



Appointment of Scrutineer	City Clerk – Election Office
	Procedure No.: EO-14-22

1. Purpose

- 1.1. This document establishes the City of Hamilton's procedure whereby nominated candidates may appoint a scrutineer to act on their behalf by observing the election process, and any subsequent recount to ensure that it is conducted in accordance with the principles of the Municipal Elections Act, 1996.

2. Application

- 2.1. This procedure applies to election officials designated by the City Clerk, nominated candidates and electors during City of Hamilton municipal elections, and/or by-elections.

3. Legislative Authority

- 3.1. The City Clerk has the authority to provide for any matter or procedure that is not otherwise provided for in an Act or regulation and that, in the City Clerk's opinion, is necessary or desirable for conducting the election. *Reference: MEA s.12*
- 3.2. Certified Candidates may appoint scrutineers to represent them during voting and at the counting of votes. *Reference MEA s. 16.*
- 3.3. Scrutineers, under the Municipal Elections Act, have rights, abilities, and requirements during both the advance vote period and on election day *Reference: MEA s. 43; 47- 49, 52, 54.*

4. Procedure

Appointment Process

- 4.1. To appoint an individual to act as a scrutineer on their behalf, nominated candidates must obtain an 'Appointment of Scrutineer' form through the City Clerks office, or City of Hamilton website, and complete the form in its entirety. *Reference MEA s. 16(4)*
- 4.2. The 'Appointment of Scrutineer' form must stay with the scrutineer and can be used in conjunction with valid identification: in the voting place; during institutional ballot feeding; during the production of advance vote results on election night and during a recount.
- 4.3. There are no restrictions on who can be appointed as a scrutineer (for example, a scrutineer can be any age and does not have to be a citizen). However, an acclaimed candidate cannot be appointed as a scrutineer for another candidate.

Process at the Voting Place

- 4.4. Upon their arrival to the voting place or vote tabulating centre, the scrutineer must present their written appointment and personal identification to election officials at the voting place.
- 4.5. Once election officials have verified the written appointment and identification, the scrutineer will be required to take an oral "Oath of Secrecy".
- 4.6. Only one scrutineer per candidate may be at each voting place for each piece of vote-counting equipment in use at the voting place. *Reference MEA s. 43(4)(3)*.
- 4.7. Candidates who enter the voting place are considered to be scrutineers and must present identification to the election official. *Reference MEA s. 47 (2)*.

General

4.8. Rights and Restrictions

4.8.1. Scrutineers and candidates can:

- Enter the designated place 15 minutes before it opens and inspect the vote tabulator stand, the ballots and all other election documents but not so as to delay the process. *Reference MEA s.47(5)(b)*
- Object to an elector voting in the voting place *Reference: MEA s. 52(2)*
- Sign the statement of the results of the election where applicable *Reference MEA s.47(5)(g)*
- Place their seal on the ballot box after the close of voting each day during the advance vote and on election day in the voting place. *Reference MEA s. 47(5)(c)*

4.8.2. Scrutineers and candidates *cannot*:

- Attempt, directly or indirectly, to interfere with how an elector votes or with an elector who is marking a ballot in the voting place. *Reference: MEA s.48(1); 49(2)(a)*
- Display a candidate's election material (including buttons, ribbons, pins, etc.) in the voting place *Reference: MEA s. 48(2)*
- Compromise the secrecy of voting *Reference: MEA s. 49(1)*
- Obtain or attempt to obtain, in the voting place, any information about how an elector intended to vote or has voted *Reference: MEA s. 49 (2)(b)*
- Communicate any information obtained in the voting place about how an elector intends to vote or has voted *Reference: MEA s. 49 (2)(c)*
- Speak to or provide assistance to any electors in the voting place
- Act as an interpreter (an elector must make their own arrangements)
- Use a cell phone in the designated voting place

4.8.3. Election officials have the right to remove from the designated place any individual who is causing a disturbance. Candidates and scrutineers forfeit their right to be present if they disrupt the designated place or interfere with the voting or vote counting process.

5. Related Policies/Procedures/Guidelines/Information

EO-07-22 Identification Requirements for Candidates

EO-23-23 Candidates and Scrutineers in the Voting Place

6. Applicable Legislation

- *Municipal Elections Act, 1996, S.O. 1996, CHAPTER 32*

7. Revision History

Date	Description
February 2022	Policy Approved
June 2022	Policy Reviewed
October 2024	Policy Reviewed



Appendix A: Appointment of Scrutineer Form

APPOINTMENT OF SCRUTINEER Municipal Election 2026 Municipal Elections Act, 1996 (s. 16 (1))

Name of nominated candidate	For the office of
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I hereby appoint _____ as a scrutineer to represent me in the City of Hamilton 2024 Municipal By-Election.

(Signature of nominated candidate)

(Date)

APPOINTMENT:

Scrutineers must show their written appointment and personal identification to election officials on arrival at the voting place and take the “*Oath of Secrecy*”. Only one scrutineer per candidate may be at each voting place for each ballot box in use at the voting place. Candidates who enter the voting place are considered to be scrutineers and must present identification to the election official.

RIGHTS:

Candidates and scrutineers have a number of rights, including the following:

- to enter the voting place 15 minutes before it opens and to inspect (but not touch) the ballot boxes, the ballots and all other election documents but not so as to delay the opening of the voting place;
- to object to an elector voting (objection to be decided by the election official); and
- to sign the statement of the results of an election.

The City will be using vote-counting equipment to tabulate the votes. Please note that scrutineers will not be permitted to view the face of the ballots as they are being fed into the vote tabulators or to view the touch screens in order to protect the secrecy of the vote.

PROHIBITIONS:

Scrutineers and candidates are prohibited from the following:

- campaigning at the voting place;
- attempting, directly or indirectly, to interfere with how an elector votes;
- displaying a candidate’s election material (including buttons, pins, etc.) in a voting place;
- compromising the secrecy of voting;
- obtaining or attempting to obtain, in a voting place, any information about how an elector intends to vote or has voted; and
- communicating any information obtained at a voting place about how an elector intends to vote or has voted.
- use of a cell phone within the voting location.

Election officials have the right to remove from the voting place any individual who is causing a disturbance or interfering with the process. Candidates and scrutineers forfeit their right to be present if they disrupt the voting place.