



ELECTION PROCEDURES

THE CORPORATION OF THE TOWN OF KINGSVILLE 2018 MUNICIPAL ELECTION

December 2017

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Introduction

This document is designed to establish procedures and forms in connection with the use of an alternative voting method and the use of vote-counting equipment for the 2018 municipal election that are consistent with the principles of the *Act*.

The procedures outlined in this document are intended to ensure that the election is conducted in a manner that:

- Maintains the integrity of the process throughout the election;
- Maintains the secrecy and confidentiality of the individual votes;
- Ensures that the election is accessible to all eligible electors;
- Ensures the election is fair and unbiased;
- Ensures voters and candidates are treated fairly and consistently throughout the municipality; and
- Ensures that the results of the election reflect the votes cast.

Definitions

Act means the *Municipal Elections Act, 1996*, as amended.

Ballot Box means a sealed box designated for the purposes of a) holding ballots and/or Return Envelopes in advance of the close of voting; b) transferring ballots from the Ballot Return Stations to the Municipal Office on Voting Day; and c) for holding ballots after being processed through a Tabulator.

Ballot Return Station means a location where electors, who prefer to deliver or have delivered their completed ballots, may deposit their ballots into the Drop Box prior to Voting Day or directly into the Ballot Box on Voting Day, rather than forwarding their ballots by mail.

Clerk means the Clerk for The Corporation of the Town of Kingsville, as appointed by by-law. All references to the Clerk for the purposes of this Procedure shall mean the Returning Officer (R.O.) for the 2018 Municipal Election.

Council means the Council of The Corporation of the Town of Kingsville.

Counting Centre means the Municipal Office located at 2021 Division Road North where Return Envelopes and ballots shall be processed under the control of the Clerk or designated Election Official.

Declaration Form means the form that the elector signs to declare his or her eligibility to vote in the election.

Deputy Returning Officer means the person appointed by the Clerk to assist with the counting of votes and/or other duties as may be delegated by the Returning Officer.

Drop Box means a sealed/locked box/apparatus designated for the purpose of collecting Return Envelopes before being transferred to a Ballot Box.

Election Official means a person, appointed by the Clerk, with the responsibility to assist in the administration of the election process and for ensuring that the election is conducted fairly in accordance with legislative requirements and established procedures.

Municipal Office means the office building located at 2021 Division Road North, Kingsville, Ontario.

Procedure means the 2018 Municipal Election Procedure for the Town of Kingsville.

Regular Business Hours means 8:30 a.m. to 4:30 p.m., Monday to Friday and excludes statutory holidays and any other day that the Municipal Office is closed.

Return Envelope means the pre-paid postage envelope addressed to the Municipal Office that contains the Declaration Form and the Secrecy Envelope that holds one (1) ballot, to be returned by mail to the Municipal Office or dropped off at a Ballot Return Station or the Municipal Office.

Returning Officer means the Clerk of the Town with responsibility for ensuring that the election is conducted fairly in accordance with legislative requirements and established procedures.

Secrecy Envelope means the sealed white envelope in which the completed ballot can be placed so as to conceal the names of the candidates the elector voted for.

Tabulator means the apparatus that optically scans a designated area on the ballots to read the votes and tabulates the results.

Town means The Corporation of the Town of Kingsville.

Vault means the room located adjacent to the kitchen area in the Municipal Office, which room will remain continuously locked, entry only gained by use of a swipe card, and which access will be restricted to designated election officials.

Voter Kit means all materials that a voter requires to vote, including a Ballot, instructions for completing a Ballot, a voter Declaration Form, a white Secrecy Envelope and a postage paid Return Envelope, and any other material as the Clerk may determine¹.

Voters' List means the voters' list as defined under Section 23 of the *Act*.

Voting Day means October 22, 2018.

Website means the Town's website (www.kingsville.ca).

¹ Postage paid on the Return Envelope is sufficient only for mail originating in Canada.

General Information

1. Generally

- 1.1. On April 24, 2017, the Council of the Town passed by-law 53-2017 authorizing the use of vote by mail as an alternative voting method for the 2018 municipal election and further authorizing the use of vote-counting equipment.
- 1.2. Section 42(3) of the *Act* requires the Clerk of a municipality to establish procedures and forms in connection with the use of any alternative voting method and the use of vote-counting equipment that has been authorized by by-law.
- 1.3. The Clerk may, at any time up to and including the day on which the final vote is to be taken, amend the Procedures contained herein.
- 1.4. With respect to matters of policy and procedures for alternative voting methods and the interpretation of this Procedure, the Clerk's decision is final.
- 1.5. In the event of unusual or unforeseen circumstances, the Clerk has the authority to declare an emergency and take all steps necessary to ensure the election is conducted in accordance with s.53 of the *Act*.

Vote By Mail & Optical Scanning Tabulators – Central Count

2. Voter Kit

- 2.1. Due to the time between when the Voter Kits are printed and subsequently mailed, the Clerk shall establish a timeline for the provision of Voter Kits to qualified electors as outlined below. Once the timeline is established, the Clerk shall post same on the website.
- 2.2. Qualified electors must be on, or added to, the Voters' List by a date to be determined by the Clerk in order to be mailed a Voter Kit in accordance with section 2.3 below. Upon determination, this date shall be posted on the website.
 - 2.2.1. It is the responsibility of the elector to ensure that their name is on, or added to, the Voters' List.
- 2.3. For qualified electors, a Voter Kit will be mailed to the elector's address as shown on the Voters' List in and around the last week of September or early

- October. The Clerk, in consultation with the service provider(s) contracted to supply this service, will determine the date in which the Voter Kit will be mailed. The specific mailing date shall be posted on the website once determined.
- 2.4. Those persons applying to have their name added to the Voters' List, or whose information has changed such that they will require a new ballot after the date established in section 2.1 must attend at the Municipal Office in person, and if the application is certified, a Voter Kit will either be mailed to the elector's address as shown on the Voters' List or provided in person.
- 2.5. Each Voter Kit shall contain:
- 2.5.1. Composite Ballot
 - 2.5.2. Voting Instruction Sheet
 - 2.5.3. Secrecy Envelope (white)
 - 2.5.4. Return Envelope (yellow)
 - 2.5.5. Voter Declaration Form
- 2.6. If an elector on, or added to, the Voters' List has not received a Voter Kit, or if the Voter Kit has been lost or destroyed, a replacement Voter Kit may be issued by attending the Municipal Office. The Clerk or designated Election Official will require proof of identification to confirm that the elector is qualified and has not already voted. The elector must complete and execute the prescribed form before the Clerk or Election Official will issue the replacement Voter Kit.
- 2.6.1. If the elector claims that the Voter Kit was not received in the mail, the Election Official processing the request shall conduct a search of the Voter Kits that have been returned by Canada Post as undeliverable in an attempt to retrieve and utilize the original kit. See Section 2.7.
- 2.7. Any Voter Kit that is returned to the Municipal Office by Canada Post as undeliverable shall be filed in alphabetical order and stored in the Vault, for ease of access, should the individual to whom the Voter Kit was originally addressed attend at the Municipal Office requesting the issuance of a Voter Kit.

3. Ballot Composition

- 3.1. A composite Ballot shall be used and it shall contain the following features:
 - 3.1.1. Names of certified candidates of the offices which are required to be elected for the municipality.
 - 3.1.2. Candidates' names shall appear on the ballot by last name, alphabetically.
 - 3.1.3. The place for the elector to mark the Ballot for each candidate shall be clear and unambiguous.
 - 3.1.4. The Ballot shall be designed so that the Ballot can be counted using a Tabulator.

4. Voting Procedure

- 4.1. In accordance with the instructions, the elector shall:
 - 4.1.1. Complete the Ballot;
 - 4.1.2. Insert the Ballot into the Secrecy Envelope;
 - 4.1.3. Seal the Secrecy Envelope;
 - 4.1.4. Complete the Declaration Form;
 - 4.1.5. Placed the completed Declaration Form and the Secrecy Envelope into the Return Envelope;
 - 4.1.6. Seal the Return Envelope; and
 - 4.1.7. Place the Return Envelope in the mail, or deliver it by some other means to the Municipal Office no later than 8:00 p.m. on Monday, October 22, 2018.
- 4.2. Electors wishing to exercise their right to vote are responsible for ensuring that the completed Voter Kit is delivered to the Town in person or via mail on or before 8:00 p.m. on Monday, October 22, 2018.
- 4.3. **Via Mail.** It is the responsibility of the elector to ensure that the Return Envelope is deposited with Canada Post in sufficient time to ensure that it will

- be delivered to the Municipal Office on or before 8:00 p.m. Monday, October 22, 2018. The Clerk, in consultation with Canada Post, shall ensure that the cut-off date for depositing the Return Envelope with Canada Post is posted on the Town's website.
- 4.4. **In Person.** Electors may deliver the completed Voter Kit to the Municipal Office in person on or before Monday October 22, 2018 during regular business hours.
- 4.4.1. Electors attending the Municipal Office in Person to exercise their right to vote, shall follow the instructions in the Voter Kit and deliver the Return Envelope to an Election Official or place it in the designated Drop Box.
- 4.4.2. The Drop Box located within the Municipal Office shall be located behind the Reception Counter during regular business hours.
- 4.4.3. After hours, electors may deposit the completed Ballot Package in the secured mail slot located near the entrance of the Municipal Office.
- 4.4.4. There shall be an area or areas designated at the Municipal Office for electors to vote in private.
- 4.5. **Voting Day.** On October 22, 2018, one Ballot Return Station shall be set up in each of Cottam, Ruthven and Kingsville. Each location shall be open between the hours of 10:00 a.m. and 8:00 p.m. for electors to return their completed Voter Kit. *See Section 9 for Voting Day Procedures.*
- 4.5.1. The Municipal Office shall be the Ballot Return Station established for Kingsville. In advance of Voting Day, the Clerk shall determine the locations of the Ballot Return Stations for Cottam and Ruthven. Once these locations are established, the Clerk shall post this information on the website.
- 4.5.2. Electors are required to bring their completed Voter Kits to the Ballot Return Stations in order to exercise their right to vote. If an elector does not bring their Voter Kit, a new Voter Kit may be issued at the Municipal Office in accordance with section 2.6.
- 4.5.3. There shall be an area or areas designated at the Ballot Return Stations for electors to vote in private.
- 4.6. Ballots received after 8:00 pm on Voting Day shall not be counted, but shall be date stamped and retained for the statutory document retention period (90 days).

5. Storage of Ballots and Election Material

- 5.1. Utilization of Vote by Mail method of election necessitates the storage of cast ballots, declarations, the Voters' List, and Replacement Voting Kits and other election material in a secured location.
- 5.2. All cast ballots, declarations, Ballot Boxes, Voters' List, Replacement Voting Kits, and other election material, will be kept in the Vault.
 - 5.2.1. On a date to be determined by the Clerk, and no later than the day that the first Return Envelope is received, Access to the Vault will be restricted to the Clerk and designated Election Officials, or municipal employees in the presence of the Clerk or Election Official.
- 5.3. The Drop Box located inside the Municipal Office will be kept behind the Reception counter during regular office hours and will be returned to the Vault at the close of each business day.

6. Security of Ballots (Receipt of Return Envelopes at the Municipal Office)

- 6.1. In addition to the Voting Kits mailed out to eligible electors as described in Section 2, the Clerk will receive blank Voter Kits. The blank Voter Kits will be stored in the Vault.
- 6.2. Each day that Return Envelopes are received by mail or dropped off at the Municipal Office, they will be collected and secured in a Ballot Box by the Clerk or designated Election Official, until processing.
- 6.3. Return Envelopes delivered to the Municipal Office in the secured overnight Drop Box will be collected each morning and immediately secured by the Clerk or designated Election Official.
- 6.4. At the end of each day, the Clerk or Election Official shall:
 - 6.4.1. Count and record the number of Return Envelopes received;
 - 6.4.2. Place the Return Envelopes in the Ballot box;
 - 6.4.3. Seal the Ballot Box so that no Return Envelopes may be deposited or withdrawn from it without breaking the seal and initial the seal; and

- 6.4.4. Place the Ballot Box(es) in the Vault for storage until the designated time for the Return Envelopes to be opened in accordance with the process set out in Section 7 of this Procedure.
- 6.5. Each morning in which Return Envelopes are received, an Election Official shall retrieve the Ballot Box(es) from the Vault, inspect the seals to ensure that they are intact and when it is time to deposit more Return Envelopes, in the presence of another Election Official, break the seal.
- 6.6. Once access to the Vault is restricted in accordance with section 5.2.1, Election Officials requiring access to the Vault for the purposes of election related matters shall access the Vault in the presence of the Clerk or at least one other Election Official. The Clerk may access the Vault in the presence of at least one other Election Official. Municipal employees that require access to the Vault in the course of their regular duties and for purposes unrelated to the election shall be permitted to access the Vault in the presence of the Clerk or an Election Official.

7. Processing (Opening) of Return Envelopes

- 7.1. Return Envelopes will be opened every day from October 15 – 19, 2018 and October 22, 2018 at the Municipal Office at times to be determined by the Clerk.
 - 7.1.1. The start date may be delayed and the daily processing may be cancelled due to a lack of Return Envelopes. Notice of delay or cancellation will be posted at the Municipal Office and emailed to each candidate.
- 7.2. The purpose of opening the Return Envelopes is to process Voter Declaration Forms, update the Voters' List, and place the Secrecy Envelopes into the Ballot Boxes.
- 7.3. The Return Envelopes shall be opened in the presence of at least one other Election Official.
- 7.4. Return Envelopes shall be opened (processed) as follows:
 - On opening, the Declaration Form and Secrecy Envelope shall be removed;
 - The Secrecy Envelope shall be placed in the Ballot Box;

- Update the Voters' List by striking the name of elector and filing the Declaration Form alphabetically;
 - Declaration Forms, whether or not signed, shall be filed in alphabetical order.
- 7.4.1. If upon opening the Return Envelope, it contains the same number of signed Declaration Forms and Secrecy Envelopes, the **ballots will be counted**.
- 7.4.2. If upon opening the Return Envelope, it contains a different number of Declaration Forms than the number of Secrecy Envelopes, an Election Official will open the Secrecy Envelopes to determine if any additional Declaration Forms or ballots were inserted into the Secrecy Envelopes.
- 7.4.2.1. If the Election Official finds that more than one ballot is contained in a Secrecy Envelope and the number of ballots now equals the number of Declaration Forms, the Election Official will remove the additional ballot(s) and without examining the ballot(s) insert into a new Secrecy Envelope and seal the Secrecy Envelopes closed.
- 7.4.2.1.1. If all Declaration Forms are signed, the **ballots will be counted**.
- 7.4.2.1.2. If any of the Declaration Forms are unsigned, all ballots in that Return Envelope **will be rejected**.
- 7.4.2.2. If the Election Official finds that a Declaration Form is contained in the Secrecy Envelope, the Election Official will remove the Declaration Form without examining the ballot and seal the Secrecy Envelope closed.
- 7.4.2.2.1. If the all Declaration Forms have been signed, the **ballots will be counted**.
- 7.4.2.2.2. If any of the Declaration Forms are unsigned, all ballots in that Return Envelope **will be rejected**.
- 7.4.2.3. If after this process, there remains a different number of Secrecy Envelopes than Declaration Forms, the Secrecy Envelopes will be resealed and all ballots in that Return Envelope **will be rejected**.
- 7.4.3. If upon opening the Return Envelope, it contains the same number of Declaration Forms and Secrecy Envelopes, but not all Declaration Forms have been signed, all ballots in that Return Envelope **will be rejected**.

- 7.4.4. If upon opening the Return Envelope, the ballot is not contained within the Secrecy Envelope, but is accompanied by a signed Declaration Form, the Election Official will insert the ballot into a Secrecy Envelope without examining the ballot, seal the Secrecy Envelope closed and deposit the Secrecy Envelope into the Ballot Box. The **ballot will be counted**.
- 7.4.5. If upon opening the Return Envelope, it contains a Secrecy Envelope, but no Declaration Form is visible, the Election Official will open the Secrecy Envelope to determine whether the Declaration Form has been inserted into the Secrecy Envelope.
- 7.4.5.1. If the Election Official finds the Declaration Form in the Secrecy Envelope, the Election Official will remove the Declaration Form without examining the ballot. The Secrecy Envelope will be resealed.
- 7.4.5.1.1. If the Declaration Form is signed, the **ballot will be counted**.
- 7.4.5.1.2. If the Declaration Form is unsigned, the **ballot will be rejected**.
- 7.4.5.2. If the Election Official does not find a Declaration Form contained within the Secrecy Envelope, the **ballot will be rejected**.
- 7.4.6. If upon opening the Return Envelope, the Secrecy Envelope has not been sealed, or is unsealed, the Election Official will seal the envelope closed without examining the ballot and the **ballot will be counted**.
- 7.4.7. If the Secrecy Envelope contains writing or marks that may identify the elector, is torn or defaced or otherwise dealt with by the elector in a way that may identify him or her, the Secrecy Envelope **may be rejected**. Since Secrecy Envelopes will be opened and separated from the ballots prior to counting, envelopes dealt with in such a manner, will not automatically be rejected. The decision of the Clerk in determining whether or not the ballot will be counted or rejected is final.
- 7.5. Where a Secrecy Envelope is rejected, the reason for the rejection shall be recorded by numbering the Secrecy Envelope and noting the reason for the rejection on a separate record.
- 7.6. The decision of the Clerk to reject a Secrecy Envelope or ballot is final.
- 7.7. After the Return Envelopes have been dealt with, the Election Official shall affix a seal to each Ballot Box, initial the seal and place the sealed Ballot Box into the Vault.

- 7.7.1. At no time, shall the Ballot Box contain more than 500 ballots. Once a Ballot Box contains 500 ballots, the Ballot Box will be sealed and identified as "Final Seal". Final Seal Ballot Boxes will not be removed from the Vault until the ballots are to be counted on Voting Day.
- 7.8. On each day designated as a processing day, an Election Official will retrieve under-filled Ballot Boxes from the Vault, inspect the seal to ensure it is intact, and break the seal to place additional Secrecy Envelopes into the Ballot Box as per the Return Envelope processing procedure described above.
- 7.9. Between October 8, 2018 and 8:00 p.m. on October 22, 2018, candidates or scrutineers appointed pursuant to the *Act* may attend the Municipal Office upon appointment with the Clerk or designate for the purposes of observing the manner in which Return Envelopes are being received, processed, and stored.
- 7.10. On Voting Day, the Ballot Boxes and other required election material will be transported to the Counting Centre by an Election Official.
 - 7.10.1. After 8:00 p.m. on October 22, 2018, any remaining Return Envelopes shall be processed in accordance with Section 7 of this Procedure and the elector shall be struck from the Voters' List.
 - 7.10.2. After 8:00 p.m. on October 22, 2018, any remaining Secrecy Envelopes shall be processed in accordance with Section 8 of this Procedure.
- 7.11. Any Return Envelopes received after 8:00 p.m. on October 22, 2018 will be date stamped, but will not be opened, will be placed in the Vault, and will be retained for the statutory document retention period.

8. Processing (Opening) of Secrecy Envelopes

- 8.1. On Voting Day, at a time to be determined by the Clerk, the sealed Ballot Boxes stored in the Vault containing the Secrecy Envelopes shall be transported by the Clerk or an Election Official to the Counting Centre for the purposes of processing the Secrecy Envelopes and preparing them for tabulation.
- 8.2. No ballot cast in the 2018 municipal election shall be counted prior to Voting Day.

8.3. An Election Official, in the presence of at least one other Election Official, shall open the Secrecy Envelopes.

8.3.1. The ballots will be bundled into batches of no more than 35 ballots for tabulating and shall be placed facedown.

8.4. In addition to rejecting cast ballots for reasons described in the *Act* and outlined in this Procedure, a ballot will be rejected if upon opening the sealed Secrecy Envelope one of the following conditions are met:

- The envelope contains more than one ballot; or
- The ballot contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with in a way by the elector that may identify him or her.

8.5. Where a ballot is rejected, the reason for the rejection shall be recorded by numbering the ballot and noting the reason for the rejection on a separate record.

8.6. Each candidate shall be provided with notice of the times and location for the opening the Secrecy Envelopes. Each candidate, or one scrutineer for each candidate, shall have the right to be present to view the opening of Secrecy Envelopes.

8.7. After the ballots are removed from the Secrecy Envelopes, the Clerk, or an Election Official shall either secure the ballots until tabulation is scheduled to begin, or tabulate forthwith. Ballots removed from the Secrecy Envelopes on October 22, 2018, may be immediately tabulated.

9. Voting Day - Procedure at Ballot Return Stations

9.1. Before opening the Ballot Return Station, an Election Official will show the Ballot Box to such persons who are present in the Ballot Return Station so they may see that it is empty. The Election Official then assembles and seals the Ballot Box in such a manner to prevent it from being opened without breaking the seal. Any certified candidate or scrutineer will be permitted to affix their seal to the ballot box if they so request.

9.2. Electors are required to bring their Voter Kits with them to the Ballot Return Stations. If the elector has completed the Voter Kit in accordance with the instructions, they will be directed to place the sealed Return Envelope into the Ballot Box. The Election Official will ensure the Return Envelope is properly deposited into the Ballot Box.

- 9.2.1. Electors who do not bring their Voter Kit and require a new one must attend the Municipal Office and follow the process outlined in Section 2.6 to obtain a replacement Voter Kit.
- 9.2.2. If the Voter Kit is not completed, the elector will be instructed to complete the Voter Kit in accordance with instructions enclosed in the Voter Kit and Section 4 of this Procedure. A privacy screen will be set up to allow the elector to mark their ballot at the Ballot Return Station.
- 9.3. Once the elector has placed their Return Envelope in the Ballot Box, they must promptly leave the Ballot Return Station. An elector who places a Return Envelope in the Ballot Box is deemed to have voted and is not, under any circumstances, entitled to another ballot or Voter Kit.
- 9.4. The Ballot Return Station closes at 8:00 pm on October 22, 2018. All electors within the premises at 8:00 pm shall be permitted to cast their ballot.
- 9.5. At the close of the Ballot Return Station, the Deputy Returning Officer shall seal the Ballot Box to ensure that it cannot be reopened without breaking the seals and cover the ballot slot. The Deputy Returning Officer will permit any certified candidate or scrutineer to affix their seal to the Ballot Box if they so request.
 - 9.5.1. The Deputy Returning Officer or designated Election Official shall transport the Ballot Box to the Counting Centre immediately after the close of the Ballot Return Station so that the ballots may be tabulated.
- 9.6. If the Ballot Box is filled during the course of the day, the Deputy Returning Officer shall seal the Ballot Box in the same manner as is set out in Section 9.5. The Deputy Returning Officer shall notify the Clerk, and arrangements will be made to have the Ballot Box transported to the Counting Centre.
 - 9.6.1. The Deputy Returning Officer shall then assemble a new Ballot Box in the same manner as outlined in Section 9.1.

10. Tabulation of Ballots

- 10.1. All ballots will be counted (tabulated) at the Counting Centre using Tabulators.
 - 10.1.1. The number of Tabulators used to tabulate and count ballots shall be at the discretion of the Clerk.

- 10.2. No ballot cast shall be tabulated prior to Voting Day.
- 10.3. The Clerk shall establish a time and location for the commencement of the tabulation of the ballots which shall not be prior to 10:00 a.m. on October 22, 2018.
- 10.4. Each candidate shall be provided with notice of the time and location for the tabulation of ballots.
- 10.5. Either the candidate or the candidate's scrutineer shall have the right to be present during the tabulation of the ballots, however, no candidate, nor scrutineer, shall interfere with the tabulating of Ballots.
- 10.6. No personal communication devices of any kind will be allowed at the location of the tabulation of ballots.
- 10.7. No results of the tabulation of ballots will be made known until after the time has passed for receipt of marked ballots.
- 10.8. If a ballot is defective, such that it is slit, torn, ripped, crumpled, or is damaged upon its removal from the Secrecy Envelope, such that the Tabulator will not accept the ballot for tabulation, the Clerk shall mark a new ballot in the identical manner as the damaged/defective ballot and tabulate the remarked ballot. Follow such tabulation, the Clerk shall number and record the damaged ballot and the remarked ballot and shall retain both together.
- 10.9. If the Tabulator encounters an unreadable ballot, the unreadable ballot will be removed from the Tabulator and reviewed by the Clerk. The Clerk will determine what to do with the ballot (i.e. reject, remake, etc.). The Clerk's decision in this regard is final.
- 10.10. Once all votes have been counted, the ballots will be sealed in boxes and initialed by the Clerk. The boxes will be transferred to the Vault.
- 10.11. Official results will be announced and posted by the Clerk at the Municipal Office and on the Municipal Website as soon as possible after Voting Day.
 - 10.11.1. As required, the Clerk will report the results of the School Board election to the appropriate Clerk(s) of affected municipalities

11. Programming and Testing of Tabulators

- 11.1. The Clerk or Election Official will facilitate the training sessions for all Election Officials that may use the Tabulators and shall oversee the programming, testing and use of Tabulators.
- 11.2. The Clerk shall ensure that the Tabulators are tested prior to Voting Day to ensure accuracy. Testing of the Tabulators shall be performed in accordance with the testing procedures established by the provider.
- 11.3. The Clerk shall establish a time or times prior to Voting Day when candidates have an opportunity to view how the Tabulators will process the Ballots and tabulate the votes.

12. Recounts

- 12.1. The Clerk will conduct all recounts as per the provisions and regulations in the *Act*.
 - 12.1.1. A recount is required when:
 - Two or more candidates receive the same number of votes and the candidates cannot both or all be declared elected to the office;
 - Requested by resolution of Council;
 - Requested by resolution of a local (school) board;
 - Ordered by the Ontario Superior Court of Justice; and
 - Requested by the Minister of Municipal Affairs and Housing.
- 12.2. The recount will be conducted in the same manner as with the original count, unless otherwise ordered by the judge who issued the order for recount.
- 12.3. A vote tabulator shall be tested before the recount in the same manner as described in Section 11.
- 12.4. The recount shall be limited to the ballots tabulated by the Tabulator on Voting Day.
- 12.5. The Clerk shall notify all involved parties of the recount and set a date, time, and place for the recount.

- 12.6. Any costs incurred by a candidate during the recount (i.e. legal fees) shall be borne by the candidate.
- 12.7. If, after a recount is conducted, there is still a tie vote, the Clerk shall determine the result by lot as follows:
 - 12.7.1. Names of the candidates will be written on equal-sized pieces of paper and placed in a container.
 - 12.7.2. The Clerk will blindly draw a piece of paper from the container. The name of the candidate on the piece of paper that is drawn will be the successful candidate.

Accessibility

13. Accessibility During the Election

- 13.1. The Town's Accessible Customer Service Standards Policy ("Accessibility Policy"), attached hereto as Appendix "C" shall be incorporated into and form part of these Procedures. Election officials shall be responsive to the needs of electors with disabilities and will conduct the election in accordance with said Policy.
- 13.2. Further, an election official shall, as soon as reasonably possible, bring any election related accessibility issue to the attention of the Clerk or designate who shall, in a timely manner, respond based on the following criteria:
 - 13.2.1. The needs of the individual elector;
 - 13.2.2. Compliance with the *Act*;
 - 13.2.3. Compliance with the Town's Accessibility Policy; and
 - 13.2.4. Compliance with the *Accessibility for Ontarians with Disabilities Act, 2005*

Candidates/Scrutineers

14. Candidates/Scrutineers

- 14.1. Candidates may appoint scrutineers, in writing, to represent him/her at the Counting Centre. There shall be no more than one scrutineer for each candidate for each Tabulator.

- 14.2. The appointment of a scrutineer must be made on the Clerk's designated form (EL12A).
- 14.3. Scrutineers shall, upon request, show their written appointment to the election officials to enter the Counting Centre.
- 14.4. Candidates or scrutineers will not be able to examine ballots as the ballots are being processed at the Counting Centre.
- 14.5. Candidates and scrutineers shall abide by the rules and procedures outlined in Appendix A – Procedures and Rules for Scrutineers and Candidates.

Nominations/Withdrawals

15. Filing Nomination Forms

- 15.1. Nominations are to be filed with the Clerk, or designated Election Official, at the Municipal Office in person or via agent. Nominations will be accepted during regular business hours commencing May 1, 2018 through to July 26, 2018. On Nomination Day (July 27, 2018), nominations will be accepted between the hours of 9:00 a.m. and 2:00 p.m. Nominations must be filed in person. Nominations submitted other than in person, will not be accepted.
- 15.2. The following are requirements for filing:
 - 15.2.1. Nominations must be on the prescribed form and shall be accompanied by a declaration of qualification on the prescribed form.
 - 15.2.2. Endorsement from at least 25 persons who are eligible to vote in the election for an office within the Town of Kingsville.
 - 15.2.3. Filing fee must be paid via cash, debit or certified cheque. Credit cards and personal cheques will not be accepted. The filing fee for Councillor or Deputy Mayor is \$100.00 and for Mayor, \$200.00.
 - 15.2.4. Upon filing, all candidates must provide the designated Election Official with proof of identity and qualifying address within the municipality. If an agent is filing on behalf of a candidate, the agent must provide proof of the candidate's identity along with proof of their identity.

- 15.2.5. Nomination forms will be reviewed for completeness when filed. Nomination forms will be certified in accordance with the *Act* (by 4:00 p.m. on July 30, 2018).
- 15.3. A Consent to Release Personal Information (Form EL52) must be completed and executed by the candidate.
- 15.4. The surname on the nomination form and on the identification must be the same. Subject to the approval of the Clerk, there may be some flexibility given to first names (i.e. Tony for Anthony).
- 15.5. An unofficial list of persons who submitted nomination forms and the office that they are seeking election to, will be prepared and updated as soon as practical after receipt of nomination papers. This list will be posted on the Town's website.
- 15.6. Upon certification of nomination papers and after the nomination period has expired, the official list of nominated persons shall be posted in the same manner as 15.5.
- 15.7. Acclamations shall be declared in accordance with the *Act*.

16. Withdrawals

- 16.1. Withdrawals are to be filed in person with the Clerk. A candidate may withdraw their nomination by filing a written withdrawal, on the prescribed form (Form EL19), before 2:00 p.m. on Nomination Day (July 27, 2018). Withdrawals may be filed by the candidate or via agent.
- 16.2. The following are requirements for filing a withdrawal:
- 16.2.1. Original signatures must appear on the withdrawal form.
- 16.2.2. The candidate must appear in person, with identification to withdraw their nomination; or, the candidate's agent shall appear in person with proper identification and a Letter of Authorization, with the original signature of the candidate, authorizing the agent to represent the candidate and file the withdrawal.
- 16.3. In the event that a candidate files a second nomination form in accordance with the procedure outlined in Section 15, the first nomination form is deemed withdrawn.

Election Officials

17. Appointment of Election Officials

- 17.1. The Clerk is responsible for conducting the Municipal Election, including establishing and interpreting the electoral procedures and rules, except as may be varied by a Court.
- 17.2. The Clerk may appoint, in writing, Deputy Returning Officers and such other designated Election Officials, as required, to assist in the administration, management, security and control of the Town's Vote-by-Mail electoral system.
- 17.3. Written appointments of designated Election Officials and delegation of duties shall include the authority to require any person to furnish proof of identity or qualifications pursuant to the *Act*.

Notices

18. Statutory and Other Notices

- 18.1. The Town's website shall be the main place for election related information for the public, eligible electors, candidates and the media. In addition to the website, the Clerk reserves the right to post and/or publish election related information with the local media, on social media, in municipal facilities, in any other forum as the Clerk deems appropriate.
- 18.2. Notwithstanding section 18.1, notices for nominations, additional election staff, and voting will be published in the local paper(s) and on the Town's website, and will be posted at the Municipal Office.
- 18.3. The Clerk may partner with other municipalities to provide election related information.

Voters' Lists

19. Preliminary List of Electors and Voters' List

- 19.1. The Municipal Property Assessment Corporation ("MPAC") is responsible to supply the Preliminary List of Electors ("PLE") to the Clerk by July 31 if no date is agreed upon or prescribed.²
- 19.2. The PLE as corrected by the Clerk, in accordance with section 22 of the *Act*, shall constitute the Voters' List.
- 19.3. Upon receipt of a written request from a certified candidate for an office, the Clerk, or designated Election Official, shall provide the candidate with a copy of the part of the Voters' List that contains the names of electors who are entitled to vote for that office. Candidates will be required to sign a declaration, stating that the Voters' List will be used for election purposes only.
- 19.4. Under no circumstances shall a person use information obtained from the Voters' List for anything other than election related purposes. The use and sale of these lists for commercial purposes is strictly prohibited.

20. Amendments to the Voters' List

- 20.1. The period for revisions to the Voters' List is from September 1, 2018 to the close of voting.
- 20.2. Persons wishing to have their name added, removed, or information added or amended on the Voters' List must submit to the Clerk, or designated Election Official, an application, in writing on the designated form, which form shall also include a declaration.
- 20.3. The applicant will be asked to provide the prescribed proof of identity and residence, to the Election Official in receipt of their application, to prove his/her right to vote.
 - 20.3.1. Such proof of identity and residence shall include the person's name, qualifying address, and signatures as per O.Reg. 304/13. In addition, the applicant may be asked to provide proof of citizenship, such as a birth certificate, Canadian Citizenship certificate or other such documentation at the discretion of the Election Official.

² S.19(1.1) *Municipal Elections Act, 1996.*

- 20.4. Applications to amend the Voters' List shall be made in person at the Municipal Office. Applications shall be received during regular business hours until October 19, 2018. On Voting Day, applications will be accepted from 8:30am until the close of voting (8:00 p.m.).
- 20.5. A record of amendments to the Voters' List, including additions and deletions, shall be maintained.

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Revisions/Amendments

No.	Date	Revision	Revision By
1	January 27, 2018	Correction of typographical and punctuation errors	J. Astrologo
2.	March 3, 2018	Addition of Nomination and Withdrawal sections (ss. 15 and 16) to Procedure; addition of Election Officials section (s.17) to procedures	J. Astrologo
3.	March 9, 2018	Addition of Notices (s.18); add s.15.7 re: Acclamations; addition of Voters' List sections (ss. 19 and 20)	J. Astrologo
4.	April 10, 2018	Addition of sections 10.11 and 10.11.1 re: posting of results	J. Astrologo
5.	April 16, 2018	Added a new s.14.2 requiring the appointment of scrutineer to be made on the designated form; added s.14.5 referencing Appendix A; added Appendix A – Procedures and Rules for Scrutineers and Candidates	J. Astrologo
6.	April 18, 2018	Finalized Appendix B – Listing of Forms	J. Astrologo
7.	May 1, 2018	Amend reference to Accessible Customer Service Standards Policy as Appendix "C"; add Appendix "C"	J. Astrologo
8.	July 25, 2018	Amend s.8.3.1 (reduce ballot batches to no more than 35); amend various provisions of s.9 (Ballot Return Station Voting Procedure)	J. Astrologo
9.	July 26, 2018	Amend and consolidate ss.20.4 and the former 20.5 (Amendments to Voters' List); amend s.15.6 to correct reference to s.15.5; revise formatting of Procedure	J. Astrologo
10.	September 5, 2018	Amend s.11.1 to remove reference to the use of Tabulators; Amend s.10.1 to include reference to the use of Tabulators; add s.10.1.1	J. Astrologo
11.	October 18, 2018	Amend s.7.4 to outline that all Declarations shall be filed in alphabetical order	J. Astrologo

Questions regarding the 2018 Municipal Election Procedure are to be directed to the Director of Corporate Services/Clerk.

Appendix A – Procedures and Rules for Scrutineers and Candidates

1. Scrutineers may be present when Return Envelopes and Secrecy Envelopes are being processed and when the votes are being tabulated. The scrutineers that may be present include:
 - a. One (1) scrutineer for each certified candidate to view processing of Return Envelopes or Secrecy Envelopes;
 - b. One (1) scrutineer per certified candidate for each Vote Tabulator in operation;
 - c. Notwithstanding (a) and (b), the number of scrutineers is reduced by 1 while the candidate who appointed them is present;
 - d. One (1) scrutineer per certified candidate per ballot return station.
2. There is no age or relation to the candidate restrictions relative to the appointment of scrutineers.
3. Cell phones and other communication equipment **will not be permitted** in the Counting Centre other than for designated Election Officials.
4. Scrutineers shall not attempt to directly or indirectly influence how an elector votes.
5. No candidate or scrutineer shall interfere with the vote count in any manner or they will be required to leave the Counting Centre.
6. Scrutineers shall supply themselves with a clipboard for their use, as sitting at the tables provided for election officials is not permitted.
7. Scrutineers/candidates who wish to have a discussion with another candidate or scrutineer must leave the Ballot Return Station to carry on their discussion outside of the Ballot Return Station.
8. At the Ballot Return Stations, scrutineers and candidates may:
 - a. Enter the Ballot Return Station 15 minutes before it opens and inspect the ballot boxes and all other papers, forms and documents relating to the vote (but no so as to delay the timely opening of the Ballot Return Station).
 - b. Place his or her own seal on the ballot box, immediately before the opening of the voting place, so that ballots can be deposited in the box and cannot be withdrawn without breaking the seal. The seal may not contain the candidate's name nor imply campaign literature.

- c. Object to a ballot or declaration. If an elector is objected to, the Election Official shall note the objection on the Voters' List beside the name of the elector and require the elector to take a prescribed oath prior to elector depositing his/her ballot in the ballot box.
9. Scrutineers and Candidates shall not:
- a. Display any campaign material or literature in the Ballot Return Station, Counting Centre or on themselves.
 - b. Compromise the secrecy of voting.
 - c. Interfere with the Election staff in the discharge of their duties.
 - d. Interfere or attempt to interfere with an elector who is marking a ballot.
 - e. Communicate any information about how an elector intends to vote or has voted.
 - f. Be permitted to inspect or examine ballots or to object to ballots as they are fed into the Vote Tabulator by a designated Election Official.
 - g. Be near enough to the vote tabulator to see how a voter has marked their ballot.
 - h. Attempt, directly or indirectly, to interfere with how an elector votes.
 - i. Obtain or attempt to obtain, at a Ballot Return Station, any information about how an elector intends to vote or has voted.
 - j. Park a vehicle displaying campaign material in the parking lot of a Ballot Return Station.

Appendix B – Listing of Forms

	Application for Replacement Voter Kit
EL07	List of Certified Candidates
EL08	Certificate of Election Results
EL12(A)	Appointment of Scrutineer by Candidate
EL14	Candidate's Declaration – Proper Use of Voters' List
EL15	Application to Amend Voters' List
EL16	Application for Removal of Another's Name from Voters' List
EL19	Withdrawal of Nomination
EL20	Declaration of Acclamation to Office
EL37(A)	Certificate of Maximum Campaign Expenses - Candidates
EL37(B)	Certificate of Maximum Amount of Contributions – Own Campaign
EL37(C)	Certificate of Maximum Amount of Expenses for Parties etc. – Candidates
EL42	Notice to Candidate/Registered Third Party of Filing Requirements
EL51(A)	Certificate of Maximum Campaign Expenses – Registered Third Party
EL51(B)	Certificate of Maximum Amount of Expenses for Parties etc. – Registered Third Party
EL52	Consent to Release Personal Information

The following forms are legislated by the Province of Ontario and are available through the Central Forms Repository or upon request:

Form 1	Nomination Paper
Form 2	Endorsement of Nominations
Form 4	Financial Statement – Auditor's Report Candidate
Form 5	Financial Statement – Subsequent Expenses
Form 6	Notice of Extension of Campaign Period
Form 7	Notice of Registration – Third Party
Form 8	Financial Statement – Auditor's Report Third Party
Form 9	Declaration of Identity

Appendix C – Accessible Customer Service Standards Policy

ACCESSIBLE CUSTOMER SERVICE STANDARDS POLICY

PURPOSE

The Corporation of the Town of Kingsville is committed to be responsive to the needs of all its residents and visitors. In order to meet the intent of the new Accessibility Standards of Customer Services legislated by Ontario Regulation 429/07, it must recognize the diverse needs of its residents and visitors by striving to provide services and facilities that are accessible to all people. As a provider of goods and services, the Town is committed to ensuring its goods and services are provided in an accessible manner.

The Town will promote accessibility through the development of policies, procedures and practices and by ensuring it considers people with disabilities. To do this it will make every effort to address integration, independence, dignity and equal opportunity through the corporate policies, procedures and practices.

2. **PRINCIPLES**

Reasonable efforts will be made to ensure the following:

- 2.1 that goods and services be provided in a manner that respects the dignity and independence of persons with disabilities.
- 2.2 the provision of goods and services to persons with disabilities, and all others will be integrated unless an alternate measure is necessary, whether temporarily or permanently, to enable a person with a disability to obtain, use and/or benefit from the goods and services.
- 2.3 persons with disabilities will be given an opportunity – equal to that given to others – to obtain, use and benefit from the goods and services.

DEFINITIONS

3.1 'Disability'

For the purpose of this policy 'disability' is defined according to the Accessibility for Ontarians with Disabilities Act, 2005 as:

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

3.2 'Kingsville Accessibility Advisory Committee'

For the purposes of this policy the 'Kingsville Accessibility Advisory Committee' is defined as a Committee of the Council.

3.2 'service animal'

For the purpose of this policy, a 'service animal' is defined as either:

- (i) A 'guide dog' for a person with a disability; or

For the purpose of this policy, an animal is a 'service animal' for a person with a disability:

- (ii) if it is readily apparent that the animal is used by the person for the reasons relating to his or her disability; or
- (iii) if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability.

3.3 'support person'

For the purpose of this policy, a 'support person' is defined as another person who accompanies a person with a disability in order to help him or her with communication, mobility, personal care or medical needs or with access to goods and services.

4. **SCOPE**

This policy applies to:

- 4.1 all departments, divisions, or sections within the Town;
- 4.2 all employees, unionized and non-unionized;
- 4.3 all volunteers who interact with the public on the Towns' behalf; and
- 4.4 all third-party contractors who interact with the public on the Towns' behalf.

5. **PROCEDURES AND PRACTICES**

5.1 Procedures and practices will strive to reflect or achieve the following:

- (i) communications will be considered in a manner that takes into consideration a persons' disability;
- (ii) staff, volunteers and third-party contractors will receive appropriate training;
- (iii) persons with disabilities accompanied by a 'guide dog' or 'service animal' will be permitted in those areas of the premises owned or operated by the Town that are typically open to the public unless the animal is otherwise excluded by law;
- (iv) persons with disabilities accompanied by a 'support person' will be permitted to be accompanied by that 'support person' in premises normally open to the public;
- (v) if any amount is payable by a person for admission to the premises in connection with a person's presence at the premises, the Town will ensure that notice is given in advance about the amount, if any, payable in respect to the support person;
- (vi) notice will be provided when facilities or services that people with disabilities rely on to access the Town are temporarily disrupted;
- (vii) the Town will establish a feedback process to allow people to provide feedback on how we are providing services to persons with disabilities; and
- (viii) the Town will allow persons with disabilities to use their own personal assistive devices to obtain, use or benefit from the services offered by the Town.

6. **FEEDBACK PROCESS**

Should a member of the public wish to make a complaint regarding the goods and services they have received:

- 6.1 the member of the public with the complaint or concern should have a discussion with the staff member at the Town involved in the situation;
- 6.2 should the discussion not resolve the complaint or the member of the public is uncomfortable discussing the issue with the staff member, the staff member will provide the member of the public with the contact information for the department manager;
- 6.3 the complaint should be forwarded to the manager responsible for the department;
- 6.4 the department manager will attempt to resolve the complaint in a timely manner and the 'Kingsville Accessibility Advisory Committee' will be informed and assist if required;
- 6.5 the member of the public will be contacted once a resolution has been reached;
- 6.6 should a member of the public wish to provide the Town with a suggestion on how to improve services:
 - (i) the member of the public will inform a staff member of the suggestion;
 - (ii) the staff member will inform the department manager and the 'Kingsville Accessibility Advisory Committee' of the suggestion.

7. SERVICE DISRUPTION

- 7.1 If, in order to obtain, use or benefit from a provider's goods and services, persons with disabilities usually use particular facilities or services of the provider and if there is a temporary disruption in those facilities or services in whole or in part, the Town shall give notice of the disruption to the public.
- 7.2 Notice of the disruption must include information about the reason for the disruption, its anticipated duration and a description of alternative facilities or services, if any, which are available.
- 7.3 Notice will be given by posting the information at a conspicuous place on premises owned and operated by the Town, as well as by posting it on the Town website.
- 7.4 If the Town website should expect temporary service disruption, advance notice where possible, in keeping with the conditions of the service disruption section of this policy, shall be provided on the website.
- 7.5 Efforts will be made to have audio messages explaining the disruption at the appropriate contact numbers.

8. FORMAT OF DOCUMENTS

- 8.1 Should the Town be required to give a copy of a document to a person with a disability, the Town shall give the person the document, or the information contained in the document, in a format that takes into account the persons' disability.
- 8.2 Material printed in-house and publications produced on behalf of the Town should contain a note indicating "alternate formats are available upon request" and include relevant contact information.
- 8.3 The Town and the person with a disability will try to agree upon the format to be used for the document or information, subject to feasibility requirements of this policy.
- 8.4 Feasibility will be determined based upon the cost in relation to size of document and time associated with processing document requests.
- 8.5 The time frame attached to the conversion process varies depending on the media chosen, the size, complexity, quality of source documents and number of documents to be converted. Documents shall be returned in a timely manner depending on the factors previously noted.

- 8.6 Conversion shall be processed in-house wherever possible. When a member of the public requests a piece of Town documentation in a multiple format, the department of origin shall be responsible for the cost of conversion, materials and distribution, not the public requestor.
- 8.7 In-house printing, where possible, should adhere to the CNIB's Clear Print Standards.

9. **TRAINING**

- 9.1 The Town shall ensure that the following persons receive training about the provision of its goods and services to persons with disabilities:
- (a) every person who deals with members of the public or other third parties on behalf of the Town, whether the person does so as an employee, agent, volunteer or otherwise; and
 - (b) every person who participates in developing the Town's policies, practices and procedures governing the provision of goods or services to members of the public or other third parties.
- 9.2 This training will include a review of the purposes of the Accessibility for Ontarians with Disabilities Act, 2005 and the requirements of this policy and instruction about the following matters:
- (a) how to interact and communicate with persons with various types of disabilities;
 - (b) how to interact with persons with disabilities who use an assistive device or require the assistance of a guide dog or other 'service animal' or the assistance of a 'support person';
 - (c) how to use equipment or devices available on the provider's premises or otherwise provided by the provider that may help with the provision of goods or services to a person with a disability;
 - (d) what to do if a person with a disability is having difficulty accessing the provider's goods or services;
 - (e) the Town will log and maintain records which will record the details of the training provided, as well as the name of the person, location and date the training was completed;
 - (f) the Town will customize the training going forward, based on the actual experiences and usage of the person with a disability in the Town of Kingsville owned and operated facilities.

10. **ASSISTIVE DEVICES**

- 10.1 The Town will allow persons with disabilities to use their own personal assistive devices to obtain, use or benefit from the services offered by the Town.
- 10.2 Should a person with a disability be unable to access the Town's services through the use of their own personal assistive device, the Town will ensure the following measures:
- (a) determine if service is inaccessible, based upon individual requirements;
 - (b) assess service delivery and potential service options to meet the needs of the individual; and
 - (c) notify the person with a disability of alternative service and how he or she can access the service, temporarily or on a permanent basis.