

Changes to *The Elections Act*

Overview

New legislation sets out a number of changes in *The Elections Act*, particularly in the area of advance voting, the use of vote counting machines, or tabulators and the way proposed modifications to the voting process are introduced and applied in an election.

The administrative changes reflect recommendations Elections Manitoba has made through proposed modifications and in annual reports. These improvements have been discussed extensively with the Standing Committee on Legislative Affairs, including demonstrations where elected officials could see what proposed modifications looked like at the polling station.

Changes to advance voting were proposed, accepted and tested in the last general election held in 2019 through the modification process set in legislation. These changes simplified and streamlined advance voting processes with the use of technology.

The legislation also provides the authority to use vote counting machines, or tabulators during advance voting and on election day. This allows Elections Manitoba to implement the Vote Anywhere in Your Electoral Division proposal in the next general election. The use of vote counting machines or tabulators affects ballots, the process of voting, and the process to count the vote.

Key Changes

Vote Counting Machines – Tabulators

The use of vote counting machines, commonly known as tabulators, is authorized in legislation.

S. 101 of *The Elections Act* sets out requirements for the use of the machines including:

- Tabulators cannot be connected to the Internet during voting and must undergo logic and accuracy testing prior to use.
- The tabulator must be programmed to detect marks on the ballot and must not allow the voter's choice to be known to any election official, candidate or scrutineer.
- Results cannot be generated from the tabulator until the close of voting on election day.
- The chief electoral officer (CEO) must establish and publish procedures for using the machines that outlines use, testing, security and general procedures the CEO identifies as necessary.
- Not all voting stations or polls will have a tabulator. Tabulators can serve more than one poll at a polling place.
- Using a tabulator does not violate the secrecy of voting.
- Ballots will be counted in the electoral division where they were cast.

Ballots and Voting

- Regular ballots will be prescribed by the CEO for use in a tabulator.
- Write-in ballots will be available for absentee and institutional voting.
- Print on demand of ballots will be authorized.
- Ballot boxes will accommodate tabulators.
- Ballot transfer boxes will be used to securely transfer ballots and voting materials.
- Advance voting ballots from non-resident voters will not be moved to their home electoral division but counted and recorded where the vote is cast.
- Voting still follows usual processes, such as requiring ID, and ballots are still paper.
- Legislation allows for a “vote anywhere in your electoral division” proposal to proceed in the next general election. This allows voters to go to any poll in their electoral division.

Advance Voting

- Processes around advance voting, especially for non-resident voters, are simplified and streamlined.
- The use of electronic poll books, label printers, combined voting books/voters lists and tabulators, are now authorized by legislation, allowing for more efficiency.
- Voters can continue to vote anywhere during advance voting. Their ballot will be counted and recorded in the electoral division where it is cast.
- Administrative processes requiring multiple handwritten entries on multiple forms and the movement of ballots to home electoral divisions are no longer required.

Key Changes

Counting

- Counting processes are updated for machine or tabulator counting, for hand counting, and for counting the institutional vote where write-in ballots are used.
- Advance voting results cannot be counted until after 8:00 pm on election day, whether they are counted by tabulator or by hand.
- Final tally processes post-election day are also updated.

Other Amendments

- The process to modify the voting process has been updated to provide timelines and more structure on its usage.
- Voters with a disability or those who have difficulty reading or writing can use assistive devices provided by the CEO or use their own device.
- Legislated the normal practice of providing information to candidates and parties during voting.
- Updating positions for voting officials to allow for more flexibility and efficiency in staffing and training.
- Ending the requirement to publish the residential address of nominated candidates.

The legislation was introduced on March 2, 2022 and received Royal assent on March 16 with the full support of all three elected parties in the Legislative Assembly.