generate a list of all Electors who voted by Electronic and Telephone Voting.
25. A copy of the list generated under section 24 of this Policy must be delivered to each Polling Station prior to the date of the Election.

#### **RULES FOR ACCEPTING AND REJECTING ELECTRONIC AND TELEPHONE BALLOTS**

26. The Electronic and Telephone Voting Systems must be designed so that:
  - a) subject to (b), each vote cast through an Electronic or Telephone Ballot is accepted and counted as a valid vote;
  - b) a vote cast through an Electronic or Telephone Ballot is rejected as invalid if it is recorded in the Electronic or Telephone Ballot Box without being marked,

- c) Electors are prompted if they are about to record an Electronic or Telephone Ballot in the Electronic or Telephone Ballot Box without any marks for one or more elected offices to be filled in the Election and are given the option to go back and mark their choices for those elected offices before recording the Electronic or Telephone Ballot in the Electronic or Telephone Ballot Box; and
- d) Electors cannot make more marks on the Electronic or Telephone Ballot than there are Candidates to be elected.

### **COUNTING OF ELECTRONIC AND TELEPHONE BALLOTS**

- 27. If reasonably satisfied with the conduct of Electronic and Telephone Voting in an Election, the Chief Electoral Officer shall certify the counting of Electronic and Telephone Ballots by the Electronic and Telephone Voting Systems in accordance with section 28 of this Policy.
- 28. At the close of the Electronic and Telephone Voting Days, the Chief Electoral Officer shall cause the Electronic and Telephone Systems to each generate a report that contains:
  - a) a count of the total number of Electors who voted by Electronic or Telephone Voting;
  - b) for each Candidate in the Election, a separate count of the total number of votes that were accepted for that Candidate by Electronic and Telephone Voting;
  - c) for each elected office to be filled in the Election, a separate count of the total number of votes rejected in accordance with section 26 of this Policy; and
  - d) any other information that the Chief Electoral Officer considers as being required and which the Electronic and Telephone Voting Systems are able to generate.

### **RECOUNT OF ELECTRONIC OR TELEPHONE VOTING RESULTS**

- 29. In the event of a recount of Electronic or Telephone Ballots, the Chief Electoral Officer must cause the system to regenerate the count of Electronic or Telephone Ballots.
- 30. If the initial count and the regenerated count under section 29 of this Policy match, the regenerated count is the final count of votes cast by Electronic or Telephone Voting.
- 31. If the initial count and the regenerated count under section 29 of this Policy do not match, the Chief Electoral Officer shall:
  - a) direct a final count of the Electronic and Telephone Ballots be regenerated; and
  - b) attend while the final count is being regenerated.
- 32. A regenerated count conducted in accordance with section 31 is the final count of the Electronic and Telephone Votes, subject to article 36 and 37 of the MNO Electoral Code: Part A.

**DISPOSITION OF ELECTION MATERIALS**

33. The Chief Electoral Officer must ensure the integrity of all information specific to Electronic and Telephone Voting in an Election, and that such information is secure at all times and free from tampering until the end of the retention period under article 39 of the MNO Electoral Code: Part A.
34. At the end of the retention period under article 39 of the MNO Electoral Code: Part A, the Chief Electoral Officer must destroy the materials retained by the Chief Electoral Officer under section 33 of this Policy.

**RULES FOR ELECTRONIC AND TELEPHONE VOTING**

35. The Chief Electoral Officer may make additional rules to implement Electronic and Telephone Voting, provided that they are consistent with this Policy and the MNO Electoral Code: Part A, including rules related to the following:
  - a) how an Elector may vote by Electronic or Telephone Voting;
  - b) the administration of Electronic or Telephone Voting;
  - c) the counting and tallying of votes cast by Electronic and Telephone Voting;
  - d) how Electors are to be contacted on matters related to Electronic and Telephone Voting including the withdrawal or death of a Candidate;
  - e) security and privacy;
  - f) how Electronic and Telephone Voting materials, including Electronic and Telephone Ballots, are to be destroyed;
  - g) ensuring that an Elector only votes once in an Election;
  - h) the preparation and security of Electronic and Telephone Voting; and
  - i) any other matters related to the regulation of Electronic and Telephone Voting necessary to protect the integrity of the Election.
36. The Chief Electoral Officer shall determine what third-party assistance, if any, is required in order to implement Electronic and Telephone Voting as set out in this Policy. The Chief Electoral Officer is responsible to ensure that this third party is independent, unbiased, and competent to implement the requirements of this Policy and the MNO Electoral Code: Part A.
37. The Chief Electoral Officer may delegate any of his or her responsibilities set out in this policy to an Electronic and Telephone Voting Officer.