

# **Election Official's Handbook**

---

This is a reference handbook for use by community election officials to guide and explain relevant election processes in Northern Affairs Communities (NACs). The contents of this handbook should answer 99 per cent of an election official's everyday questions.

This handbook includes the latest consolidated version of the Community Councils Election regulation (the regulation) and excerpts from The Northern Affairs Act (the act), along with excerpts from other relevant acts that pertain to the community election process.

The principal electoral officer (PEO) updates this handbook for changes made to the act, regulation and department procedures. It covers the duties of election officials, contains copies of prescribed election forms and outlines the role of the PEO. The PEO is the first point of contact on election inquiries from community election officials. Contact information for the PEO:

Manitoba Municipal and Northern Relations  
Northern Affairs Branch (NAB)  
59 Elizabeth DR (Box 20)  
Thompson, MB R8N 1X4  
Phone: 204-679-0678  
Fax: 204-677-6525  
Email: donna.chene@gov.mb.ca

In the absence of the PEO, you can contact a municipal development consultant (MDC) in the respective NAB regional office. Contact information for an MDC:

Dauphin  
Phone: 204-621-7002  
Fax: 204-622-2305

Thompson  
Phone: 204-670-4241  
Fax: 204-677-6525

Winnipeg  
Phone: 431-337-7746  
Fax: 204-948-2274

The Pas  
Phone: 431-355-3599  
Fax: 204-627-8177

Changes to this handbook will be posted to the Manitoba government website at <https://www.gov.mb.ca/mr/northern/community-docs.html> for your community administrative officer (CAO) to update your copies accordingly.

Suggestions for improvements, changes and corrections are always welcome. Please send such material through your CAO to the attention of the PEO.

Finally, should you resign or cease to hold the position as a community election official, please hand your copy of the handbook to the CAO to pass on to your successor.

# Contents

## **Election Officials**

Appointments .....	Page 1
Oaths .....	Page 1
Remuneration .....	Page 2
Other Officials.....	Page 2
Material Required.....	Page 2
Election Forms.....	Page 3
Envelopes.....	Page 3
Other Materials .....	Page 3
Public Notice.....	Page 3
Establishing Identity.....	Page 4
Election Calendar .....	Page 4

## **Senior Election Official’s Duties**

Organization.....	Page 5
Step 1 – Election Officials Meeting.....	Page 5
Step 2 – Election Officials Facilities.....	Page 5
Voters List.....	Page 6
Step 3 – Prepare and Maintain Voters List.....	Page 6
Qualifications of Voters .....	Page 8
Nomination Procedure .....	Page 8
Step 4 – Posting Notice of Nominations.....	Page 9
Step 5 – Nomination Papers.....	Page 9
Step 6 – Receiving Nomination Papers.....	Page 9
Step 7 – Acclamation or Notice of Election .....	Page 10
Preparing for Election .....	Page 11
Step 8 – Printing Ballots .....	Page 11
Sealed Envelope Ballots and Preparing for Advance Voting .....	Page 12
Step 9 – Sealed Envelope Ballots .....	Page 12
Step 10 – Preparing for Advance Voting.....	Page 13
Step 11 – Holding Advance Voting .....	Page 13
Step 12 – Closing Advance Voting.....	Page 13
Preparing and Holding Regular Voting .....	Page 14
Step 13 – Preparing for Regular Voting.....	Page 14
Step 14 – Holding Regular Voting.....	Page 14
Step 15 – Closing Regular Voting .....	Page 16
Step 16 – Combining Ballots .....	Page 16
Dealing with Unusual Situations.....	Page 17
Challenges to the Right to Vote .....	Page 17
Refusal to Sign.....	Page 17
Voters Requiring Assistance.....	Page 17
Interpreter.....	Page 18
Ballots Spoiled, Declined or Discarded .....	Page 18

Interference and Disorderly Conduct.....	Page 18
Interrupted Voting.....	Page 19
Counting Ballots.....	Page 19
Step 17 – Ballot Tally .....	Page 19
Step 18 – Statement of the Vote.....	Page 20
Step 19 – Packaging Used Materials.....	Page 20
Step 20 – Preparing Official Results.....	Page 21
Duties after Election.....	Page 21
Step 21 – Information to the Public .....	Page 21
Step 22 – Elected Candidates Taking Office .....	Page 21
Election Complaints .....	Page 22
Challenges to Candidates Qualifications .....	Page 22
Irregularities in Election Process .....	Page 22
Challenging Results of Election.....	Page 22
Recounts .....	Page 23
By-Elections .....	Page 24

### **Voting Official’s Duties**

Organization.....	Page 24
Step 1 – Election Officials Meeting .....	Page 24
Assisting at the Voting.....	Page 25
Step 2 – Procedures at the Voting .....	Page 25
After the Voting .....	Page 25
Step 3 – Assisting in Counting Ballots.....	Page 25

### **Department Staff Roles**

Principal Electoral Officer .....	Page 25
Role .....	Page 26
Orders .....	Page 26
Recounts .....	Page 26
Municipal Development Consultant .....	Page 27

### **Election Material**

Election Forms .....	Page 27
Notations for Document Envelopes .....	Page 29
Other Forms .....	Page 30

### **Appendices**

Appendix A – Excerpts from The Manitoba Evidence Act

Appendix B – Election Forms

- Form 1 – Declaration of Election Official
- Form 2 – Voters List
- Form 3 – Notice of Voters List/Personal Security Protection
- Form 4 – Application for Personal Security Protection
- Form 5 – Personal Security Certificate

- Form 6 – Notice of Nominations
- Form 7 – Candidate Nomination
- Form 8 – Declaration of Candidate
- Form 9 – Candidate Withdrawal
- Form 10 – Scrutineer Appointment
- Form 10A – Official Agent Appointment
- Form 11 – Notice of Election
- Form 12 – Information Sheet for Scrutineers
- Form 13 – Oath of Scrutineer
- Form 14 – Ballots (Separate, Composite)
- Form 15 – Directions for Voting
- Form 16 – Oath of Voter
- Form 17 – Oath of Person Assisting a Voter
- Form 18 – Oath of Interpreter
- Form 19 – Application to Vote by Sealed Envelope
- Form 20 – Instructions for Voting by Sealed Envelope
- Form 21 – Voting by Sealed Envelope
- Form 22 – Ballot Account
- Form 23 – Statement of the Vote
- Form 24 – Statement of Official Results
- Form 25 – Oath of Office for Members of Council

#### Appendix C – Notations for Document Envelopes

- Envelope A – Accepted Ballots
- Envelope B – Accepted Ballots that were Objected to
- Envelope C – Rejected Ballots
- Envelope D – Rejected Ballots that were Objected to
- Envelope E – Spoiled Ballots
- Envelope F – Declined Ballots
- Envelope G – Discarded Ballots
- Envelope H – Unused Ballots
- Envelope I – Voters List
- Envelope J – Copy of the Statement of the Vote
- Envelope K – All Other Documents Used at the Election

#### Appendix D – Election Calendar

#### Appendix E – Community Councils Election Regulation (Office Consolidation)

#### Appendix F – Excerpts from The Northern Affairs Act

#### Appendix G – Section 92 (The Municipal Act)

#### Appendix H – Application for a Declaration Member is Disqualified

#### Appendix I – Election Offences (The Municipal Councils and School Boards Elections Act)

#### Appendix J – Application to Challenge an Election

#### Appendix K – Application for Recount

<b>Election Official's Handbook</b>	Part of the Community Management Handbook Series	
	Effective Date	January 2000
	Revision Date	May 2026
	Page Number	Page 1 of 30

## Election Officials

### Appointments

[Reg 3] The regulation defines the election officials.

[Reg 9(1),(3)] The senior election official (SEO) and assistant SEO are appointed by council bylaw. These positions are appointed for life, that is, until the person dies, resigns, ceases to be eligible or is replaced.

[Reg 9(4)] When a vacancy in one of these two positions occurs, the council must immediately amend the bylaw and appoint a successor.

[Reg 15(1)] The following persons are not eligible to be appointed as an election official:

- member of the Legislative Assembly and member of the House of Commons or the Senate of Canada
- member of the council of a community
- judge of any court or justice of the peace
- candidate or the official agent of a candidate
- person prohibited from being an election official by an order made by the court
- person under the age of 18
- person who within five years before the proposed appointment was convicted of or served any part of a term of imprisonment for an indictable offence

[Reg 15(2)] An election official who becomes ineligible must immediately resign.

When an election official resigns, they must resign in writing with the resignation given to the community administrative officer (CAO).

### Oaths

[Reg 13(1)] All persons appointed as an election official must take an oath and make the declaration on *Form 1 – Declaration of Election Official*.

[Reg 14] An election official has the authority to administer oaths under this regulation in relation to carrying out the election and must not charge for that action. Election officials can swear one another into office, after being appointed.

Other persons authorized to administer oaths are as described under subsection (s.) 62(1) of The Manitoba Evidence Act provided in Appendix A – Excerpts from The Manitoba Evidence Act. This act requires each person who is authorized to administer an oath to designate their office below their signature on the form being witnessed. For example, an election official administering an oath must designate their appointed office, ex: SEO or assistant SEO, under their signature each time an oath is administered.

[Reg 73(2)] A person assisting a voter is required to take an oath on Form 17 – Oath of Person Assisting a Voter.

[Reg 74(3)] A person appointed as an interpreter is required to take an oath on Form 18 – Oath of Interpreter.

## **Remuneration**

[Reg 9(1)] Election officials receive remuneration for their time, according to the time worked and rates set by council in the Election Officials Appointment Bylaw.

The SEO would normally require from one and a half days for acclamation, up to five days for a full election (on average 50 hours for a full election). Any other election officials that assist with the election would normally require one to three days depending on the activities performed. A voting official is paid only for the day of voting.

## **Other Officials**

[Reg 11(1)] The SEO has the authority to appoint one or more election officials for one election at a time. Such appointments are limited to voting officials, interpreters, etc. Election officials, other than those listed and who are appointed by the SEO, do not receive remuneration, unless they are also acting as a voting official at the same time.

[Reg 11(2)] An election official holds office for the term specified in the appointment.

[Reg 74(1)] The SEO may appoint a language or sign language interpreter to assist election officials to communicate voting instructions to voters.

The SEO should prepare in advance to have an interpreter on hand or may appoint an election official as interpreter, if the election official is qualified.

## **Material Required**

It is the responsibility of the SEO to ensure sufficient copies of required election material is available to conduct the election. Council is responsible to budget for election expenses. Typical election expenses can include, but are not limited to: election official remuneration, posting and delivering public notices, making copies of election resources, cost for

envelopes, printing costs for ballots, supplies for voting places. The community may need to purchase election supplies, where such material is not on hand or cannot be produced in house. Some election supplies can be ordered from the following organizations by visiting their website:

- Association of Manitoba Municipalities trading company (from their home page scroll down and click on Election Supplies to view the order sheet):  
<https://www.amm.mb.ca/tradingcompany>
- Municipal World:  
<https://www.municipalworld.com/product-category/election-supplies>
- Elections Manitoba (for ballot boxes and screens):  
<https://www.electionsmanitoba.ca/en>
- Uline (for security tape): <https://www.uline.ca>

### **Election Forms**

All prescribed election forms required for the election process are provided in Appendix B – Election Forms and accessible on the Manitoba government website. Each form can be removed to make copies, if required.

### **Envelopes**

Several different envelopes are used to keep track of the ballots that have been accepted or rejected and other election documents. If short of envelopes, information from the envelope can be handwritten or photocopied and pasted on the outside of the envelope. Notations for document envelopes are provided in Appendix C – Notations for Document Envelopes.

### **Other Materials**

This is a list of other materials required for general information and use at a voting place:

- ✓ security seals for the ballot boxes – six
- ✓ voting compartments – at least two
- ✓ ballot boxes – three (one each for regular, advance and sealed envelope voting)
- ✓ Bible – one copy
- ✓ assortment of election supplies, ex: voting record, vote tally sheet, pencils (and sharpeners with string for affixing pencils), pens, paper, markers, tape, staplers, rulers, hand sanitizer, flashlight (in case of power outage), lamp or additional light (for voting compartment to assist voters with visual impairments), etc.
- ✓ Community Councils Election regulation – one copy
- ✓ The Northern Affairs Act (excerpt of Part 4) – one copy
- ✓ The Municipal Councils and School Boards Elections Act (Part 8, Part 9) – one copy
- ✓ Election Official's Handbook – two copies for use by each election official

### **Public Notice**

[Reg 5]           Where a public notice is required, the SEO must post a copy of the notice within a place accessible to the public, in

- (a) a community office
  - (b) the place of the regular council meetings, if different than the community office
  - (c) at least two other locations in the community
- and
- (d) mail or distribute a copy of the public notice to each household in the community

[Reg 6] Public notices can be combined as long as the requirements of the applicable provisions are met.

The location for election activities to occur as identified in a public notice must be a convenient public building.

### **Establishing Identity**

[Reg 8] A person who is required to establish proof of identity must present an official document issued by a federal, provincial or local government that contains the person's name, residential address and photograph or at least two other documents that provide sufficient evidence to the election official of the person's identity.

### **Election Calendar**

The following is a basic sequence of events from start to finish of the entire election process as outlined in the election calendar:

- time frame during which the voters list must be prepared
- date to post the notice of voters list/personal security protection
- date to post notice of nominations
- date nomination period begins and ends
- date and time when nominations will be accepted
- last date changes to the voters list can be received, except for adding voters at the time of voting or providing a sealed envelope ballot package
- time frame during which a candidate can withdraw their nomination
- date to post the notice of election or acclamation
- date of the advance voting
- Election Day, which is the fourth Wednesday in October
- time frame for officially announcing the results

The election calendar, provided in Appendix D – Election Calendar, is used by the SEO to insert actual dates for the election events. An electronic copy is available in Excel format. Simply insert a date into the first cell of the calendar, which is the forty fourth day before the date of the election, and each subsequent date in the election process up to Election Day is inserted automatically.

The SEO has the flexibility to change the date or dates for nomination day and the required advance voting within the allowable time frame indicated, but must be held during the hours specified in the regulation. For additional advance voting opportunities, the SEO determines the days and hours to be open within the time frame allowed.

Each time there is an election (regular or by-election), the SEO must forward a copy of the completed and signed election calendar to the principal electoral officer (PEO) prior to the start of the election process.

## **Senior Election Official's Duties**

It is the SEO's duty to see the election process in the community is carried out in accordance to any acts and regulations. The SEO supervises the other election officials and is responsible to both the council and the PEO to ensure the election is conducted properly.

General duties of the SEO are outlined under s. 10(1) of the regulation. A consolidated version of the regulation is provided in Appendix E – Community Councils Election Regulation (Office Consolidation). The SEO can call upon the PEO for direction in interpreting and applying any acts or regulation provisions.

It is important you are available throughout the election process. Your phone, email and fax number will need to be included on public notices.

## **Organization**

### **Step 1 – Election Officials Meeting**

Before you begin your duties, have a meeting with the other election officials and cover these points:

1. Check dates for the election event, as per the election calendar, and forward a copy to the PEO.
2. Answer any of your election official's questions on the election procedures.
3. Check with your election officials to see if they have the necessary election forms and materials to carry out their duties.
4. Make sure all election officials understand the qualifications and disqualifications of voters and candidates.
5. Make sure all election officials are properly appointed and undertake the oath on *Form 1 – Declaration of Election Official*.

### **Step 2 – Election Officials Facilities**

[Reg 46] It is your responsibility to ensure proper facilities are available for election

officials and for voting. These facilities MUST be in convenient locations accessible to a majority of voters, including persons with physical disabilities where practical, and are generally owned by the public. It must not be located in a space used as a dwelling, in or on any premises in which a candidate has any estate or interest, or in the part of a premise licensed to allow liquor sales.

It is preferable the voting places are at floor level, with an abundance of parking spaces, an accessible ramp and washroom facilities. It may be beneficial to contact Elections Manitoba toll free: 1-866-628-6837 to inquire about accessible voting places in your community. There should be sufficient room and table space to allow election officials to carry out their work and voters to mark their ballots without anyone seeing how the voter votes. For example, do not set up voting compartments by windows, doorways or exits.

A copy of the regulation, the act and parts of other applicable acts must be posted in either your office (or place of doing business) and the council office during the period of the election. It is important the public be able to contact you during the election to obtain and provide information on election events and process.

## **Voters List**

### **Step 3 – Prepare and Maintain Voters List**

[Reg 19] It is the responsibility of the SEO to ensure a permanent voters list is prepared on Form 2 – Voters List.

[Reg 22, 23, 24]The SEO will decide the format of the list, including arrangement of names and other required information, whether to prepare or maintain the list electronically and reproduce in a manner they determine. The voters list must contain every qualified voter along with their name, residential address and mailing address, if different. This may be done by an enumeration, updating a previous years' voters list, or accessing a current voters list from Elections Manitoba toll free: 1-866-339-4870 or email: [mvr@elections.mb.ca](mailto:mvr@elections.mb.ca), Elections Canada toll free: 1-800-463-6868 or a local authority.

Any election official appointed other than the SEO for preparing the voters list is responsible to the SEO. Any costs incurred by the appointee in undertaking official duties will be submitted through the SEO to the CAO for council approval and payment.

[Reg 26] A person must not knowingly use the information on the voters list for a purpose other than an election which includes preparing or maintaining a voters list under the regulation or another act or enabling a candidate to communicate with voters.

[Reg 27] Except for adding voters at the time of voting or providing a sealed envelope ballot package, no revisions to the voters list can be made between the close of nominations and election day.

[Reg 32] The SEO must give public notice, on Form 3 – Notice of Voters List/Personal Security Protection in a regular election year, that a person wishing to have their name added, information about themselves on the voters list changed or personal security requests may do so by contacting the SEO. The voters list itself is not posted due to restrictions on its use.

If the SEO decides to conduct an enumeration (optional), use the most recent copy of the voters list and review the list:

- for names of deceased persons and those who no longer qualify as voters and remove them from the list
- for any names which are misspelled or incorrectly entered and correct these
- to add persons who meet the qualifications of a voter, but do not appear on the list
- to determine from a map of the community, if all persons who reside within the **designated** community boundary are covered on the list. If it appears some are missing, then you may choose to go door to door to verify your information.

[Reg 30] A voter who wishes to have their name obscured from the voters list must file an application on Form 4 – Application for Personal Security Protection with the SEO in person, by mail, email or fax. The application must be made before the voters list is closed to revisions and set out the person's name, residential address and include proof of identification. If not filed in person, legible copies of identification may be provided.

Upon receipt of an application, the SEO must give the applicant a certificate in Form 5 – Personal Security Certificate that includes an identification number to be used as a replacement for the person's name and address. For a voter already on the list, obscure the name and address and replace it with the voter's identification number. If the voter is not on the list, add the person's identification number to the list. Voters who are identified by a number must be placed at the end of the list.

A person who is given a personal security certificate may only vote by sealed envelope ballot. The SEO should give the voter a sealed envelope ballot package in Form 19 – Application to Vote by Sealed Envelope, Form 20 – Instructions for Voting by Sealed Envelope and Form 21 – Voting by Sealed Envelope. When applying to vote, the voter must submit their personal security certificate.

[Reg 33] A candidate is entitled to a copy of the voters list, if requested, during the election period. Advise the candidate to either destroy or return the voters list to the SEO after the election period is over. The SEO can give a paper copy of the voters list and may ask each candidate to sign a form they will only use it for election purposes. Holding onto a voters list after the election is over would be considered an election offence.

## **Qualifications of Voters**

The qualifications of voters are outlined under s. 82(1) of the act, excerpts of which are provided in Appendix F – Excerpts from The Northern Affairs Act. A person is qualified to be entered on the voters list and to vote if on the day of the election they are a:

- Canadian citizen who is 18 years of age or older
- resident of the community for at least six months before election day

The place of residence is governed by the following rules:

1. A person is a resident of the place where they have their ordinary residence and to which they intend to return when away from it.
2. A person may be a resident of only one place at a time.
3. A person does not change residence until they have a new residence.

A person's oath regarding their place of residence is conclusive, in the absence of evidence to the contrary. A person who leaves a community for temporary reasons, such as a student attending school outside the community, but who intends to return home after the term ends, is considered a resident.

A person is not entitled to vote at a community election, where the person:

- refuses to take an oath when required
- receives or expects to receive a reward for voting at an election
- provides for valuable consideration a vehicle to be used to carry voters, other than the person hiring the vehicle to or from a voting place
- hires, pays or promises to pay for a vehicle for someone other than themselves to travel to a voting place
- is disqualified under the act or is otherwise prohibited by law from voting

A person is not disqualified from voting because they:

- own premises that have been rented for the purpose of the election
- print the voters list or other documents relating to the election
- own or rent out a vehicle in connection with the election and is not used for transporting voters
- is on the clerical staff of a candidate during an election period

An employee of the community, other than the CAO, must request a leave of absence in order to run as a candidate per s. 92 of The Municipal Act as cited in Appendix G – Section 92 (The Municipal Act).

## **Nomination Procedure**

The nomination period begins on the 28<sup>th</sup> day before Election Day and ends on the 21<sup>st</sup> day before Election Day.

#### **Step 4 – Posting Notice of Nominations**

[Reg 37] You must post a notice of nominations at least seven, but not more than 28 days before nomination period begins. The prescribed notice is contained in Form 6 – Notice of Nominations.

#### **Step 5 – Nomination Papers**

[Reg 38] Nomination papers consist of Form 7 – Candidate Nomination and Form 8 – Declaration of Candidate. Both forms must be completed by a prospective candidate to be accepted by the SEO.

[Reg 39(1)] Nominations can only be accepted at the place and time specified on the notice of nominations posted in the community.

[Reg 34] A person may be nominated who is qualified to hold office under s. 83 and 84 of the act and is not ineligible under any act or otherwise prohibited by law from being nominated.

Nomination papers can be handed out at any time after posting notice. Ensure each prospective candidate knows how to complete the forms. Provide a copy of the *Running for Council* guide to all persons requesting nomination papers, so prospective candidates are aware of the qualifications/disqualifications/items that do not disqualify and what is expected of a member of council.

[Reg 35(3)] Inform the person of the hours on nomination day which are from 1 p.m. to 9 p.m. and must be held during the nomination period.

[Act 78(1),(2)] Inform the person the term of office of a council member is four years and commences 14 days after the day of the respective election and expires 14 days after the day of the next regular election that completes the term.

Members wishing to serve another term do not have to resign their office prior to being nominated.

[Act 78(3)] Inform the person that the term of office of a person filling a vacancy on council begins immediately after the day of the by-election and ends 14 days after the next regular election held to fill the term.

#### **Step 6 – Receiving Nomination Papers**

[Reg 39(2)] Nomination papers may be filed with the SEO either in person or by an official agent, mail, email or fax.

[Reg 41] Before any nomination papers can be accepted, the SEO must verify they are complete and in accordance with the regulation. It is a good idea to have the person presenting the nomination papers read the qualifications and disqualifications of a person seeking council office. A person seeking

nomination **MUST** be a voter of the community and be recorded on the voters list. You must confirm to the prospective candidate if their nomination papers are complete and in accordance with the regulation and have been accepted by you. Forms that are not complete must be refused. Advise the person of the reason for the refusal, so the prospective candidate has the opportunity, if so qualified, to resubmit in proper form.

Ensure the **office** and **term** for which the person is being nominated is properly recorded on the nomination papers. Verify the address qualifying the candidate and their phone number should you need to reach them. The candidate must date and sign the declaration form in the presence of a person authorized to administer an oath. Advise the candidate their name as they have provided on their nomination papers is how it will appear on the ballot. This will ensure they use the name that most clearly identifies them, which may include a nickname, first name with a nickname in brackets, abbreviations and usual names; as opposed to strictly their legal name. Additional name information must not include a candidate's occupation, degree, title, honour or decoration.

A person becomes a candidate once forms are accepted by the SEO. The SEO should encourage candidates to file early in case the nomination is incomplete as this will allow the candidate to make the required corrections to the papers.

[Reg 40] Potential candidates may come to ask you who is running. This information can be provided when requested. The names of all official candidates will be known when you give public notice of an election or declare by acclamation.

[Reg 42] Inform the candidate or their official agent, a candidate may withdraw only if enough candidates remain to fill the offices to be elected. The withdrawal must be in writing in *Form 9 – Candidate Withdrawal* and handed to the SEO by 2 p.m. on the day after nomination period ends.

### **Step 7 – Acclamation or Notice of Election**

[Reg 43] After the time for nominations has closed and the period for candidate withdrawals has expired, you will have to determine for each office the number of candidates for which you have accepted nominations. Two possible courses of action can take place: acclamation or notice of election, or a combination of the following two actions.

- If the number of candidates is equal or less than the number of offices to be filled, you must declare those candidates elected by acclamation.
- If there are more candidates running for office than there are offices to be filled, you must within two days give public notice of an election in *Form 11 – Notice of Election*.

To prepare declarations of acclamation do the following:

- Declare the candidate(s) elected by acclamation.

- Prepare a statement in *Form 24 – Statement of Official Results* of the names of candidates elected by acclamation. Be sure to state the office the candidate has been elected to and the election was by acclamation. You must make a copy of the official results publically available.
- Within two days of declaring the official results, send a copy to the PEO.

To prepare a notice of election do the following:

- Give public notice in *Form 11 – Notice of Election* the names of candidates running for office; dates, times and locations when voting (and alternate voting) will be open; that a person may be required to establish their identity and the manner in which to do so; any other information deemed appropriate.
- If you are going to require all persons who attend a voting place to establish their identity, you must indicate this in the notice, so voters are prepared.

[Act 89] Where an office is not filled at an election, the remaining council members and the council members who are elected may fill the vacancy by appointing a person who was eligible to be nominated at the election and once appointed is deemed to have been elected at a by-election. This does not apply where the office is not filled due to a tie vote or a candidate has died.

[Reg 44] In the unlikely event of a death of a candidate prior to Election Day, the regulation allows for the continuation of the election. Consult with the PEO immediately, if this occurs.

## Preparing for Election

### Step 8 – Printing Ballots

[Reg 49(2)] You must determine whether to use separate ballots for each office or composite ballots that combine the contents of two or more separate ballots.

Separate ballots work best if there are a large number of candidates running for mayor and councillor. Using different color ballots to distinguish the two greatly assists with the ballot counting process. Composite ballots are best suited where there is a limited number of candidates running.

[Reg 50(2)] The ballots, *Form 14 – Ballots (Separate, Composite)*, must have the candidate’s names listed in alphabetical order based on their surnames. In the case of identical surnames, use their usual names.

[Reg 50(4)] There must be separate ballots for mayor and councillors, and for different terms of office. If some councillors are being elected to fill vacant terms, as in a by-election, a separate ballot for the by-election is required.

As SEO, it is your responsibility to arrange for the printing of the necessary number(s) of ballots, ensuring the candidates’ names are spelled correctly as provided on their

nomination papers and arranged on the ballot according to the regulation. Ballots will be required for sealed envelope requests and advance voting. It is best to have the ballots printed as soon after notice of election as possible.

## **Sealed Envelope Ballots and Preparing for Advance Voting**

### **Step 9 – Sealed Envelope Ballots**

A sealed envelope ballot package in Form 20 – Instructions for Voting by Sealed Envelope and Form 21 – Voting by Sealed Envelope consists of a folded and initialed ballot, a ballot envelope, a certificate envelope, an outer return envelope and voting instructions.

- [Reg 84(1)] Sealed envelope ballots are allowed to voters who will be unable to go to either an advance or regular voting because of a disability, will be absent from the community or providing care to a person who is unable to leave the home.
- [Reg 30(7)] Persons who applied for and received a personal security certificate may only vote by sealed envelope ballot. When applying to vote, the person must give their personal security certificate to the SEO.
- [Reg 84(2)] A voter, who qualifies according to the specified conditions, may file with the SEO Form 19 – Application to Vote by Sealed Envelope in person, by mail, email or fax.
- [Reg 84(3)] The period during which the application must reach the SEO begins 21 days before election day and ends on the third day before election day. If you as SEO are aware of voters who might want to request a sealed envelope ballot package, it is helpful to let them know as soon as possible, so they can comply with the regulation.
- [Reg 85] If a voter applies in person, the SEO will need to check if their name is on the voters list. If not, the voter must complete Form 16 – Oath of Voter and establish their identity. The voter will then need to file the application prior to the SEO providing the person a sealed envelope ballot package and adding their name to the voters list.
- [Reg 86(1),(2)] If a voter applies by mail, email or fax, the SEO upon receiving the application will check if the person's name is on the voters list. If not, the SEO would add their name, if satisfied the voter is qualified and meets the requirements.
- [Reg 86(3)] If an application is received 10 or more days before election day, the SEO must send the voter the sealed envelope ballot package by ordinary mail or deliver the package to the voter. If received less than 10 days, the voter will need to make other arrangements to have the package delivered that is satisfactory to the SEO.

- [Reg 88] You are required to keep a record of all voters to whom a sealed envelope ballot package was sent:
- in a separate voting record, or in a separate part of the voting record, record the voter's name, residential address and number from the voters list and a sealed envelope ballot package was sent
  - cross the voter's name off the voters list to be used at all voting places

[Reg 89(2),(3),(4)]

Upon receipt of a returned sealed envelope ballot package, you must:

- if satisfied the information on the certificate envelope is valid and the voter can be identified as casting a ballot, remove the ballot envelope containing the ballot, place it in a sealed ballot box and record in the voting record that the voter voted
- if not satisfied the voter can be identified or if the ballot is received after 8 p.m. on Election Day, place the unopened certificate envelope into the envelope that will contain rejected ballots

At the close of regular voting, the ballot envelopes which have been accepted are opened and mixed with the regular voting ballots for the purpose of counting.

### **Step 10 – Preparing for Advance Voting**

In preparing for an advance voting, follow the same process outlined under regular voting. You will require a separate ballot box for advance voting and a voting record that contains within it the information from the voters list or a separate copy of the voters list.

[Reg 79] At least one advance voting must be held between 5 p.m. to 9 p.m. to give voters who cannot vote on Election Day an opportunity to vote.

[Reg 80] The SEO may choose to hold additional advance voting opportunities and will determine the days and hours for those to be open.

[Reg 81(1)] An advance voting may occur anytime after the ballots have been printed and no later than 48 hours before election day. Typically, the one required advance voting is held seven days before the regular voting.

### **Step 11 – Holding Advance Voting**

All forms completed at an advance voting must be marked to identify them as being completed at the advance voting. The same steps are followed as outlined subsequently under holding regular voting. The SEO must ensure the voters list to be used on Election Day indicates which voters voted in advance.

### **Step 12 – Closing Advance Voting**

[Reg 82(1)] At the end of the voting time and before leaving, place your seal securely over the opening of the ballot box. The seal must be autographed and the time and

date recorded. Invite a person present at the voting place, such as an election official or scrutineer, to place their seal adjacent to yours.

Sort the various forms completed, signed and sworn at the voting place into their properly lettered envelopes. Place all spoiled and declined ballots into their identified envelopes.

[Reg 82(2)] Keep the ballot box and other voting materials used at the advance voting under safekeeping until the regular voting.

At the closing of regular voting, the advance voting box is opened and the advance ballots are mixed with the regular voting ballots for the purpose of counting.

## **Preparing and Holding Regular Voting**

### **Step 13 – Preparing for Regular Voting**

Regular voting is held on the date and at the place and times stated in the notice of election, which is the fourth Wednesday of October as legislated under s. 79(1) of the act. The year is based on the term of office specified in the election schedule under Part 1, s. 1(1) of the regulation.

Set up the voting place at least 15 minutes before opening to allow any scrutineers present to attend and provide you with their written appointment and oath.

[Reg 48] Before the voting opens, check to ensure all required materials and items are on hand in order to conduct the vote. This includes a copy of the voters list, a voting record, a ballot box, enough ballots, one or more voting compartments, voting directions and any other necessary items.

[Reg 54, 55] Set up the voter's compartments and arrange the materials on hand at the voting place, so they can be used with a minimum of confusion. Post up copies of *Form 15 – Directions for Voting* in the voting compartments and inside the voting place.

[Reg 59] The following persons may be present at the voting place: appointed election officials, a voter for voting, interpreter, candidate, up to two appointed scrutineer(s) for each candidate and other persons allowed by the SEO.

[Reg 60] Open the unsealed ballot box, which was not used in the advance voting. Show to those persons present there are no ballots or any other papers in the box, then seal the box. While the voting place is open and during the count, the ballot box must remain in full view of persons at the voting place.

### **Step 14 – Holding Regular Voting**

An eligible voter who wishes to vote must attend the voting place and give their name to an election official. When a person comes to vote, do the following:

- [Reg 66(1)] Check to see if the person's name is on the voters list.
- [Reg 66(2)] If the name is on the voters list, record the name in the voting record along with the voter's residential address and number from the voters list and draw a line through the person's name on the voters list. The SEO may ask the voter to establish their identity.
- [Reg 67(1)] If the name is not on the voters list, the person must take an oath in Form 16 – Oath of Voter and establish their identity before receiving a ballot.
- [Reg 67(2)] If the person complies, the SEO must provide a ballot and add their name and residential address to the voting list and voting record.
- [Reg 70(1),(2)] Even though a person takes an oath, a challenge to receiving a ballot may be made by a scrutineer or election official. Record in the voting record beside the voter's name, the name of the person making the challenge and reason for it.
- [Reg 70(7)] A person, even though asked to take an oath, may refuse. Record this in the voting record beside the voter's name. The SEO must ensure the voter is not given a ballot.
- [Reg 71] Before the person leaves for the voting compartment, place your initials on the back of the folded ballot, so the initials can be seen without opening the ballot. Explain to the voter how to mark and fold the ballot and hand it to the person.
- [Reg 61] Record in the voting record the name and residential address of each person given a ballot and next to the person's name if any of the following apply:
- was required to take an oath, state under which s. of the regulation 67(1), 68(1), 68(2) or 70 and reason it is required
  - right to vote is challenged, who made the challenge and reason for it
  - was required to establish their identity
  - if separate ballots are used, which ballots the person is given
  - was assisted and name of person assisting
  - was assisted by an interpreter and name of interpreter, if not an election official
  - refuses to take an oath required under the regulation
  - removes a ballot from the voting place

Record in the voting record the name of each person who acts as a scrutineer at the voting place. A person, once given a ballot, is deemed to have voted.

Upon receiving a folded ballot back from the voter, check it for your initials without unfolding the ballot and deposit it into the ballot box in full view of those present.

- [Reg 72] A voter must leave the voting place immediately after voting is complete.
- [Reg 77(1)] Every person present at a voting place, including persons present to vote or count the vote must preserve the secrecy of the voting and must not do anything to interfere with a person marking a ballot, attempt to discover how a person voted, communicate information about how another person voted or induce a person directly or indirectly to reveal how they voted.
- [Reg 77(2)] A person who was not assisted, must not show their marked ballot to another person or receive assistance in marking their ballot.
- [Reg 77(3)] A person must not enter a voting compartment, other than a person authorized to assist a voter, while a voter is in the compartment or attempt in any way to observe how a person marks their ballot.

### **Step 15 – Closing Regular Voting**

At the end of the voting time, the only people allowed in the voting place after it is closed are the election officials, candidates, scrutineers (up to two per candidate) and any other person allowed to be present by the SEO, for example a peace officer (if desired).

- [Reg 92(1)] Immediately after the closing of the vote, the SEO, with the assistance of at least one other election official, must count the vote in full view of the persons who are present, except a voter or interpreter.

### **Step 16 – Combining Ballots**

In preparing for the count, the SEO must:

- [Reg 93(1)] Combine into one ballot box, all of the ballots used for advance and sealed envelope voting with those used for regular voting, in order to preserve the secrecy of the ballot.
- [Reg 93(2)] Count the number of advance ballots and sealed envelope ballots added and list separately in the statement of vote used for regular voting.
- [Reg 94(1)] In order to determine whether all ballots supplied for use at the voting place are accounted for, the SEO must determine the number of voters who appear to have voted according to the voting record, along with a count of the number of spoiled and unused ballots. Enter these numbers on Form 22 – Ballot Account.
- [Reg 94(2)] Attach the completed ballot account to the voting record.

## Dealing with Unusual Situations

At every voting place, you may find exceptions to the rule or other unusual situations. The most common situations are noted below. If you run into a situation for which you cannot find an answer contact the PEO.

### Challenges to the Right to Vote

[Act 82(1)] A person has the right to vote if qualified and meet the conditions of the act.

[Reg 57] Every eligible voter is entitled to vote in secret, without interference, coercion or inducement and not have any information revealed about how they voted.

[Reg 70] Any scrutineer or election official can challenge a person before the person is given a ballot. The person making the challenge must state a reason and this is recorded in the voting record. If no reason is provided, the voter would proceed as if no challenge was made.

A person who is challenged must sign *Form 16 – Oath of Voter* affirming their eligibility as a voter and establish their identity prior to receiving a ballot. No questions can be asked of a voter, except questions that would relate to their identity, eligibility to vote and whether they have already voted. If the challenged person refuses to meet the conditions, the SEO would not provide a ballot.

### Refusal to Sign

Where a person refuses to sign *Form 16 – Oath of Voter*, the SEO must deny the right to vote. When this happens, record the person's name and address in the voting record and next to it record refused to take oath.

Where a person refuses to sign election forms, such as *Form 18 – Oath of Interpreter*, the SEO must deny that person the opportunity to carry out the task. The person must then leave the voting place.

### Voters Requiring Assistance

[Reg 73(1)] If a person comes to the voting place who cannot vote because of a physical disability or has difficulty reading, the person may ask the SEO to be assisted.

[Reg 73(2)] A person assisting a voter must be at least 18 years of age and take an oath on *Form 17 – Oath of Person Assisting a Voter*, if not otherwise an election official.

[Reg 73(3)] Except for an election official, no person may assist more than two voters.

The person may then receive a ballot and assist the person to vote. Record in the voting record, the voter was assisted. In the privacy of the voting compartment, inform the person

of the candidates running for election and ask for their choice in a manner which would not indicate to anyone else how the person is voting. Mark the ballot as they direct. Fold and return the ballot to the SEO to deposit into the ballot box.

### **Interpreter**

If a person comes to the voting place and cannot vote because they cannot read or do not understand the language, you may appoint an interpreter to assist the voter. An election official may act as an interpreter, if so qualified. Record in the voting record the voter was assisted.

[Reg 74(3)] An interpreter is required to take an oath on *Form 18 – Oath of Interpreter* who is not otherwise an election official, before acting as an interpreter.

Present the interpreter with a folded and initialed ballot. In the privacy of the voting compartment, the interpreter is to inform the person of the candidates running and ask for their choice in a manner which would not indicate to anyone else how the person is voting. The interpreter may assist the person to mark the ballot. The voter or the interpreter will return the folded ballot to the SEO to deposit into the ballot box.

### **Ballots Spoiled, Declined or Discarded**

[Reg 76] A voter may accidentally spoil a ballot. The voter can return the folded ballot to the SEO who will issue a new ballot. Mark spoiled on the back of the folded ballot and retain it in the envelope for that purpose.

A voter may decide not to vote after receiving a ballot. The SEO will mark declined on the back of the folded ballot and retain it in the envelope for that purpose.

During the ballot count, if a ballot is not initialed and there are more ballots in the ballot box than the number of persons who voted according to the voting record the SEO must discard the ballot. Mark discarded on the back of the folded ballot and retain it in the envelope for that purpose.

A voter is not allowed to remove a ballot from the voting place. If this happens, record this fact in the voting record opposite the voter's name and the voter loses the right to vote.

### **Interference and Disorderly Conduct**

[Reg 18(1)] The SEO must maintain peace and order at the voting place and not allow anyone to interfere with any person casting or marking a ballot.

[Reg 18(2)] The SEO may request the assistance and presence of a peace officer or other person during the conduct of the voting to maintain peace and order at a voting place.

A person causing or believed to be causing disorderly conduct which may result in interference with the operation of the voting place, may be removed from the voting place.

## **Interrupted Voting**

[Reg 90(1)] There are various causes, such as an emergency or other unexpected circumstances, why voting may be interrupted and the voting place unable to remain open or unable to be moved. A community disaster may occur such as a forest fire or fire in the voting place. If this occurs and the SEO is satisfied the voters are unable to vote, the SEO would declare the voting to be interrupted.

Once declared interrupted, the SEO must receive any ballots in the process of being marked, deposit them into the ballot box and declare the voting closed until reopened. The SEO must then seal the ballot box, autograph the seal and record the date and time. Any scrutineer or election official present may place their initials beside the SEO's initials. All other documentation and papers must be put into a large envelope(s), sealed and initialed.

[Reg 90(2),(3)] The SEO must provide notice of the hours and place for reopening the voting and continue or resume the voting in the seven days following election day, for a period equivalent to the period of interruption. The period of reopening is not required to be at the same time of day as the interruption, but must be as continuous as reasonably possible between the hours of 8 a.m. and 8 p.m.

Unseal the envelopes containing the documentation and papers for use in the voting and organize your papers. Show the ballot box to those present to confirm the seals are not broken, then unseal the ballot box and continue with the voting.

## **Counting Ballots**

### **Step 17 – Ballot Tally**

[Reg 95(1)] The SEO, along with any other person(s) assisting, must proceed to count the ballots following five rules. The count is very simple. Mark down on a tally sheet, one vote for each vote a candidate receives.

Rule 1: Ensure every ballot taken from the ballot box is examined and shown to each person present.

Rule 2: Count all ballots marked in an acceptable manner and do not have any marks written that can identify the voter.

Rule 3: Reject all ballots not marked in an acceptable manner as to show for which candidate the vote is given, ex: the word declined is written on it, more votes are cast than the voter is entitled to vote or has some mark that clearly identifies the voter.

Rule 4: A candidate or scrutineer may raise an objection to a ballot being accepted or rejected. Having considered the objection you must make a decision to accept or reject the ballot without delay. Whether

a ballot is accepted or rejected for the official count is the decision of the SEO, whose judgement is final. Only an official recount by the PEO or a judge can change it. Situations that may arise are:

- accepted ballots
- accepted ballots that were objected to
- rejected ballots
- rejected ballots that were objected to

Record all objections in the voting record, numbered in sequence and mark on back of objected ballot the matching number and initial it.

**Rule 5:** Where a ballot does not have initials on the back and you are satisfied it was a ballot provided by you then it may be accepted. However, if the number of ballots taken from the ballot box is more than the number recorded as voted in the voting record, discard the ballot. Mark discarded on the back of the ballot.

### **Step 18 – Statement of the Vote**

[Reg 93(2)] You must list separately the number of advance ballots and sealed envelope ballots that were added in the statement of the vote prepared for the ballot box used for regular voting.

[Reg 95(2)] You must organize the ballots into their respective envelopes and clearly mark the contents using *Envelopes A to H*. Put the various other forms completed, signed and sworn into their proper envelopes using *Envelopes I to K*. Seal the envelopes and record the number on the outside.

[Reg 96] Following the ballot tally, complete and sign *Form 23 – Statement of the Vote* and have at least one other election official sign the form. Any candidate or scrutineer present may also sign.

You are required to make a copy of this statement to place in the ballot box. Persons present at the count may also ask to be given a copy.

### **Step 19 – Packaging Used Materials**

[Reg 97] After completing the count, place into the ballot box all the packaged ballots, the voters list, a copy of the statement of the vote and all documents used at the election, excluding the voting record and the original statement of the vote. Secure the ballot box.

[Reg 116] The SEO must retain the ballots and all other election documents and materials for six months after the results of the election. Once the six months has expired, destroy material in the presence of two witnesses.

[Reg 117] Where a court proceeding is underway related to the election, you must wait until after the final determination of the application or the court authorizes their destruction.

## **Step 20 – Preparing Official Results**

[Reg 99(1)] The SEO must tally the votes received by each candidate and announce the results to those present.

[Reg 99(2)] The SEO prepares *Form 24 – Statement of Official Results*.

[Reg 102] In the event of a tie vote, you must do one of the following:

- disregard the tie vote unless the number of persons elected would be greater than the number of offices to be filled
- announce there is a tie and if there were no objections to the count declare the seat vacant and proceed to hold a by-election
- apply to the PEO for a recount, if there was an objection to the count

[Reg 103] In the unlikely event voting was interrupted or the SEO is unable to determine results, you may postpone declaring the results for not more than seven days. If the voting place was unable to be reopened due to an interruption, declare the election invalid and proceed to hold a new election.

## **Duties after Election**

### **Step 21 – Information to the Public**

[Reg 100] The SEO must make a copy of the official results publically available.

[Reg 101] The SEO must forward a copy of the official results in *Form 24 – Statement of Official Results*, along with *Form 23 – Statement of the Vote* to the PEO within two days of declaring the result of the election.

[Reg 118] All documents and material used at the election are public records and must be made available for public inspection at the times and under the conditions acceptable to the SEO. Any ballots, documents and material that pertain to personal security certificates are not subject to public inspection.

You may prepare a report to council summarizing election day proceedings to include: voter turnout, number of new voters, references from the statement of the vote/official results, any items of note, ex: closed voting for one hour due to power outage – extended to 9 p.m., election was held without incident. This will become an important part of your community election history.

### **Step 22 – Elected Candidates Taking Office**

[Reg 78] The term of office for each elected candidate starts 14 days after the day of the election for a term of four years. If a by-election, the term of office begins the

day following the by-election provided there is no tie until 14 days after the next regular election held to fill the office.

[Act 104] Each elected member must make and file with the CAO *Form 25 – Oath of Office for Members of Council* prior to engaging in any council activity within 30 days of being elected. Failure to comply, will result in the office being deemed vacant and the person disqualified from being nominated for, elected to and from membership on council until the next regular election. The SEO would then proceed to hold a by-election.

The CAO will ensure each elected council member is provided with a copy of the oath of office form. As an election official, you may be asked by a council member to administer an oath. Be sure to state your office under your signature. Council may choose to have an official swearing in ceremony for elected members, however this is not a requirement.

## **Election Complaints**

### **Challenges to Candidates Qualifications**

It is your duty as the SEO to make sure all candidates are aware of the qualifications that must be met to be a candidate and the penalties for making a false declaration. The candidate in turn makes a declaration they do qualify. Some voters may feel a person is not qualified and you as the SEO must stop that person from being a candidate. Explain to the person making the complaint the grounds for qualification or disqualification and there is an opportunity to challenge candidates. If it is subsequently determined a candidate does not comply, then appropriate action is taken according to the provisions of the regulation.

- A candidate may be able to withdraw their nomination papers, within time allowed, provided a sufficient number of other candidates for the same office remain.
- A candidate may refuse to sign the oath of office and thus refuse to accept office.
- An elected candidate may not be qualified, at which time if they do not resign as required, an application to unseat the member may be filed in court by the council or by four or more voters after the election per s. 119 of the regulation. This application may be made anytime during the member's term of office. A sample application is provided in Appendix H – Application for a Declaration Member is Disqualified.

### **Irregularities in Election Process**

The act allows the PEO to make a written order if for any reason it is impossible to close nominations or hold an election in a community on the day prescribed. The order may specify a new closing day for nominations or a new Election Day or both. An order made by the PEO is binding on the council, election officials and candidates.

### **Challenging Results of Election**

If a voter feels the results of the election are in question, because of candidate eligibility or improper procedure, they can file an application in court under s. 140 of The Municipal Councils and School Boards Elections Act. There is a cost to the applicant when filing, as

set by the court. As these applications may involve election offences, these are cited in Appendix I – Election Offences (The Municipal Councils and School Boards Elections Act) and a sample application is provided in Appendix J – Application to Challenge an Election. An application challenging an election is valid only on the grounds:

- an elected candidate was not eligible to hold office at the time elected
- there were irregularities in the election or acts constituting offences that affected the result of the election

An application may be filed in court by a candidate, an eligible voter or the SEO **within 60 days** of the election result. The judge may then declare an elected candidate either qualified or not qualified to hold office or the election was either valid or invalid. An application considered frivolous may be dismissed. The judge may order that costs paid by the applicant be recovered or make an order for payment considered just against a person whose act or omission unlawfully affected the election result.

## Recounts

Recounts are a process that allows independent verification of the SEO's count of the ballots. A recount may be required where there is a tie vote that would result in more candidates being elected than there are offices to be filled or counting errors occurred.

[Reg 102] Where there were no objections made to a decision made by an election official to accept or reject a ballot, the SEO must declare the office vacant and proceed to hold a by-election.

[Reg 104(1)] The SEO must apply for a recount to the PEO if a tie has been declared and an objection was made to a decision made by an election official to accept or reject a ballot.

[Reg 104(2)] Any candidate or voter may apply to the PEO for a recount on one or more of the following grounds:

- ballots were not correctly counted
- the statement of the vote is inaccurate on number of valid votes for a candidate
- the statement of official results is inaccurate on the total number of valid votes for a candidate.

An application is provided in Appendix K – Application for Recount. The SEO must ensure the ballot box with the material from the election is made available for the recount at the date and time set by the PEO. The election officials are to be present to assist.

If a tie remains after the recount, the SEO must proceed to hold a by-election to fill the office. Nominations received at the regular election are no longer valid. Nominations would reopen to any qualified person wishing to run in the by-election.

## By-Elections

A by-election is an election held to fill a vacancy on council, other than vacancies caused by regular elections. If a by-election occurs within six months of a regular election, the SEO may use the most recent voters list and start the election process with notice of nominations.

[Act 91(3)] The CAO must give council notice of a vacancy after receipt of a written resignation.

[Act 92(1)] A council must hold a by-election to fill a vacancy on council as soon as is reasonably practicable unless:

- (a) the vacancy occurs in the six months preceding the day on which the term of office expires
- (b) the vacancy occurs in the 12 months preceding the day on which the term of office expires and the remaining members
  - (i) are a majority
  - (ii) decide not to hold a by-election

[Act 92(3)] The SEO must proceed to hold a by-election when directed to do so by council and sets the date it will be held taking into consideration voter participation and availability of election officials and voting facilities.

Where a vacancy exists on council for a different term during a regular election, the SEO would proceed to hold a by-election in conjunction with the regular election.

## Voting Official's Duties

A voting official is to assist the SEO at the voting place and is responsible for correctly carrying out their duties. The normal duties of a voting official are one day, being the day of the voting. A voting official may also act as an interpreter, if so qualified.

[Reg 11, 12] A SEO may appoint one or more voting officials for the term specified in the appointment, who may as directed by the SEO, perform any duty assigned to the SEO. The delegation must be in writing and the SEO may continue to exercise the delegated powers and duties despite the delegation.

## Organization

### Step 1 – Election Officials Meeting

Before you begin your duties, meet with the SEO to make sure you:

- have received a written appointment from the SEO and signed Form 1 – Declaration of Election Official required to carry out your duties

- understand the qualifications and disqualifications to be a voter and voting procedures
- understand your tasks and seek answers to any questions you may have in carrying out your duties

## **Assisting at the Voting**

### **Step 2 – Procedures at the Voting**

[Reg 61(1)] The voting record is the written legal account of persons who attend the voting place for the purpose of voting and any challenges, objections or other related information.

[Reg 72] A person who being qualified receives a ballot, is considered to have voted and must leave the voting place immediately after their ballot is in the ballot box.

[Reg 58(1)] A person can only vote once, in the same election.

When a person comes to you as the voting official to vote, you would follow the same process outlined in the Senior Election Official’s Duties section under Step 14 – Holding Regular Voting. If you encounter unusual situations while carrying out your duties, ex: a person wishing to vote refuses to take an oath when requested, check under the same section for general direction on Dealing with Unusual Situations.

## **After the Voting**

### **Step 3 – Assisting in Counting Ballots**

As a voting official, you will likely assist in the counting of ballots and may be asked to:

- record all notes/objections in the voting record, respecting ballots being counted
- keep the ballot tally, which is a form to record the number of votes cast for each name on the ballot
- assist in completing other forms and documents required upon completion of the count

## **Department Staff Roles**

### **Principal Electoral Officer**

[Act 95(1)] The minister may appoint a person to be known as the PEO who has such powers and duties as set out in the act or regulation.

[Act 95(2),(3)] The PEO may delegate any of their powers and duties to another person, subject to any restrictions or conditions specified in the delegation and may continue to exercise the delegated powers and duties despite the delegation.

## Role

The PEO has overall responsibility for the coordination of election matters in Northern Affairs Communities and will:

- exercise general direction and supervision over administrative conduct of elections
- enforce fairness, impartiality and compliance with the act and the regulation on the part of all election officials
- issue to election officials any instructions believed necessary to ensure the effective conduct of elections, including general interpretation of the legislation and provide advice respecting resolution of unusual situations
- perform such other duties prescribed by the act or any other enactment
- direct appoint election officials as may be required
- respond to election officials questions during an election
- ensure training resources are made available and provide training to election officials as may be required
- provide residents with information on the election process, right to run and right to vote
- ensure recounts are conducted and assistance is made available to the judge in any election matter referred to the courts
- ensure election inquiries referred to the minister are handled as required
- ensure a record is kept of all written orders made to council and election officials
- ensure a record is kept of all elected officials and their terms of office
- provide an annual report to the minister on elections and any other related matters

## Orders

The act provides authority for the PEO to make certain decisions in the form of written orders, where deemed necessary.

[Act 97] The PEO may make orders with respect to postponing an election. An order is binding on the council, election officials and candidates and may be made anytime prior to election day.

## Recounts

Upon receipt of an *Application for Recount* from the SEO, any candidate or voter, the PEO would proceed as follows:

[Reg 105] The PEO sets a date and time for the recount and advises all parties. The date set must be within two weeks after receipt of the application or as soon as practicable after that. Notice to all parties will occur at least four days before the date of the recount.

[Reg 106(1)] The PEO will advise the community, so the ballot box with the material from the election can be made available for the recount. Only authorized persons will be allowed to be present during the recount and the election officials must be present to assist with the recount.

- [Reg 107] The ballot box containing election material is produced, opened and ballot envelopes opened. The PEO will proceed to recount the ballots following the same procedure used by the SEO. Each ballot will be examined in the same manner with the recount process proceeding continuously. Ballot tallies will be conducted.
- [Reg 108] On completion of the recount, the PEO will announce the results to those present and certify the results to the SEO as well as other parties in Form 23 – Statement of the Vote and Form 24 – Statement of Official Results and reseal the ballots and other documents in their packets. The PEO will return the ballot box and materials to the SEO.
- [Reg 109] The SEO, upon receipt of the official results from the PEO, must declare the candidate with the most votes elected.
- [Reg 110] If after a recount by the PEO a tie remains, the SEO must proceed to hold a by-election to fill the office.

## **Municipal Development Consultant**

The municipal development consultants provide support to the community and will:

- ensure councils enact the proper bylaw to appoint and remunerate community election officials
- respond to election officials questions, in the absence of the PEO
- ensure the SEO within two days of declaring the election results submits a copy of the official results to the PEO
- assist the PEO, in whatever manner the PEO directs

## **Election Material**

All election material provided in the appendices can be removed for use as applicable.

### **Election Forms**

Form 1 – Declaration of Election Official – oath required to be taken by all appointed election officials prior to entering on their duties.

Form 2 – Voters List – format for preparing and maintaining the voters list.

Form 3 – Notice of Voters List/Personal Security Protection – notice posted in a regular election year to advise voters when and where changes to the voters list about themselves will be accepted and how voters can apply for personal security protection.

Form 4 – Application for Personal Security Protection – application for voters wishing to have their personal information obscured from the voters list.

Form 5 – Personal Security Certificate – certificate provided by the SEO to an eligible voter who applied for personal security protection.

Form 6 – Notice of Nominations – notice posted to advise voters on the date(s), time and place the SEO will accept nominations.

Form 7 – Candidate Nomination – first part of a candidate’s nomination papers.

Form 8 – Declaration of Candidate – second part of a candidate’s nomination papers.

Form 9 – Candidate Withdrawal – used by a candidate who wishes to withdraw their name following the day after nomination period ends.

Form 10 – Scrutineer Appointment – used by candidates to appoint scrutineers in writing.

Form 10A – Official Agent Appointment – used by candidates to appoint an official agent in writing to represent them.

Form 11 – Notice of Election – notice posted to advise voters of the candidates running and the date(s), time and place for voting opportunities.

Form 12 – Information Sheet for Scrutineers – handed out to the appointed scrutineers to advise them of their role.

Form 13 – Oath of Scrutineer – oath required to be taken by all scrutineers prior to entering a voting place.

Form 14 – Ballots (Separate, Composite) – format for printing of ballots. The SEO decides on whether to use separate or composite ballots.

Form 15 – Directions for Voting – posted in all voting places and voting compartments to instruct voters on how to vote.

Form 16 – Oath of Voter – oath required by voters who are challenged, where required under the regulation or where requested by an election official.

Form 17 – Oath of Person Assisting a Voter – oath required to be taken by a person assisting a voter prior to entering on their duties, other than an election official.

Form 18 – Oath of Interpreter – oath required to be taken by a person acting as an interpreter prior to entering on their duties, other than an election official.

Form 19 – Application to Vote by Sealed Envelope – used by those voters who are unable to vote at either an advance or regular voting.

Form 20 – Instructions for Voting by Sealed Envelope – part of the package sent to a voter eligible to vote by sealed envelope ballot.

Form 21 – Voting by Sealed Envelope – part of the package sent to a voter to vote by sealed envelope ballot.

Form 22 – Ballot Account – tally of ballots completed by the SEO and attached to the voting record.

Form 23 – Statement of the Vote – completed by the SEO following the count of the ballots and a copy sent to the PEO within two days of declaring the results.

Form 24 – Statement of Official Results – completed by the SEO after completing the tally and announcing the results. The SEO is to make the results publically available the next day and send a copy to the PEO within two days of declaring the results.

Form 25 – Oath of Office for Members of Council – oath required to be taken by an elected candidate before entering on their duties. This oath must be filed with the CAO.

### **Notations for Document Envelopes**

Envelope A – Accepted Ballots – to contain the ballots which have been counted by the SEO and not objected to by anyone else.

Envelope B – Accepted Ballots that were Objected to – to contain the ballots which have been counted by the SEO and objected to by someone else.

Envelope C – Rejected Ballots – to contain the ballots which have not been counted by the SEO and not objected to by anyone else.

Envelope D – Rejected Ballots that were Objected to – to contain the ballots which have not been counted by the SEO and objected to by someone else.

Envelope E – Spoiled Ballots – to contain the ballots marked spoiled.

Envelope F – Declined Ballots – to contain the ballots marked declined.

Envelope G – Discarded Ballots – to contain the ballots marked discarded.

Envelope H – Unused Ballots – to contain the unused ballots.

Envelope I – Voters List – to contain the voters list used at the voting places.

Envelope J – Copy of the Statement of the Vote – to contain a copy of the statement of the vote completed by the SEO.

Envelope K – All Other Documents Used at the Election – to contain all other documents which were completed, prepared or used at the election.

## **Other Forms**

Application for Recount – used by the SEO, any candidate or voter to apply to the PEO for a recount.

Application to Challenge an Election – sample provided for reference by a candidate, an eligible voter or the SEO to challenge the results of an election in court. It is up to the person challenging to complete the proper court forms, cite relevant legislation, reasons for the claim and file with the nearest Court of King’s Bench within 60 days of the election.

Application for a Declaration Member is Disqualified – sample provided for reference by the council or by four or more voters to challenge the qualifications of a council member during their term of office. It is up to the persons alleging the disqualification to complete the proper court forms, cite the relevant legislation, reason for the claim and file with the nearest Court of King’s Bench anytime during the member’s term of office.

In order for an applicant to file a notice of application in court to challenge an election or a declaration a member is disqualified the applicant can go to the Manitoba courts website at [https://web2.gov.mb.ca/laws/rules/forms\\_e.php](https://web2.gov.mb.ca/laws/rules/forms_e.php) and download the necessary court forms and seek advice from the court office on the process. An applicant may file an application on their own or by a lawyer acting for them. The department does not provide legal advice to applicants in these matters.