

FORM 18

INFORMATION SHEET FOR SCRUTINEERS

The role of the scrutineer is to assist the candidate in tracking the progress of the vote, to have a role in ensuring that only those who are on the voters' list or who are otherwise entitled to vote cast their ballots, and to observe whether the count is conducted in accordance with legislative requirements.

While a candidate may have a number of people supporting his campaign, the number of scrutineers who may be present at the voting station is limited to two.

Scrutineer Appointment

The candidate must appoint each scrutineer in a form approved by the senior election official. The scrutineer should bring a copy of the appointment letter to the voting place and hand it to the voting official, as well as keeping a copy at all times. Scrutineers are entitled to be present in the voting place during regular hours, fifteen minutes before the voting place opens, and after the voting place closes until the counting of the vote is completed.

Every scrutineer must take an oath before the opening of the voting place (including advance opportunities) that underscores their commitment to the rights of voters and the secrecy of the vote. The senior election official should be contacted to make these arrangements.

Candidate as Scrutineer

In addition to the other appointments mentioned above, a candidate is also entitled to act as his/her own scrutineer. The only difference in the role of candidate scrutineer and regular scrutineer is that a candidate may not observe the marking of a ballot by a voter who has requested assistance.

Partisan Materials/Activity

On election day, no one is allowed to wear or display anything that identifies them as a supporter of one particular candidate with one exception – scrutineers may wear a badge or ribbon that indicates **(by colour only)** the candidate for whom the person is a scrutineer. It is important to note that even in this instance, the badge or ribbon may not indicate the name (or even initials) of the election candidate.

While the candidate is permitted to act as a scrutineer, it is important that the role be confined only to this function. Electioneering by greeting voters at the door, socializing in the poll or passing out campaign material is inappropriate and may be considered an election offence under The Municipal Councils and School Boards Elections Act.

Question of Qualification

A question of voter qualification may be raised in two ways:

- 1) the senior election official may ask for photo identification of any voter that attends the voting place;
- 2) a scrutineer may challenge the qualifications of any voter, after which the voter must take an oath swearing that they are a qualified voter.

Scrutineers should be selective in requesting that the voting official demand the taking of an oath from a voter and limit such requests only to circumstances where the eligibility of the voter is legitimately in question. To do otherwise is to undermine the credibility of the election process and will result in unnecessary delays at the voting place.

If a scrutineer wishes to have a voter take the oath, the request must be made **prior** to the person receiving a ballot. It is too late to make the request once the ballot is in the hands of the voter, or the ballot has already been cast.

At the Voting Place

If your candidate has asked that you spend the entire day at the voting place, including the count, you'll want to be prepared. Make arrangements for your own coffee and meals, paper, pens and any other material (including a list of voters) required to prepare the information that the candidate has asked you to provide. If you are using a cell phone to speak with the candidate, ensure that this is done discreetly so as not to distract voters or the work of election officials.

The candidate may want to know who has attended the voting place, so that those who have not voted can be contacted as to their intentions. The scrutineers should be keeping track of this on their own and not expect that the voting official will allow access to the voting record at any time during election day. If the voting place is quiet, the voting official may allow a scrutineer to review the voting record where it would not interrupt election day activity.

The Count

In many cases, the candidate is not as concerned about having a scrutineer at the voting place for the entire proceeding as they are about having someone in attendance for the count. Remember to get to the voting place before 8:00 p.m. to ensure that the doors are not locked. Once the voting place is closed for voting, it will not be reopened until completion of the ballot counting.

Voting officials will do everything possible to ensure that a ballot can be legitimately counted. **Ballots that are marked with an X, a cross, a circle, in pen or in pencil and which clearly indicate the candidate for whom the person has intended to vote will be counted.** Ballots that have marks for more candidates than there are offices to be filled will be rejected and will not be counted. Ballots that do not show clearly for whom the vote has been made (a mark between or on the line which separates candidate names) and ballots that have not been marked will also be rejected. Ballots that have word art or dialogue written on them may also be rejected and not counted.

If a candidate or scrutineer objects to the counting (or the spoiling) of a ballot paper, the voting official should be advised. The voting official has authority to make a decision to either accept or reject a ballot – this decision is **final**.

After the preliminary count is done, a statement of the vote outlining the number of votes for each candidate is completed. The voting official presents this to the senior election official, who then declares the official results. Any candidate or scrutineer may sign the statement.

If it appears that the candidates have received an equal number of votes, the senior election official must immediately proceed to a by-election. However, if an objection is made to the voting official's decision to accept or reject a ballot, the senior election official must apply to the court for a judicial recount.

FORM 16

[Section 71(1)]

SCRUTINEER APPOINTMENT FORM

(Name of Local Authority)

I, _____, candidate for the _____ (general municipal election / by-
(candidate's name) (year)
election), appoint

_____, as **scrutineer**
(name of scrutineer)

to attend on my behalf at the voting stations in the local authority.

Signature of Candidate

FORM 17

[Subsection 71(1)]

OATH OF SCRUTINEER

Name of local authority

I, _____ of _____,
(full name) (address)

in the Province of Manitoba, make oath and say: (or do solemnly affirm):

1. That I am a person duly appointed to act as scrutineer during the present election.
2. That I will uphold a voter's right to vote in secret.
3. That I will not interfere with a person marking a ballot.
4. That I will not attempt to discover how a person voted.
5. That I will not communicate information about how another person voted.
6. That I will not induce a person, directly or indirectly, to reveal how they voted.

Sworn (or affirmed) before me at the _____)
of _____)
in the Province of Manitoba,)
this _____ day of _____, 20 _____)

(Person authorized to administer oath)

(Signature of person taking oath)

Scrutineer for:

(Candidate's name)

SCRUTINEERS

Scrutineers

71(1) In order to act as a scrutineer, a person must

- (a) be at least 18 years old;
- (b) be a candidate, an official agent or a person appointed, in a form approved by the senior election official, by a candidate or a candidate's official agent; and
- (c) take an oath that he or she will
 - (i) uphold the rights of voters under section 65, and
 - (ii) preserve the secrecy of the vote in accordance with section 87.

Scrutineers — vote on a question

71(2) A senior election official may appoint a person to act as a scrutineer for a vote on a question if the person

- (a) is at least 18 years old;
- (b) applies to the senior election official; and
- (c) takes an oath that he or she will
 - (i) uphold the rights of voters under section 65, and
 - (ii) preserve the secrecy of the vote in accordance with section 87.

S.E.O. may designate a representative scrutineer

71(3) If more than two scrutineers are appointed for a vote on a question, the senior election official may designate one or more of them as representative scrutineers.

Scrutineer must show appointment

71(4) Before acting as a scrutineer, the person must show his or her appointment to the voting official.

What a scrutineer can do

71(5) A scrutineer may

- (a) enter the voting place 15 minutes before it opens and inspect the ballot box, the ballots and the other election materials to be used at the voting station; and
- (b) be present during voting and, from time to time, examine the voting record for a voting station, but only if he or she does not interfere with the activities of the election officials at the voting station.