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# Guide for Scrutineers

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October 2022

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This guide provides general information and guidance to scrutineers appointed by candidates or official agents to be present at polls during an election, by-election or referendum. Scrutineers may be present at polls where a computer and vote counting machine are in use, while other polls may be manual using paper, and some locations may use computers but not vote counting machines. All locations will have paper ballots.

## QUALIFICATION OF A SCRUTINEER

- At least 18 years old
- Appointed by the candidate or the candidate's official agent by completing a Form 412.
- Must swear or affirm an oath of secrecy at the poll(s).

## CONDUCT OF A SCRUTINEER

On election day, up to two scrutineers for each candidate may be present at any given time at each poll/voting station. The same applies to advance polls and institutional polls.

As a scrutineer you must present your appointment, Form 412, to the voting officer at each poll to which you are appointed and take the oath at each station. Some scrutineers may be appointed as 'runners'. They enter the polling place and pick up information from the scrutineers at the various polls. These scrutineers also require a Form 412, but they will be required to take an oath at only one of the polls in a polling place.

Note that registered parties and candidates may also choose to use the Political Information Portal to access information about voting during advance voting and on election day. Paper copies of this information will be available from the returning office on request.

At the polls, candidate representatives including scrutineers, must wear a name tag provided by Elections Manitoba.

Please review the following list on what a scrutineer must, may, and must not do.

**A scrutineer must:**

- Bring a form (412) signed by the candidate or official agent and show it to the voting officer at each poll at which they attend.
- Swear or affirm an Oath of Secrecy at the poll.
- Preserve the secrecy of voting and not interfere with voting.

**A scrutineer may:**

- Enter and remain in the polling place: during voting hours; 15 minutes before the polls are open; and after the poll is closed until the counting of the votes at the poll is completed.
- If present before the opening of the poll, require the ballots to be counted and inspect the ballots, ballot box, vote counting machine and all other documents relating to the poll.
- Wear a badge or ribbon which by colour alone indicates the candidate for whom they are a scrutineer but may not otherwise wear or do anything that may identify the candidate or political party they represent.
- At the convenience of the voting officer, check the voting book and be provided with information as to who has voted at intervals and manner set by the CEO.
- Accompany the voting officer when moving voting materials for curbside or outside voting.
- Challenge any person believed not to be a qualified voter, to have already voted, or to be impersonating a voter.
- Sign the results book and all seals and envelopes as a witness to proper closure and sealing.
- If present at the close of a poll and if there is a manual count, observe the count of ballots during the count, object to any ballots and have these objections recorded in the results book.
- Observe the process for producing a paper record from a vote counting machine for the polling place.

**A scrutineer must not:**

- Disrupt the proceedings of the poll in any manner except to make a challenge and request a voter take the Oath after Challenge in the oath book.
- Attempt to influence voters, interfere with voters, attempt to discover how voters voted, reveal how voters voted or intend to vote, or attempt to induce a voter to show their marked ballot.
- Argue with the voting officer about the operation of the polls. The voting officer's decision is final in all respects. The scrutineer may contact the candidate's headquarters or the returning officer in the event of disagreement.
- Campaign at any polling place or poll.
- Object to or examine ballots going into a vote counting machine or object to the counting of ballots by machine.

## VOTING PROCEDURE

An individual who is entitled to vote will be given a ballot, which is initialed by the voting officer. After marking the ballot, the voter brings it to a voting officer at a vote counting machine or tabulator, or a ballot box. The voting officer's initials are checked, and the ballot put through the vote counting machine, or in manual locations, placed in the ballot box.

If an individual's name is not on the voters list, that individual must confirm they are a Canadian citizen, 18 years of age and a resident of Manitoba for at least six months before election day. Voters must provide approved ID and take the oath of a voter before being allowed to vote. If they do not have identification with a current address, they will be asked to complete the voter registration form and take the required oath.

A scrutineer cannot object to a ballot being inserted into a vote counting machine, or to the use of a vote counting machine.

## VOUCHING

Vouching is the practice of one registered voter affirming the identity of another registered voter who does not have acceptable ID, but wishes to vote. The name of the elector being vouched for must be on the voters list. The elector vouching must be an eligible voter in the same electoral division, on the voters list, and have acceptable ID.

Both people must sign an oath affirming their identities. Vouching may be done on election day, but not during advance voting. A person may only vouch for one other elector.

## VOTER ASSISTANCE

A voter who is unable to mark their ballot can receive assistance from another person who is at least 16 years old and who takes the Oath of Friend Assisting a Voter, or from the voting officer who is not required to take another oath. Other than the voting officer, a person may not assist more than two voters.

Voters may also use an assistive device of their own, or one provided at the poll such as magnifier or braille template.

If an interpreter is required, that individual must take the Oath of Interpreter. This interpreter could be any individual who happens to be in the poll at that time.

## VOTER CHALLENGE

A scrutineer, an eligible voter or a voting officer may challenge a voter's right to vote if he or she has reasonable grounds to do so. Those grounds are that the individual is not a qualified voter, has already voted, or is voting under a false name. If there is a challenge, the voter must take the Oath After Challenge before being permitted to vote. The challenge will be recorded in the voting book.

## THE COUNT

Scrutineers who are present at the close of the poll have the right to remain and observe the count. Counting may be conducted using the results from a vote counting machine or ballots may be counted manually.

For vote counting machines, only the voting officer assigned to the tabulator, or the returning officer or assistant returning officer can handle and operate the vote counting machines. In the case of a manual count, only the voting officer handles the ballots and conducts the count, and his or her decisions in regard to the count are final.

## OBJECTIONS AT THE COUNT

A scrutineer cannot object to a ballot being inserted into a vote counting machine, or to the use of a vote counting machine. A scrutineer can witness the closing of a vote counting machine and the printing of the tape of results. Scrutineers may also sign the tape of results and/or the results book.

In locations where there is a manual count, a scrutineer may object to a ballot being counted or rejected at the count. The objection will be documented in the results book, but the voting officer's decision is final.

## RELEVANT LEGISLATION

*Elections Act:* ss. 111, 113, 114, 116, 121, 123, 124, 140, 150, 156, 159, 160, 194.