

## Ballot Types and Adjudication

EO-17-22

#	Scenario	Guiding Legislation	Elector is Present for Tabulation of Ballot (At the Poll)	Elector was Present but chose to leave before Ballot was Tabulated Successfully	Elector is not Present for Tabulation of Ballot (Institutional, Community, Ballot on Demand)
1	<p><b>Blank Ballot or Votes not Marked in the Designated Space</b></p> <p><b>Definitions:</b></p> <p><b>Blank Ballot:</b> A ballot without votes <u>in any of</u> the specified voting ovals</p> <p><b>Votes not Marked in Designated Space:</b> Votes on the ballot are not marked inside the space provided for marking the ballot. The tabulator will assume that this is a blank ballot.</p> <p><b>Tabulator Action:</b> Tabulator will return the ballot with an error message. If forced cast, no vote will be counted but the ballot is counted.</p> <p><b>Tabulator Display:</b> "WARNING! BLANK BALLOT DETECTED"</p>	<p>The principles of the MEA are generally accepted as the following:</p> <p><i>(i) The secrecy and confidentiality of the voting process is paramount;</i></p> <p><i>(ii) The election shall be fair and non-biased;</i></p> <p><i>(iii) The election shall be accessible to the voters;</i></p> <p><i>(iv) The integrity of the process shall be maintained throughout the election;</i></p> <p><b><i>(v) There is to be certainty that the results of the election reflect the votes cast; and</i></b></p> <p><i>(vi) Voters and candidates shall be treated fairly and consistently</i></p> <p><i>(vii) The proper majority vote governs by ensuring that valid votes are counted, and invalid votes are rejected so far as reasonably possible</i></p> <p><i>MEA 54.1</i></p> <p><i>Immediately after the close of voting on voting day, the deputy returning officer shall open the ballot box for his or her voting place and proceed to count,</i></p>	<p><b>TDRO Action:</b></p> <p>Ask Elector if they want to go back and fill out ballot.</p> <p>If no, cast the ballot.</p> <p>Tabulator will not count any votes as the ballot is blank. Ballot is counted.</p>	<p><b>TDRO Action:</b></p> <p>Cast the ballot.</p> <p>Tabulator will not count any votes as the ballot is blank.</p>	<p><b>TDRO Action:</b></p> <p>If the ballot is rejected from the tabulator with the error message, the TDRO will view the ballot.</p> <p>If there are no markings and the ballot is blank, the ballot will be cast. The Tabulator will not count any votes as the ballot is blank.</p> <p>If there are markings on the ballot, then set aside for adjudication.</p>
			<p><b>No Adjudication</b></p>	<p><b>No Adjudication</b></p>	<p><b>Adjudication Action:</b></p> <p>If there are markings on the ballot but they are not in the designated space, the ballot is rejected. Ballot to be placed in the envelope labelled "Rejected Ballots."</p> <p>If the markings are in the correct place voter intent is clear, the Adjudicator will complete the ballot in view of all scrutineers, ensuring that the replacement ballot is</p>

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		<p><i>(a) In the case of an election for office, the number of votes for each candidate</i></p> <p>O. Reg. 101/97: GENERAL 3 (2) <i>The deputy returning officer shall reject from the count,</i></p> <p><i>(e) any vote in a ballot, if the vote is not marked inside the space provided for marking the ballot.</i></p>			reflective of the votes made on the original. The replacement ballot will be cast. The original ballot will be retained in the envelope labelled “replaced ballots.”
<b>2</b>	<p><b>Under Vote</b></p> <p><b>Definition:</b> A ballot without votes in one or more of the races, but with at least one race marked.</p> <p><b>Tabulator Action:</b> Tabulator Accepts and Processes the ballot.</p>		<p><b>TDRO Action:</b></p> <p>Ballot is Tabulated</p>	<p><b>TDRO Action:</b></p> <p>Ballot is Tabulated</p>	<p><b>TDRO Action:</b></p> <p>Ballot is Tabulated</p>
			<p><b>No Adjudication</b></p>	<p><b>No Adjudication</b></p>	<p><b>No Adjudication</b></p>

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3	<p><b>Over Vote</b></p> <p><b>Definition:</b> A ballot with more designated voting ovals marked for a race than the elector is entitled to vote for</p> <p><b>Tabulator Action:</b> Tabulator will return the ballot with an error message. If forced cast, the votes for an over-voted race will not be counted.</p> <p><b>Tabulator Message:</b> “WARNING! YOU HAVE OVER VOTED FOR AT LEAST ONE CONTEST.”</p>	<p><i>MEA 54 (2)</i></p> <p><i>The deputy returning officer shall reject from the count all ballots and votes in a ballot that do not comply with the prescribed rules.</i></p> <p><i>ON Regs 101/97</i></p> <p><i>3 (2) The deputy returning officer shall reject from the count,</i></p> <p><i>(b) all votes in a ballot for an office if votes have been cast for more candidates for the office than are to be elected.</i></p>	<p><b>TDRO Action:</b> Ask Elector if they want to correct their ballot.</p> <p>If no, cast ballot.</p> <p>Tabulator will not count races that are overvoted, however, races that are not over-voted on the ballot will be counted.</p>	<p><b>TDRO Action:</b> Cast ballot.</p> <p>Tabulator will not count races that are overvoted, however, races that are not over-voted on the ballot will be counted.</p>	<p><b>TDRO Action:</b> Cast Ballot</p> <p>Tabulator will not count races that are overvoted, however, races that are not over-voted on the ballot will be counted.</p>
			<p><b>No Adjudication</b></p>	<p><b>No Adjudication</b></p>	<p><b>No Adjudication</b></p>

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4	<p><b>DRO Error</b></p> <p><b>Definition:</b> A ballot without a DRO’s initials in the designated box on the front of the ballot</p> <p><b>Tabulator Action:</b> The tabulator will return the ballot with an error message. Ballot will not be accepted by tabulator and cannot be cast.</p> <p>Tabulator Message: WARNING! DRO ERROR DETECTED.”</p>	<p><i>MEA 54 (2)</i></p> <p><i>The deputy returning officer shall reject from the count all ballots and votes in a ballot that do not comply with the prescribed rules.</i></p> <p><i>ON Regs 101/97</i></p> <p><i>3 (2) The deputy returning officer shall reject from the count,</i></p> <p><i>(a) all votes in a ballot, if the ballot,</i></p> <p><i>(i) was not supplied by the deputy returning officer, or</i></p>	<p><b>TDRO Action:</b></p> <p>Send Elector back to the DRO for initial.</p> <p>If the Elector chooses not to go back to the DRO, the TDRO brings the ballot back to the DRO who will cancel the ballot.</p>	<p><b>TDRO Action:</b></p> <p>Obtain DRO initial to process.</p>	<p><b>TDRO Action:</b></p> <p>The TDRO shall initial the ballot and refeed into the tabulator.</p> <p>If the ballot does not appear to be a legitimate City-issued ballot, they will set aside for adjudication.</p>
			<b>No Adjudication</b>	<b>No Adjudication</b>	<p><b>Adjudicator Action:</b></p> <p>The adjudicator will review the ballot. If the ballot is determined to be an official City issued ballot, they will return to the TDRO to initial and process through the tabulator.</p> <p>If the ballot is determined to be unofficial and not issued by the City, the ballot will be retained in the envelope labelled “Rejected Ballots.”</p>

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5	<p><b>Damaged or Defective Ballot with <u>no</u> identifying information</b></p> <p><b>Definition:</b> The ballot has been damaged or is defective such that the tabulator will not accept or properly process the ballot. (ballot is ripped, wet, etc)</p> <p><b>Tabulator Action:</b> The tabulator will not accept the ballot and will push it back out with an error message.</p> <p><b>Tabulator Message:</b> WARNING! PAPER INSERTED WAS MISREAD AND COULD NOT BE VERIFIED AS A BALLOT</p>	<p>The principles of the MEA are generally accepted as the following:</p> <p>(i) The secrecy and confidentiality of the voting process is paramount;</p> <p>(ii) The election shall be fair and non-biased;</p> <p>(iii) The election shall be accessible to the voters;</p> <p>(iv) The integrity of the process shall be maintained throughout the election;</p> <p>(v) There is to be certainty that the results of the election reflect the votes cast; and</p> <p>(vi) Voters and candidates shall be treated fairly and consistently</p> <p>(vii) The proper majority vote governs by ensuring that valid votes are counted, and invalid votes are rejected so far as reasonably possible</p>	<p><b>TDRO Action:</b></p> <p>Try processing the ballot again. If the error message still occurs, ask Elector if they want to fill out a new ballot.</p> <p>If yes, send Elector to the DRO</p> <p>If no, place in the envelope labelled "Declined Ballots."</p>	<p><b>TDRO Action:</b></p> <p>Try processing the ballot again. If the error message still occurs, place in the envelope labelled "" Declined Ballots."</p>	<p><b>TDRO Action</b></p> <p>Try processing the ballot again. If the error message still occurs, provide the ballot to the adjudicators for review.</p>
			<p><b>No Adjudication</b></p>	<p><b>No Adjudication</b></p>	<p><b>Adjudication Action:</b></p> <p>Review the ballot.</p> <p>If the votes are in the right place voter intent is clear, complete a replacement ballot in view of all scrutineers, reflective of the votes made on the original. Cast the ballot.</p>

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					<p>Retain original ballot in envelope labelled "Replaced Ballots."</p> <p>If voter intent is not clear, ballot is placed in the envelope labelled "Rejected Ballots."</p>
6	<p><b><u>Ballot with Identifying Information</u></b></p> <p><b>Note:</b> As the TDRO does not look at the ballot, as a means to ensure that the secrecy of the vote is maintained, identifying information would only be apparent if the ballot is being adjudicated.</p> <p><b>Definition:</b> The ballot contains writing or marks that may identify the elector, or the ballot is torn or defaced in a way that may identify the elector (ex. Name, nickname, image, or symbol)</p> <p><b>Tabulator Action:</b></p>	<p><i>3 (2) The deputy returning officer shall reject from the count,</i></p> <p><i>(a) all votes in a ballot, if the ballot,</i></p> <p><i>(ii) contains writing or marks that may identify the elector, or is torn, defaced, or otherwise dealt with by the elector in a way that may identify him or her;</i></p>	<p><b>TDRO Action:</b></p> <p>If the ballot is rejected, ask Elector if they want to refill the ballot.</p> <p>If no, cast. If tabulator does not accept the ballot, return to the DRO who will place in the "Declined Ballot" Envelope. No votes will be counted.</p> <p>note- the TDRO does not look at the ballot to ensure that the secrecy of the vote is maintained and would therefore not see if there is any identifying</p>	<p><b>TDRO Action:</b></p> <p>Attempt to tabulate the ballot. If the ballot is rejected, return to the DRO who will place in the Decline Ballot envelope.</p> <p>note- the TDRO would not look at the ballot to maintain secrecy of the vote and would therefore not see identifying information.</p>	<p><b>TDRO Action:</b></p> <p>If the ballot is rejected by the tabulator, and a review shows identifying information, set aside ballot for adjudication.</p>

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	<p>The optical scan tabulator does not look at areas on the ballot outside of the voting ovals, the margin, or the DRO initial box. If the remainder of the ballot is filled out properly, the ballot will not be rejected.</p>		<p>information on the ballot.</p>		
			<p><b>No Adjudication</b></p>	<p><b>No Adjudication</b></p>	<p><b>Adjudication Action:</b></p> <p>If there is any marking on the ballot that could identify the elector the ballot is rejected and placed in the “Rejected Ballot Envelope”</p> <p>If it is determined that the marking is not identifying, and if voter intent is clear, the adjudicator will complete a replacement ballot in view of all scrutineers, reflective of the votes made on the original. Cast the ballot.</p> <p>Retain original ballot in envelope labelled “Replaced Ballots.”</p>

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7	<p><b>Ambiguous Marks</b></p> <p><b>Definition:</b> A ballot with a voter mark that is not large enough or dark enough to clearly show the voter’s intent. This can include instances where the marking is not complete (i.e.: an X made through the oval)</p> <p><b>Tabulator Action:</b> The tabulator will not accept the ballot and will push it back out with an error message.</p> <p><b>Tabulator Message:</b> WARNING! ONE OR MORE AMBIGUOUS MARKS DETECTED ON THE BALLOT.”</p>	<p>The principles of the MEA are generally accepted as the following:</p> <ul style="list-style-type: none"> <li>(i) The secrecy and confidentiality of the voting process is paramount;</li> <li>(ii) The election shall be fair and non-biased;</li> <li>(iii) The election shall be accessible to the voters;</li> <li>(iv) The integrity of the process shall be maintained throughout the election;</li> <li>(v) There is to be certainty that the results of the election reflect the votes cast; and</li> <li>(vi) Voters and candidates shall be treated fairly and consistently</li> <li><b>(vii) The proper majority vote governs by ensuring that valid votes are counted, and invalid votes are rejected so far as reasonably possible</b></li> </ul>	<p><b>TDRO Action:</b></p> <p>Try processing the ballot again. If an error message occurs again, ask Elector if they want to refill out ballot.</p> <p>Cancel the ballot if they do not want to fill out again.</p> <p>Place ballot in envelope labelled “Declined Ballot.”</p>	<p><b>TDRO Action</b></p> <p>Provide to the DRO who will place ballot in envelope labelled “Declined Ballot.”</p>	<p><b>TDRO Action</b></p> <p>If not accepted, set aside for adjudication.</p>
			<p><b>No Adjudication</b></p>	<p><b>No Adjudication</b></p>	<p><b>Adjudicator Action:</b></p> <p>Review the ballot.</p> <p>If the votes are marked in the correct location and the adjudicator deems that the voter intent is clear, they will shade in the votes completely or complete a replacement ballot reflective of the</p>

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					<p>votes made on the original and cast.</p> <p>If a replacement ballot was created, retain original ballot in envelope labelled “Replaced Ballots.”</p> <p>If voter intent is not clear, Place the cancelled ballot in an envelope labelled “Rejected Ballots.”</p>
8	<p><b>Invalid Ballot</b></p> <p>Definition: A ballot is identified as an official ballot, but the Vote Tabulator is not configured to accept it.</p> <p>Tabulator Action: If the tabulator is not set up to receive this ballot face, then the ballot will be rejected.</p> <p>Tabulator Message: WARNING! INVALID BALLOT.”</p>	<p>The principles of the MEA are generally accepted as the following: (i) The secrecy and confidentiality of the voting process is paramount; (ii) The election shall be fair and non-biased; (iii) The election shall be accessible to the voters; (iv) The integrity of the process shall be maintained throughout the election; (v) There is to be certainty that the results of the election reflect the votes cast; and (vi) Voters and candidates shall be treated fairly and consistently</p>	<p><b>TDRO Action:</b></p> <p>Try processing the ballot again. If the error code is displayed again, send the elector back to the DRO to receive and complete a new ballot.</p> <p>If the elector chooses not to get a new ballot; the ballot is provided to the DRO who will place in the envelope</p>	<p><b>TDRO Action:</b></p> <p>Try processing the ballot again. If the error code is received again, provide to the DRO who will Place the ballot in an envelope labelled “Declined ballot envelope.”</p>	<p><b>TDRO Action:</b></p> <p>For a Ballot from the Auxiliary compartment of the ballot box, a Special Advance, or an Institutional poll, cancel the ballot., Place the ballot in an envelope labelled “Damaged, Defective or Cancelled Ballots envelope.”</p> <p>For Vote by Mail Ballots and Ballot on Demand Ballots, this error should not occur as the tabulators are set up to receive all ballot faces.</p>

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		(vii) The proper majority vote governs by ensuring that valid votes are counted, and invalid votes are rejected so far as reasonably possible	labeled “declined ballots.”		Should a ballot still be rejected, the ballot will be set aside for adjudication.
			<b>No Adjudication</b>	<b>No Adjudication</b>	<p><b>Adjudication Action:</b> Review the ballot.</p> <p>If the ballot is a City of Hamilton Ballot, and voting intent is clear, complete a replacement ballot and retain original.</p> <p>Place the original ballot in the envelope labelled “replacement ballots.”</p> <p>If the ballot is not legitimate or is not a City of Hamilton Ballot, reject and retain the ballot in the envelope labelled “rejected ballots.”</p>