A GUIDE FOR SCRUTINEERS (F0411)

VOTING. EVERY DAY IT MATTERS.

Scrutineers represent candidates at a polling place. Only one scrutineer for each candidate is permitted to be at the polling place at one time.

As a representative of a specific candidate, a scrutineer has the right to observe all of the proceedings of a given polling place on polling day and during area advance polls; from before the poll opens until the poll closes and ballots are counted.

It is important that you understand the rights and limitations of your role as a scrutineer.

GENERAL CONDUCT

The Deputy Returning Officer (DRO), under the direction of the Returning Officer, is responsible for the conduct of the poll. The DRO may take whatever action he or she deems necessary to maintain peace and order in the voting location.

Generally, the DRO will position scrutineers slightly behind and to the side of the Poll Clerk. This vantage point will afford scrutineers the best opportunity to view and hear the proceedings. While anyone 16 years of age or older may be a scrutineer, only a scrutineer who is entitled to be an elector in Ontario has the right to challenge the right to vote of an elector at the poll. That is, the scrutineer must be 18 years of age or older, a Canadian citizen and reside in Ontario.

NOTE: Scrutineers are not permitted to challenge electors directly. All challenges must be made through the DRO.

AT THE VOTING LOCATION

When scrutineers first arrive at the voting location, they must show their original **Appointment of Scrutineer (F0412)** form to the DRO and sign an oath and affirmation of secrecy. Scrutineers who arrive before the poll opens are permitted to observe the sealing of the ballot box and inspect any poll documents. Provided they keep their appointment form in their possession, scrutineers may come and go during polling hours as long as each candidate is represented by only one scrutineer at a time. Scrutineers may not arrive or return after the poll is closed and the count has started.

At multiple-poll voting locations scrutineers must show their original **Appointment of Scrutineer (F0412)** form and sign the oath and affirmation of secrecy at each polling place they wish to observe throughout the day.

NOTE: At multiple-poll voting locations only one scrutineer per candidate may be present at each polling place in the voting location at one time.

COMMUNICATION DEVICES

Communication devices may be present in the voting location as long as they do not disrupt the normal and orderly proceedings of the poll. For example, cell phones, pagers and personal digital assistants may be present only if they vibrate rather than ring, and calls must be made or taken outside the voting location.

POLL OFFICIALS

NOTE: Poll officials may not act as scrutineers while acting in their appointed capacities.

The names of persons able to serve as DROs and Poll Clerks are submitted by candidates or political parties, but these officials are appointed by the Returning Officer to whom they are responsible. Other poll officials appointed by the Returning Officer may include Area Managers, Supervising Deputy Returning Officers, Polling Day Revision Assistants, Advance Poll Revision Assistants and Information Assistants. Before taking up their duties, poll officials must take an oath and affirmation of office and secrecy and sign their appointment form.

The Poll Clerk assists and works under the direction of the DRO and keeps the poll record. If asked to do so and provided that no elector is kept waiting, the Poll Clerk will assist scrutineers with their records of those persons who have already voted.

A DRO may ask a scrutineer to act in another official capacity at the poll; for instance, to temporarily fill in for a Poll Clerk who has fallen ill. When this occurs, the Returning Officer is advised and the candidate will be contacted immediately to allow them the opportunity to appoint another scrutineer.

While a scrutineer is acting in the capacity of a poll official, whether only for a short duration or for the entire day, that individual ceases to be a scrutineer. They will be duly sworn in as a poll official, even if only temporarily, and must accordingly act in a non-partisan manner until the poll closes or until the Returning Officer, through the DRO, advises that they are relieved of that duty.

IDENTIFICATION WORN AT THE POLL

The only identification that may be worn by a scrutineer in the voting location is the label supplied by the DRO (**Scrutineer's Identification—F0413**). This identification label will include the scrutineer's name and the number of the represented candidate.

Any item of clothing or accessory which identifies a political party or candidate (for example, logos, t-shirts, ribbons, etc.) will not be permitted in the voting location.

VOTING BY POLL OFFICIALS OR SCRUTINEERS

Electors appointed to act as poll officials or scrutineers should vote at an Advance Poll. If this is not possible and they are acting at voting locations other than the ones where they are allowed to vote, they may apply to the Returning Officer for a certificate to transfer their vote, but only within their own electoral district. This must be done by 8:00 p.m. on the day before polling day.

EXCEPTIONS TO THE NORMAL VOTING PROCEDURES AT THE POLL

An Elector Is Challenged

Any elector may be subject to a challenge from a scrutineer. The challenge must be directed to the DRO and not to the elector. Scrutineers are not permitted to address an elector directly and must be careful not to interfere or disrupt the normal and orderly proceedings of the poll.

If the DRO has any doubts, the elector must make the **Statutory Declaration at the Poll (F0524)** before being allowed to vote. Once this declaration has been signed, no further argument or discussion about this elector will be permitted. The DRO's decision is final. Objections made after an elector has made the declaration must be noted in the **Poll Record (F0519).**

NOTE: An elector is not required to make the declaration more than once.

Voting On Proof Of Registration

Electors who were registered by a **Record of Name for the List of Electors (F0301)** or another revision document, but whose names were omitted in error from the **List of Electors (F0313)**, may be allowed to vote if they provide sufficient identification and fill out the appropriate form or if their registration can be confirmed by the Returning Officer. Confirmation is usually secured through a telephone call to the Returning Officer by the DRO, the Supervising Deputy Returning Officer or the Area Manager.

Second Ballot Issued For Same Name On List

When it is confirmed by the **List of Electors (F0313)** for polling day or the Record of Voters page in the **Poll Record (F0519)** that a ballot has already been issued and cast by an elector, and a second person appears to vote under the same identity and residence, the second person must be allowed to vote only after making the **Statutory Declaration at the Poll (F0524)** and supplying sufficient identification to satisfy the DRO. A note must be made in the **Poll Record (F0519)** beside the entry for the second person — "second ballot, another person voted under this name". A note must also be made of any objection by a scrutineer and the candidate on behalf of whom the objection was made.

Electors With Disabilities

Electors with physical disabilities may request assistance from a friend or the DRO to the voting screen. They may also request assistance to mark their ballots provided they take the **Oral Oath or Affirmation (F0522)** as to their inability to vote without assistance. The DRO (in the presence of the Poll Clerk) or the friend may assist such electors in marking their ballot. The friend must also take the **Oral Oath or Affirmation (F0522)**. Scrutineers may not participate in this procedure.

NOTE: A person may only act as the friend of one elector except in an institution where electors with special needs reside. A note must be made in the **Poll Record (F0519)** beside the name of a voter who receives assistance.

Long-Term Care Facilities

Where a voting location has been located in such institutions, the poll officials, at a time previously specified and made known to the residents, may take the ballot box to the bedside of those who are bedridden or unable to walk. Candidates and their scrutineers may accompany the poll officials but may not be present if any such resident is physically unable to mark a ballot and requests the assistance of a friend or the DRO.

Minor Errors On List

Electors whose names or addresses are shown incorrectly on the **List of Electors (F0313)** for polling day must be allowed to vote after proving their identity to the DRO. They may also be required to make a declaration at the poll.

If an elector brings their **Notice of Registration** card with them to the poll, they may make the correction on the card, sign it, and give it to one of the poll officials. This is only for minor errors such as spelling or wrong house/apartment number. Major changes like change of name or address must be made on the **Correction of Name at the Poll (F0521)** or the **Revision to the List of Electors (F0221)**.

Proxy Applications

Persons who have been appointed as proxy voters must give a **Certificate to Vote (F0218)** signed by the Returning Officer or Revision Assistant to the DRO and show identification before being allowed to vote the proxy. A note must be made in the **Poll Record (F0519)** or **Advance Poll Record (F0518)** beside the entry for the person appointing the proxy that he or she “voted under certificate”.

Transfer After Move

Electors who have moved and who have been issued a **Certificate to Vote (F0218)** signed by the Returning Officer or Revision Assistant must show identification and may then exchange the certificate for a ballot. A note must be made in the **Poll Record (F0519)** or **Advance Poll Record (F0518)** that he or she “voted under certificate”.

Transfer From One Poll To Another

Electors with restricted mobility who transfer to another poll in the electoral district for greater accessibility may be issued a **Certificate to Vote (F0218)** signed by the Returning Officer or Revision Assistant. An elector must present the certificate and show identification to receive a ballot. A note must be made in the poll record beside the entry for the person voting that he or she “voted under certificate”.

Addition On Polling Day

The Returning Officer may appoint a Revision Assistant to be present in the voting location to complete **Application for Addition to the List of Electors on Polling Day (F0520)** forms. If no Revision Assistant has been appointed, the DRO completes the applications.

AREA AROUND A VOTING LOCATION

When a poll is located on public premises, the entire property of the voting location and all the boundaries associated with it are considered part of that voting location.

When a poll is located on private premises, such as apartment or condominium buildings, all of the common elements of those buildings are considered part of the voting location. Individual units however, are not considered common elements and their doors, windows, balconies, etc., do not fall under the jurisdiction of Elections Ontario.

Both public and private "premises" include the parking lot, adjoining fences and adjacent road allowances. Elections Ontario rents only a specific area for a voting location and has no jurisdiction over adjacent properties, for example over political signs posted on street corners or passing cars advertising a political party.

NO CAMPAIGNING AT A VOTING LOCATION

The Chief Electoral Officer has ruled that the voting location and the premises on which it is located must be kept clear of all campaign materials.

Clothing or accessories that identify a party or candidate, signs, buttons, slogans, logos, advertising, etc., are not allowed. Voting screens will be checked regularly for markings and campaign literature.

The DRO is the final arbiter and may take whatever action is deemed necessary to maintain peace and order in the voting location.

ADVANCE POLLS

An elector may vote at any advance poll location in the electoral district, therefore the Returning Officer supplies to candidates an advance poll **List of Electors (F0313)** for the entire electoral district and an electoral district map of polling divisions. The ballot box must not be opened from the start of the first day of the advance poll until the close of the polls on polling day. Advance poll ballots are counted on polling day at the advance poll locations or as directed by the Returning Officer.

Scrutineers are not permitted to observe proceedings at returning office advance polls, but may observe proceedings at area advance polls. Scrutineers are not permitted to sit at the revision desk at advance polls or on polling day.

OPENING THE BALLOT BOX

Election ballots are sorted by the DRO who is observed by poll officials. Candidates and scrutineers may also observe this process.

BALLOTS NOT PLACED IN THE BOX

The following are three types of ballots that are not put into the ballot box during the poll:

1. DECLINED – a ballot handed back to the DRO by an elector who declines to vote and so states. When the elector declines to vote, the DRO will write "declined" on the back of the ballot.

2. CANCELLED – a ballot noticed to be soiled, improperly or poorly printed, or returned to the DRO by an elector who requests another ballot. Such a ballot must be made unusable by a mark placed in each of the circles by the elector. When the ballot is cancelled the DRO will write "cancelled" on the back of the ballot.

3. TAKEN FROM THE POLL – a ballot issued to an elector who leaves the voting location with the ballot without voting. Such electors forfeit their right to vote even if they return later. If they do return later and surrender their ballot, it is treated as a 'declined' ballot (see above).

BALLOTS FROM THE BOX

The following are three types of ballots that are taken from the ballot box at the count:

1. ACCEPTABLE (VALID) – a ballot supplied by the DRO and:

- Marked in only one circle (even if the mark runs to or over the edge of the circle)
- Marked with an "X", check mark, or other mark showing the voter's intent
- Marked with the poll pencil, other pencil, pen or other marker, and

- Marked in any colour.

2. REJECTED – a ballot supplied by the DRO and:

- Marked in more than one circle
- Marked ONLY on the black printed area (i.e., not in the circle)
- Written on or marked in such a manner as to identify the voter, and/or
- Not supplied to the voter by the DRO.

3. UNMARKED – a ballot unmarked by the voter on either the front or back.

A BALLOT OBJECTED TO by a candidate or scrutineer must be assigned a consecutive number, starting at 1, and so listed by the DRO on the objections page of the **Poll Record (F0519)**. The same number, along with a second set of the DRO's initials, must be written on the back of the ballot. The DRO decides if a ballot is to be "accepted" or "rejected". These ballots are placed with the other "accepted" or "rejected" ballots.

ELECTION POLL DOCUMENTS

The DRO must provide to any of the candidates or their scrutineers present the **Unofficial Election Ballot Count for Scrutineers (F0529)** at the end of polling day.

Any candidate or scrutineer present may also sign the **Ballot Statement of the Poll (F0525)** and the flap of the envelope.