

M 04 305

(2024-05-14)



Information for Scrutineers / Candidate Representatives

Elections New Brunswick

1-888-858-VOTE (8683)

Returning Office

Candidate Campaign Office

My Notes:

Table of Contents

Table of Contents.....	i
Introduction to Your Job	1
Election Terminology	2
Observing Election Procedures	3
Before Election Day.....	3
Scrutineer Behaviour	3
Authorized Persons in the Polls	4
On Election Day.....	5
Election Advertising	5
Opening of the Polling Station	6
Observing Voting Procedures	6
The Voting Process.....	7
Objections to Voters	9
Irregularities at the Polling Station	10
Observing the Counting of Votes:.....	11
Closing of the Polling Station	11
Ballot Count Using a Tabulation Machine.....	12
Ballot Count by Hand	13
Irregularities During Ballot Counting	15

Universal Declaration of Human Rights

Article 21(3) of the *Universal Declaration of Human Rights* states:
“The will of the people shall be the basis of the authority of government; this will be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

Canadian Charter of Rights and Freedoms

Under the *Canadian Charter of Rights and Freedoms*, every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

Secrecy

The *Municipal Elections Act* states that every election officer or scrutineer who interferes with a voter in the exercise of their franchise, or divulges to any person how a voter has voted, has committed an offence.

Introduction to Your Job

This booklet has been prepared to give you information about the electoral process. It will help you perform your duties as a scrutineer, but New Brunswick's *Municipal Elections Act*, *Education Act*, and *Regional Health Authorities Act*, and the regulations associated with them, and the Municipal Electoral Officer's Directives posted online at www.electionsnb.ca are the official references on electoral procedures.

While the term "candidate representative" and "scrutineer" mean the same thing, this booklet will use scrutineer. A scrutineer means a person appointed in writing to represent a candidate at a polling station. Scrutineers are not paid by the province, but may receive compensation from their candidate.

You will be the representative of a candidate at a polling station at either the advance polls or on Election Day. In some cases, scrutineers may be appointed by the Municipal Returning Officer when a plebiscite is being conducted.

You will be appointed by the candidate or their agent as a scrutineer to observe voting procedures and/or the counting of the ballots.

If you are a scrutineer appointed to observe voting procedures and/or the counting of the ballots, you will ensure that voting at a polling station is properly carried out. You will:

- Watch for human error and election fraud. By being observant and knowing the election procedures you can identify innocent mistakes and attempts to conduct election fraud;
- Watch for problems. If you see a problem, you can bring it to the attention of the Elections NB Poll Supervisor or Municipal Returning Officer so that it can be corrected; and
- Collect information about voting. You can provide your candidate with information about the conduct of the election at the polling station, including who voted there and what the vote totals were when counting of the ballots finished.

This sounds simple, but in an election there are many rules to ensure a level playing field, so it is important you know the election procedures. But always remember: You are not an election officer, thus you do not have authority to make rulings or decisions on any matter. You are an observer for your candidate, and if you observe any activity which you think is inappropriate, you should bring it to the attention of the appropriate election officer immediately. The election officer will make a decision on the matter at the time, and this decision will prevail unless overruled later by the Municipal Returning Officer or a judge. Always keep detailed notes about the matter and how it was resolved, so that you can properly report the occurrence.

Election Terminology

Advance Poll: A poll held at a polling station, nine and seven days prior to Election Day. For a by-election or for a plebiscite held other than during a general election, an advance poll shall be held on the Saturday, nine days before Election Day.

Candidate: A person whose nomination papers have been accepted by the Municipal Returning Officer, following the giving of a Notice of Election by the Municipal Electoral Officer.

Election Day: The day shown in the Notice of Election as the ordinary polling day for an election.

Election Officers: The various election officers you will meet in the polling station each have different jobs as follows:

- **Constable**: The first person an elector will meet when entering a polling station.
- **Voters List Officer**: The person responsible for finding and striking an elector's name on the List of Electors.
- **Poll Revision Officer**: The person responsible for correcting or adding an elector's name to the List of Electors. Poll Revision Officers also strike off the names of electors on the List of Electors.
- **Ballot Issuing Officer**: The person responsible for issuing a ballot, explaining to each elector how to mark it, processing spoiled ballots, and, if requested, assisting electors with voting if requested.
- **Ballot Counting Officer**: In an election where ballots are to be counted by hand, during the polling day, this person will normally perform another job. After the polls close, this person counts or assists in the counting of the ballots and reporting of results.
- **Tabulation Machine Officer**: In an election where ballots are to be counted using a tabulation machine, this person will operate the tabulation machine and assist electors in depositing their ballots correctly.
- **Poll Supervisor**: The person responsible for ensuring that the conduct of voting in the polling station conforms to Elections NB standards and is carried out in an efficient, orderly, and elector-friendly fashion at all times.

Polling Division: A small geographic area. All electors who live in a polling division are placed on the same list of electors, and vote in the same polling station.

Polling Station: A building, or a portion of a building, rented by a Municipal Returning Officer for the taking of the votes of electors on an advance polling day or on Election Day.

Returning Office: A building, or a portion of a building used by a Municipal Returning Officer to manage the election in the electoral region.

Scrutineer: A person appointed in writing to represent a candidate at a polling station. Is also known as a candidate representative. A candidate may act as their own scrutineer at any polling station. In some cases, scrutineers may be appointed by the Municipal Returning Officer when a plebiscite is being conducted.

Observing Election Procedures

Before Election Day

- Attend a training session organized by your candidate.
- Review this booklet so you know what to do.
- Ask questions if you are unsure about any part of your job.
- Assemble the supplies you will need on at the polling station. These include:
 - This manual;
 - Your completed *Appointment of Candidate's Representative*, form M 04 201, signed by your candidate or their agent. Scrutineers appointed by a Municipal Returning Officer when a plebiscite is being conducted will receive an *Appointment of Plebiscite Scrutineer*, form M 04 203.;
 - Notebook and pen;
 - Food and water (and medicine, if you need any);
 - Whatever else you may need to perform your responsibilities.
- You CANNOT bring any campaign materials (i.e. signs, pamphlets, buttons, etc.) with you to the polling station.

Scrutineer Behaviour

As a scrutineer at a polling station, you:

- may not wear any clothing showing logos or messages indicating any candidate affiliation;
- may not wear or carry anything to indicate any candidate affiliation (i.e., no pins or badges);
- may not enter into discussions with voters in the polling area, either before or after they have voted;
- may not do anything that would impede the voting process;
- may not use a telephone, cellular telephone, or other telecommunications device in the room where the poll is held.

A scrutineer not following these rules may be removed from the polling station by the Poll Supervisor at the polling station.

In a polling station, a candidate may have one scrutineer per polling station. If scrutineers have been appointed by a Municipal Returning Officer when a plebiscite is being conducted, there may be one scrutineer per polling station per plebiscite response.

Authorized Persons in the Polls

During an advance polling day or on Election Day, only the following people may be in a polling station:

- the Municipal Electoral Officer or the Assistant Municipal Electoral Officer;
- the Municipal Returning Officer or an Election Clerk;
- an election officer appointed by the Municipal Returning Officer to that polling station;
- a candidate;
- one scrutineer per polling station for each candidate;
- If scrutineers have been appointed by a Municipal Returning Officer when a plebiscite is being conducted, one scrutineer per polling station per plebiscite response;
- an elector engaged in or waiting to vote;
- a person assisting an elector to vote; and
- any other person authorized in writing by the Municipal Electoral Officer to be present.

In addition, with prior permission from the Municipal Returning Officer, representatives of a bona fide news broadcaster or news publication may be permitted to enter the polling station for the sole purpose of photographing or otherwise visually recording the casting of the ballot by a mayoralty candidate provided:

- the candidate agrees to the presence of the representatives;
- previous arrangements to the satisfaction of the Returning Officer have been made;
- no interviews shall be conducted in the room where the poll is held; and
- the representatives immediately leave the room where the poll is held once the candidate's ballot has been cast.

Where there is an election or plebiscite but no mayoralty candidate, the Municipal Returning Officer may permit representatives of a bona fide news broadcaster or news publication to enter a polling station before or during the holding of a poll for the sole purpose of photographing or otherwise visually recording the polling station if:

- previous arrangements to the satisfaction of the Municipal Returning Officer have been made; and
- no interviews are conducted in the polling station.

On Election Day

You must keep your *Appointment of Candidate's Representative*, form M 04 201, or *Appointment of Plebiscite Scrutineer*, form M 04 203, with you while working on an advance polling day or on Election Day.

Polls are open from 10:00 a.m. to 8:00 p.m. on the advance polling days and on Election Day. Ballot boxes will be sealed by election officers approximately 15 minutes before the polls open, so if you are to observe the sealing, make sure you arrive by 9:30 a.m.

When you arrive at your designated polling station, introduce yourself to the Elections NB Poll Supervisor. If you have been appointed as a scrutineer to observe voting procedures and/or the counting of the ballots, you are required to take the oral oath or affirmation upon initial admission to the polling station.

The Poll Supervisor will give you a badge to wear when in the polling station.

Election Advertising

While the polls are open on an advance polling day or on Election Day:

- no promotional advertisement, handbill, placard, poster, dodger, billboard, electronic billboard or any other means of display, handouts, buttons, badges, or election signs of any kind are allowed within thirty metres (100 feet) of the polling station. (A polling station is defined as a building, or a portion of a building, secured by a Municipal Returning Officer for the taking of the votes of electors an advance polling day or on Election Day).
- on advance polling days, no loudspeakers may be used for campaigning that can be heard within thirty metres of a polling station;
- on Election Day, no loudspeakers may be used for campaigning that can be heard within thirty metres of a polling station;
- on Election Day, no advertising of any kind (using signs or using loudspeakers) may be done on or from any moving motor vehicle anywhere in the rural district, local government, school subdistrict, or health subregion;
- candidates or campaign workers may greet electors outside a polling station but remain subject to the advertising restrictions noted above. However, electors on their way to the polling station must not be impeded on their way to or from the poll by candidates or campaign workers. This means candidates and campaign workers must give voters free and unimpeded access to the entry doors to the polling station.

Opening of the Polling Station

When the polling station is set up, you should verify if there is any election advertising posted within thirty metres (100 feet) of the entrance to the polling station, and if so, report it to the Poll Supervisor. There should be “Vote Here / Votiez Ici” signs posted by Elections NB to allow electors to easily find the building and/or room where the poll is being held. No campaigning may be done within the polling station.

Within the room where the poll is being held, there should be clearly designated areas for each election officer, and a separate area where each elector can mark their ballot in private.

Ballot boxes will be sealed by election officers approximately 15 minutes before the polls open. Ensure that the boxes are empty and that seals are applied. You may initial the seals if you wish.

Polls are scheduled to open at 10:00 a.m. on the advance polling days or on Election Day. If for any reason the opening of a poll is delayed past 10 a.m., the Poll Supervisor shall notify the Returning Officer of the reason for the delay, shall make a record of the hour at which the poll is opened and shall keep the poll open for voting for 10 full hours after it opens.

Observing Voting Procedures

As a scrutineer appointed for the purpose of observing voting procedures and/or the counting of the ballots at a polling station, your function is to:

- Observe that voting at polling stations is properly carried out; and
- Observe the process on the candidates’ behalf, but in a manner that does not interfere with the voters or the voting process.

You do not have to stay at anyone polling station the entire day. You may leave and return periodically and may visit different polling stations as long as there are not more scrutineers than authorized at the polling station. In addition, you may simply choose to arrive prior to the close of the poll to observe the counting of the ballots. If this is the case, make sure you arrive prior to 7:45 p.m. and identify yourself to the Poll Supervisor.

Only eligible electors living in the polling divisions that report to a particular polling station may vote in a particular polling station. The Poll Revision Officer will be able to direct electors to their correct polling station, should they arrive at the wrong building.

Information about who is voting is transmitted electronically to Elections NB throughout the day. Candidates will be able to access this list of electors having voted from individual campaign offices over the internet. As a result, unlike the past, there is no need for scrutineers to manually record which electors are voting.

The Voting Process

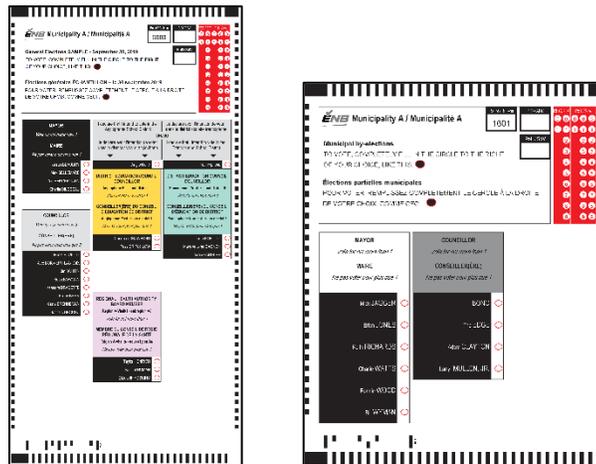
Each eligible elector arriving at the polling station will go through the following process in order to vote:

- The eligible elector arrives at the polling station and is greeted by the Constable;
- The Constable will direct the elector to either the Voters List Officer (if the elector has brought their Voter Information Card and all of the information is correct), or to the Poll Revision Officer (if the elector did not bring their Voter Information Card, needs to update their information, or must be added to the List of Electors);
- The Voters List Officer will require the elector to state their name and address, and then locate the name on the computerized or paper List of Electors. Once the name is found, the elector will be struck off as voting, and be given a *Voting Token*, a slip of paper with the elector's ballot style, electoral region and polling division, Voter ID, and the Voters List Officer's initials.
- The Poll Revision Officer will require the elector to state their name and address, and then locate the name on the computerized or paper List of Electors. Information will be updated on the List of Electors if it is incorrect. An eligible elector may be added to the List of Electors if they present identification showing their name, current address, and signature, or are vouched for by another elector. Once the name is found, updated, or added, the elector will be struck off as voting, and be given a *Voting Token*.
- In local government general elections, an elector from a given polling division may choose to vote for a district education councillor for either the English or French school district at the time of voting. In addition, there may be other contests on the same ballot, such as a Regional Health Authority board member or plebiscite. If an elector is required to make a choice as to which ballot is desired, they must declare their choice to the Voters List Officer or Poll Revision Officer before receiving a *Voting Token*.
- Both the Voters List Officer and Poll Revision Officer will direct the elector to the next available Ballot Issuing Officer.
- The Ballot Issuing Officer will ask for the *Voter Token* from the elector and prepare the ballot. The Ballot Issuing Officer will initial the ballot, and write the elector's polling division number on the top of the ballot.
- The Ballot Issuing Officer will then explain to the elector how to mark the ballot, and explain what to do if the elector makes a mistake. If the elector makes a mistake, they can return to the Ballot Issuing Officer to exchange the mismarked ballot (now called a 'Spoiled Ballot') with a new ballot.

Election / Élection 2020-00-00 P00-C00 (Church/Église) 2020-00-00, 12:00:00	
Ballot / Bulletin :	014
Region / Région :	14
Poll / SdV :	084
	
Poll Worker / Travailleur au scrutin	
JOHN E. DOE MALE 551 KING STREET, FREDERICTON, NB E3B 1E7 VoterID: 12345678	
	

Voting Token

- The Ballot Issuing Officer will then place the ballot into a secrecy sleeve and direct the elector to the Voting Screens.
- The elector will mark their ballot in private.
- The elector may be assisted by a friend (who must first take an oath and may only assist one elector in an election), by an interpreter (who must first take an oath and may assist more than one elector in an election), or by an election officer (who may assist more than one elector in an election as part of their duties).
- The elector will replace the ballot in the secrecy sleeve and go to where the ballot box is located.



General Election and By-Election Ballots

- In an election where ballots are to be counted using a tabulation machine:
 - The Tabulation Machine Officer will review the top of the ballot to ensure the Ballot Issuing Officer's initials are present, indicating that the ballot has been validly issued in the polling station.
 - The elector may insert their own ballot into the tabulation machine, or request that the Tabulation Machine Officer insert it for them. The ballot should be inserted face down in case the ballot must be returned for any reason.
 - In the event that technical problem prevents the tabulation machine from working, the Tabulation Machine Officer will open the Auxiliary Compartment slot on the front of the ballot box. The Auxiliary Compartment is separate from the Main Compartment of the ballot box. Electors can deposit their ballots into this compartment until the problem is resolved. Ballots in the Auxiliary Compartment will be deposited through the tabulation machine after 8:00 p.m.
 - Once the ballot has been read by the tabulation machine, it falls into the Main Compartment of the ballot box.
- The elector immediately leaves the polling station.

Objections to Voters

An eligible elector must:

- be a Canadian citizen;
- be eighteen years of age on or before polling day;
- have been or will have been ordinarily resident in the Province for a period of at least 40 days immediately before the election;
- be ordinarily resident in the rural district, local government, school district or health region as of the date of the election.

Special circumstances exist for students duly registered and in attendance at a recognized educational institution. These electors are entitled to be on the List of Electors at one of the following places:

- the place in which they ordinarily reside; or
- the place where they reside while attending the recognized educational institution.

At the polling station, you may object to a person's voting if you have reason to believe that a person applying to vote is not qualified to vote, either at all or at that polling station, before being given a ballot. Once the person is given a ballot, they may continue to vote unchallenged.

If you wish to object to a person's voting, you must advise the Voters List Officer or Poll Revision Officer, giving your reason why you believe the person is not qualified to vote. The election officer will then require the person to affirm or take an oath confirming the person's qualification to vote, before a ballot may be issued. If the person refuses to affirm or take the oath they will not be allowed to vote, but if they affirm or take the oath they must be allowed to vote. The Voters List Officer or Poll Revision Officer will record any such objection.

Irregularities at the Polling Station

During the day, you should look for any irregularities:

- Were eligible electors who were entitled to vote not allowed to vote?
- Were people who were not eligible to vote allowed to vote?
- Was anyone permitted to vote whose name was not on or added to the List of Electors for the polling station?
- Did electors vote without being struck off the List of Electors?
- Did anyone vote more than once?
- Did anyone leave election advertising, such as signs or posters, in the polling station?
- Did anyone try to put more than one ballot in the ballot box?
- Did anyone try to interrupt or interfere with voting?
- Were unauthorized persons in the polling station?
- If you objected to a person's voting, was it properly handled?
- Did electors requiring assistance to mark their ballot have the assistance they required?

If you believe improper conduct is occurring at a polling station, you should raise the matter with the Poll Supervisor immediately, to try to resolve the issue on site without delay. If you are unable to have the situation resolved, consult with your candidate or their agent who will take up the matter with the Municipal Returning Officer if necessary.

Remember that the election officers are responsible to conduct the election, and that you are responsible to report to your candidate or their agent to protect their interests.

Don't let partisan interests cloud your judgment. Incorrect accusations hurt your reputation and those of your candidate.

Observing the Counting of Votes:

In addition to the election officials, only scrutineers or candidates may be present at the counting of votes at a polling station.

If you intend to observe the counting of votes, arrive at the polling station by 7:45 p.m. so that you have time to have the Poll Supervisor take your oath, without interrupting the proceedings.

Closing of the Polling Station

Polls are scheduled to close at 8:00 p.m. on the advance polling days or on Election Day. If for any reason the opening of a poll was delayed past 10 a.m., the Poll Supervisor shall keep the poll open for voting for 10 full hours after it opened.

At the time of the closing of a polling station, if there are any electors in the polling station or in line at the door who have not voted since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote.

Any elector who is not present at the time of closing shall not be allowed to vote, even if others are still voting when they arrive.

The Constable will determine who the last person in line is, and prevent any more people from joining the line.

Once the last elector has cast a ballot and exited the polling station, the Poll Supervisor will declare the polling station closed.

Election officers will then close down their individual stations, and prepare to count the ballots.

Ballot Count Using a Tabulation Machine

When preparing to count the votes at a polling station using a tabulation machine, the Tabulation Machine Officer will:

- In the presence of the Poll Supervisor, remove any ballots in the Auxiliary Compartment or in a ballot box designated for curbside voting and feed each ballot through the tabulation machine. If a ballot is not accepted by the tabulation machine, the Poll Supervisor has detailed procedures to ensure the elector's ballot is properly counted.
- Note the number of electors that have deposited ballots and inform the Poll Supervisor. This is shown on the LCD display on the tabulation machine.
- Assist the Poll Supervisor to close the poll on the tabulation machine. A special security key is used to close the poll. Once the poll is closed, no more ballots may be inserted into the machine.
- Sign the results sections of the two results tapes. The Poll Supervisor will also sign the results sections of the two results tapes.
- Permit any scrutineers present to sign the result sections of the results tape if they so desire.
- Transmit the results to Elections NB using a cellular modem.
- Detach the last (second) portion of the results tape and post it for viewing until the polling station is closed.
- Turn off the tabulation machine and repack it into its carrying case.
- Remove all ballots from the rear section of the ballot box and place them into a Ballot Transfer Envelope.
- Seal the Ballot Transfer Envelope, and record the polling station name and tabulation machine number on it.
- Permit any scrutineers present to sign the seal on each Ballot Transfer box if they so desire.

Once you have the opportunity to see the results for each candidate on the results tape, telephone your candidate's campaign office immediately with the results.

The Poll Supervisor will telephone the returning office immediately with the results for each candidate.

The Poll Supervisor will then ensure the complete results tape is returned with the tabulation machine to the returning office. The Tabulation Machine Officer will retain the last (second) portion of the results tape in case the machine is damaged en route to the returning office.



Tabulation Machine

Ballot Count by Hand

When counting the votes at a polling station by hand, two Elections NB Ballot Counting Officers will work together, with one person handling the ballots, calling out the vote, and showing all scrutineers present the ballot, and the second person to tabulate the votes.

Scrutineers may also tabulate the vote at the same time, using extra Tabulation Sheets provided by the Ballot Counting Officers.

When counting the votes at a polling station by hand, the Ballot Counting Officer designated to handle the ballots and determine the votes cast will make the final decision when determining if a ballot is to be counted or rejected. They shall determine if the ballot is to be counted or rejected based on the following instructions from the Chief Electoral Officer:

The Ballot Counting Officer will:

- remove one ballot at a time from the ballot box.
- examine each ballot to ensure it is a proper ballot and has been properly marked.
- show each ballot to those present before determining if it is to be counted or rejected. If there is more than one contest on a ballot, such as a candidate races and a referendum question, it is possible to reject the ballot for one contest, while still counting the ballot for the other contests.
- If there is no reason to reject a ballot, count and call out the vote cast for the indicated candidate and/or any referendum question for each ballot.
- If a ballot has been rejected during the count, write "Rejected" on the back of the rejected ballot and place the rejected ballot in a separate pile.
- Place the counted ballots in separate piles for each candidate to assist should it be necessary to recount the vote.

The second Ballot Counting Officer will record on a Tabulation Sheet the votes cast for each candidate, the answers to any referendum question, and any rejected ballots, by placing a tick mark in the square in the row next to the voter's choice.

Rejecting a Ballot

If there is more than one contest on a ballot, such as one or more candidate races and a plebiscite question, it is possible to reject the votes for one contest, while still counting the votes for the other contests.

Votes for a contest on a ballot ARE to be rejected if:

- the Ballot Counting Officer is not satisfied that the ballot was duly issued at the polling station. If the Ballot Issuing Officer initials are missing, and they are satisfied that this is a ballot that was otherwise properly issued, they may initial it and count it in the usual way; or
- the ballot has not been marked for any candidate for an office or for any option in a plebiscite; or
- the ballot has been marked for more candidates than may be elected for an office or for more than one answer in a plebiscite; or
- the ballot is marked or written on by a voter in such a way that the voter could be identified; or
- the voter's mark is not marked in the circle next to the candidate's name.

Votes for a contest on a ballot ARE NOT to be rejected only on the grounds that:

- the ballot is marked with a writing instrument other than the supplied ballot marking pen; or
- the voter's mark is made with a sign other than an "X"; or
- the voter's mark extends outside the circle.

You or another scrutineer may object to the Ballot Counting Officer's decision to count or reject votes for a contest on a ballot. In this case, the Ballot Counting Officer will:

- write the consecutive 'Number of Objection' on the back of the ballot;
- print the name of the person objecting to the ballot and the reason for the objection on the Record of Objections to Ballots;
- the ballot and corresponding entry on the Record of Objections to Ballots must be numbered with matching numbers, so that these ballots can be identified in case of a recount.

The Ballot Counting Officer's decision to count or reject a ballot is final, subject only to reversal on a recount by a judge of The Court of King's Bench of New Brunswick.

Irregularities During Ballot Counting

During the counting of ballots, you should look for any irregularities:

- Were all the ballot boxes properly sealed before being opened to count?
- Was there adequate space and light for counting?
- Were there objections made to any ballots being counted or rejected improperly?
- Was there agreement on the total votes for each candidate between the Ballot Counting Officer and any scrutineers?
- Did anyone interrupt the counting process?
- Did anyone attempt to steal any ballots or ballot boxes?
- Were unauthorized persons present during the count?
- Did anyone attempt to add marked ballots during the counting process?

If you believe improper conduct is occurring at a polling station, you should raise the matter with the Poll Supervisor immediately, to try to resolve the issue on site without delay. If you are unable to have the situation resolved, consult with your candidate or their agent who will take up the matter with the Municipal Returning Officer if necessary. But always remember the Poll Supervisor will make a decision on the matter at the time, and this decision will prevail unless overruled later by the Municipal Returning Officer or a judge.