



Candidates and Scrutineers in the Voting Place	City Clerk – Election Office
	Policy No.: EO-23-23

1. Purpose

- 1.1 The purpose of this Policy is to provide clarity regarding actions and behaviours of candidates and scrutineers in voting places, vote counting centres, and recount centres.

2. Application

- 2.1 This Policy applies to candidates and scrutineers in City of Hamilton elections and/or by-elections.

3. Legislative Authority

- 3.1 Section 12(1) of the *Municipal Elections Act, 1996* (“MEA”) outlines the powers of the City Clerk, including that they may 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.
- 3.2 Section 12(2) of the MEA allows the City Clerk to establish forms, including forms of oaths and statutory declarations and the power to require their use.
- 3.3 Section 12(3) of the MEA allows the City Clerk to require a person, as a condition of doing anything or having an election official do anything under the MEA, to furnish proof of the person's identity.

4. Policy

Definitions

“**voting place**” includes any place in the immediate vicinity of the voting location designated by the clerk including the entire building and the property on which it is located. *Reference MEA s.48(3)*

Implementation

- 4.1 Candidates may appoint scrutineers to represent them during voting and at the counting of votes, including a recount. *Reference: MEA s.16(1)*
- 4.2 Appointments shall be in the form attached hereto as Appendix “A” - Scrutineer Appointment Form. *Reference: MEA s.12(2)*
- 4.3 The number of scrutineers per certified candidate permitted in a voting place at any time will be equal to the number of ballot boxes in use at the voting place, reduced by one where the certified candidate who appointed them is present at the voting location. (i.e. If there is one ballot box, only the certified candidate or a scrutineer, for that certified candidate, is permitted.) *Reference: MEA s.47(1)(2)*
- 4.4 Candidates and scrutineers entering the voting location, vote counting centre, or recount centre shall proceed to the MDRO (or to the TDRO in the absence of an MDRO). Scrutineers must present their Scrutineer Appointment Form, in the form attached as Appendix “A”, and certified candidates must present acceptable identification, as identified in Appendix “B” – Acceptable Identification for Candidates. In the absence of acceptable identification, the certified candidate may instead complete a Declaration of Identity – Form 9, as identified in Appendix “C” attached hereto, attesting to their identity.

- 4.5 Candidates and scrutineers will also be required to take an Oath of Secrecy in the form attached as Appendix “D” hereto, after which they will be provided with a name tag (reading “Candidate” or “Scrutineer” only) to be worn while they are in the voting location, vote counting centre, or recount centre. A certified candidate and/or scrutineer re-entering the same voting location, vote counting centre, or recount centre is required to take only one Oath per day. The City Clerk will determine whether the Oath is to be made orally or in writing.
- 4.6 There are no age restrictions to be a scrutineer, nor any requirements that a scrutineer cannot be related to the candidate who makes the appointment.

Rights of Candidates and Scrutineers in Voting Places, Vote Counting Centres and Recount Centres

- 4.7 Candidates and Scrutineers may:
- a. remain in a voting place when the vote is being taken or the votes are being counted;
 - b. be present when materials and documents are delivered to the Clerk following advance voting and on Voting Day;
 - c. enter the voting place 15 minutes before it opens and may inspect the ballot boxes and the ballots and all other papers, forms and documents relating to the vote, but not so as to delay the timely opening of the voting place;
 - d. place a seal on the ballot box before opening of the voting location;
 - e. place a seal on a ballot box at the conclusion of voting;
 - f. object to a person voting;
 - g. object to a ballot or to the counting of votes on a ballot; *Reference MEA s.47(5)(f).*
 - h. sign the statement of the results of an election;

- i. be present at each recount station established by the City Clerk in respect of recounts for election to office or recounts for by-laws or questions, with an equal number of scrutineers appointed to represent the supporters and opponents of a by-law and an equal number of scrutineers appointed for each possible answer to a question. *Reference: MEA s.61*

Prohibitions on Scrutineers and Candidates

4.8 Scrutineers and candidates are prohibited from:

- a. attempting, directly or indirectly, to influence how an elector votes while the elector is in a voting place; *Reference: MEA s.48(1)*
- b. attempting to campaign or persuade an elector to vote for a particular candidate;
- c. displaying a candidate's election campaign material or literature in a voting place; *Reference: MEA s.48(2)*
- d. compromising the secrecy of the voting; *Reference: MEA s.49(1)*
- e. interfering or attempting to interfere with an elector who is marking a ballot; *Reference: MEA s.49(2)*
- f. obtaining or attempting to obtain, in a voting place, any information about how an elector intends to vote or has voted; *Reference: MEA s.49(2)*
- g. communicating any information obtained at a voting place about how an elector intends to vote or has voted. *Reference: MEA s. 49(2)*

Prohibition of Canvassing in Voting Places

- 4.9 Returning Officer (City Clerk) is the lessee of the premises being used as a voting place. As the lessee of such premises, the Returning Officer does not permit electioneering of any nature, including the display of a candidate's election campaign material or literature, in or on the premises when voting is taking place. The premises is deemed to include the entire building and the property on which it is located. *Reference MEA s.48(2)*
- 4.9 MDRO's and TDRO's are instructed to remove forthwith from any voting place, and to place out of sight, any material or literature of any nature which has been deposited at the voting place.

Administration

- 4.10 Candidates and scrutineers are not permitted to interfere with or to disrupt the voting process and may not handle any documents in the possession of a designated election official, including, but not limited to the Voters' List, Voter Information Cards and other election forms.
- 4.11 Candidates and scrutineers present at a voting place must take the Oath of Secrecy as outlined in Appendix "D".

5. Legislation

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

6. Revision History

Date Approved	October 2023
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APPENDIX "A"

Scrutineer Appointment Form

Instructions:

- A Scrutineer must show this form to an on-site election official and take an oath of secrecy. The scrutineer is to keep this appointment form with them at all times.
- This form can be used: in the voting place; during the production of advance vote and vote by mail results on election night and during a recount.

Candidate

Last Name or Single Name <input type="checkbox"/> I have a legally registered single name		First Name
Election	Office	Ward
I appoint the following individual as a scrutineer to represent me in the above noted election.		
Signature of Candidate		Date

Scrutineer

Last Name or Single Name <input type="checkbox"/> I have a legally registered single name	First Name
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Rights and Restrictions

Scrutineers and candidates may:

- remain in a voting place when the vote is being taken or the votes are being counted;
- be present when materials and documents are delivered to the Clerk following advance voting and on Voting Day;
- enter the voting place 15 minutes before it opens and may inspect the ballot boxes and the ballots and all other papers, forms and documents relating to the vote, but not so as to delay the timely opening of the voting place;
- place a seal on the ballot box before opening of the voting location;
- place a seal on a ballot box at the conclusion of voting;
- object to a person voting;
- object to a ballot or to the counting of votes on a ballot;
- sign the statement of the results of an election;
- be present at each recount station established by the City Clerk

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
- Display a candidate's election material (including buttons, ribbons, pins, etc.) in the voting place
- Compromise the secrecy of voting
- Obtain or attempt to obtain, in the voting place, any information about how an elector intends to vote or has voted
- Communicate any information obtained in the voting place about how an elector intends to vote or has voted
- 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 voting place (inside voting place, vote counting centres and recount centres)

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

APPENDIX “B”
Acceptable Identification for Candidates

Candidates will be required to present an original, or a certified true copy signed by a commissioner of oath or a notary, of a document or documents listed below which shows the person’s name and qualifying address.

O.Reg 304/13 - SCHEDULE 1

1. An Ontario driver’s licence.
2. An Ontario Health Card (photo card).
3. An Ontario Photo Card.
4. An Ontario motor vehicle permit (vehicle portion).
5. A cancelled personalized cheque.
6. A mortgage statement, lease or rental agreement relating to property in Ontario.
7. An insurance policy or insurance statement.
8. A loan agreement or other financial agreement with a financial institution.
9. A document issued or certified by a court in Ontario.
10. Any other document from the government of Canada, Ontario or a municipality in Ontario or from an agency of such a government.
11. Any document from a Band Council in Ontario established under the *Indian Act* (Canada).
12. An income tax assessment notice.
13. A Child Tax Benefit Statement.
14. A Statement of Employment Insurance Benefits Paid T4E.
15. A Statement of Old Age Security T4A (OAS).
16. A Statement of Canada Pension Plan Benefits T4A (P).
17. A Canada Pension Plan Statement of Contributions.
18. A Statement of Direct Deposit for Ontario Works.
19. A Statement of Direct Deposit for Ontario Disability Support Program.
20. A Workplace Safety and Insurance Board Statement of Benefits T5007.
21. A property tax assessment.
22. A credit card statement, bank account statement, or RRSP, RRIF, RHOSP or T5 statement.
23. A CNIB Card or a card from another registered charitable organization that provides services to persons with disabilities.
24. A hospital card or record.
25. A document showing campus residence, issued by the office or officials responsible for student residence at a post-secondary institution.
26. A document showing residence at a long-term care home under the *Fixing Long-Term Care Act, 2021*, issued by the Administrator for the home.
27. A utility bill for hydro, water, gas, telephone or cable TV or a bill from a public utilities commission.
28. A cheque stub, T4 statement or pay receipt issued by an employer.
29. A transcript or report card from a post-secondary school.

NOTE:

Should none of these options be available to the candidate, they may instead complete a **Declaration of Identity – Form 9** for the purposes of furnishing proof of identity and residence.

APPENDIX “C”
Declaration of Identity – Form 9



Ministry of Municipal Affairs
and Housing

Declaration of Identity – Form 9
Municipal Elections Act, 1996 (Section 52 (1)1)

Instructions

- To be completed by persons whose names appear on the voters' list and who do not present the prescribed proof of identity and residence.
- This application must be completed at the voting place.

Voting Place

Municipality _____

Ward Name or Number (if any) _____

Declaration

I, _____, hereby declare that I am

at

 (Name of Elector)

 (Address)

as shown on the voters' list, and I make this declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before Deputy Returning Officer

in the _____

Date (yyyy/mm/dd) _____

 Signature of Deputy Returning Officer

 Signature of Person Requesting a Ballot

**APPENDIX “D”
Oral Oath of Secrecy**

To be declared by any scrutineer or candidate wishing to remain at the voting place, vote counting centre, or recount centre.

Oral Oath of Secrecy

Municipal Elections Act, 1996

I, _____, do solemnly swear(or affirm);
(state name)

- That I will maintain and aid in maintaining the secrecy of the voting; and
- That I will not, nor attempt to:
 - interfere with an elector when they are marking their ballot;
 - obtain or communicate any information as to how an elector is about to vote or has voted; or
 - directly or indirectly induce an elector to show their marked ballot to any person.