

MANITOBA METIS FEDERATION NATIONAL ELECTION MANUAL



DEPUTY RETURNING OFFICERS AND POLL CLERKS ELECTION PROCEDURES MANUAL

(These procedures are subject to the MMF Election By-Law)

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Responsibilities of Deputy Returning Officers & Poll Clerks:

The Chief Electoral Officer (CEO) appoints a Deputy Returning Office (DRO) and a Poll Clerk (PC) for all polling stations. While the primary responsibilities of the DRO and PC are on Election Day. The term of the appointment lasts for thirty (30) days after the election and all recounts and appeals have been completed.

The DRO is in charge of the polling station on Election Day. The DRO is responsible for ensuring that the voting procedures outlined in this manual are followed and that all documents and forms pertaining to the conduct and management of the election are properly completed and returned to the CEO.

The Poll Clerk will provide assistance to the DRO and will be required to sign the aforementioned documents and forms pertaining to the conduct and management of the election.

All DRO's and Poll Clerks will be required to sign an Oath of Secrecy and Confidentiality. The CEO may appoint another person to replace a DRO or PC if that person is unable or unwilling to complete the duties of his/her office.

No DRO or Poll Clerk shall campaign on behalf of any candidate throughout the duration of the election process. Any DRO or PC found to be campaigning will be immediately removed from their position.

DRO duties prior to Election Day:

Prior to Election Day, the DRO has important functions. DROs are responsible to receive and post, in public places, the Preliminary List of Electors for the Local and posters and other advertisements of the election within the area served by the Local.

These must be done in a timely way since the Constitution requires the posting of same. In remote areas that may include printing the documents in order to post them. Once posted the DRO must take a picture with a date stamp and send it to their RRO.

On the date set by the Chief Electoral Officer, the DRO must remove the Preliminary List of Electors and return the list to the RRO. They must also remove the initial posters and place further posters as required by the CEO. At the end of the election, these posters must also be removed.

DROs will also have nomination forms and other forms for candidates or citizens.

Lastly, the DRO is responsible to receive and ensure that the necessary materials are supplied for the conduct of an election. Upon receiving the materials provided you must check the boxes and ensure that everything needed has been provided. If anything is missing, you must contact your RRO immediately and ensure that the missing materials are received prior to Election Day.

ON ELECTION DAY:

Voting Hours:

The Polls will be open on Election Day between 8:00 a.m. and 8:00 p.m. DRO's and PC's should arrive at their polling stations to set up the polling station no later than 7:30 a.m on Election Day.

Location and Set Up of Polling Stations:

The locations of the polling stations have been pre-determined by the CEO. It is a good idea to visit the polling location prior to Election Day and become familiar with the surroundings. Arrangements must be made to ensure that the polling location will have an adequate number of tables and chairs. Two tables are needed: one for the DRO and PC to use and one for the voters to use to mark their ballots behind the voting screen. This table should be set up behind the DRO/PC table and should have a chair available for the voters who need it.

Materials:

The CEO will arrange to have the required voting materials sent to the DRO prior to the election either by Greyhound or Canada Post. The DROs must verify with the CEO that they have received those materials by contacting the CEO Election office at 204-614-0225 or by contacting their RRO. Please contact the CEO office immediately so that the missing materials can be sent prior to Election Day.

Setting Up the Polling Station:

Prior to the commencement of voting, the DRO and PC need to set up the polling station. The following steps should be taken:

1. Set up one of the tables provided as the DRO/PC table in near proximity to the entrance so that voters do not have to walk a long way when entering the polling station. The ballot box, ballots, voting list, and all other materials are to be placed on this table.
2. Set up the second table behind the DRO/PC table and construct the voting screen and place it on the table along with one of the pencils provide. Make sure that the pencils are sharp and remain sharp throughout voting. Single use pencils will be provided. A box should be used to collect pencils after each use. The table should be placed far enough back to allow privacy for the voter to cast their ballot.
3. Once you are set up you can swear in any scrutineers that may be present for the opening of the polling station. Scrutineers must present an Appointment of Scrutineer form that has been filled out and signed by the Candidate that they are

representing. Each Scrutineer must take the Oath of Secrecy located at the front of the Polling book and sign where required. The scrutineers should be provided with a Scrutineer sticker that is provided in your election materials.

4. Before constructing the ballot box and sealing you will want to verify that the ballot box is empty. You will show the empty box to the Scrutineers present to show that the box is empty before securing it. Once the box has been constructed you will take two of the seals that have been provided to ensure there is no way to place anything in the box except the slit at the top AND that the box cannot be opened without breaking or removing a seal. Once you have sealed all openings other than the top to ensure that ballots can not be slipped into the box, the DRO and PC should sign each seal. This ensures that when the ballot box is sent back to the CEO that it is the correct ballot box because of the signatures.
5. Count the number of ballots issued and verify that the number corresponds to the quantity recorded by the CEO's office on the Ballot Account Form which has been provided with the ballots. If the count is not accurate please indicate beside number 6 on the form the number of ballots is counted. Ballots are in books of 50.
6. Post the polling location signs provided along with the arrows to provide direction to the voting station if it is located inside of a building. Tape has been provided for this. Please do not use white packing tape for this.
7. Inspect the vicinity around the polling station. There should be absolutely no campaign materials within sight of the polling station. Furthermore, there should be no campaign activity. If any campaign material or campaigning is detected contact the CEO immediately.

RESPONSIBILITIES DURING VOTING

Processing Voters:

1. When an elector arrives at a Polling Station to vote, the Deputy Returning Officer or the Poll Clerk will ask him or her for identification. Identification can be:
 - a) a Manitoba Metis Federation card issued with a "V" number; or
 - b) a Province of Manitoba driver's license; or
 - c) an Enhanced Manitoba Identification Card; or
 - d) a student photo identification card; or
 - e) Metis Harvester Card; or
 - f) any other photo identification card or identification documents approved by the Chief Electoral Officer.
2. Names of electors who voted at the Advance Poll, or received a mail-in ballot will have been crossed off the List of Electors and they are not eligible to vote on Election Day.
3. The Deputy Returning Officer will locate the name of the elector who produces the

required identification on the List of Electors for that poll and draw a line through it with a ruler. The name of the Citizen MUST appear on that voter's list. If the name is NOT on the voters list the person may not vote except if a ruling allowing the ballot is received from the Chief Electoral Officer (and no one else).

4. At the time the elector's name is located on the elector's list and is determined to be eligible to vote, the Poll Clerk will print the name of the elector on the next available line in the Poll Book and complete the rest of the information.

NOTE: ANY CANDIDATE'S SCRUTINEER PRESENT AT THE POLLING STATION CAN ONLY CHALLENGE THE RIGHT OF AN ELECTOR TO VOTE UP TO THE TIME THE ELECTOR IS HANDED THEIR BALLOT(S). NO CHALLENGE TO AN ELECTOR'S RIGHT TO VOTE IS ALLOWED AFTER THEY HAVE RECEIVED THEIR BALLOT FROM THE DEPUTY RETURNING OFFICER OR POLL CLERK.

5. The Poll Clerk will **have the elector sign** the Poll Book on the same line next to their name (if an elector refuses to sign the Poll Book they will not be permitted to vote).
6. If the information on the Voter's list is not the same as the information on the identification provided, please record the correct information in the notes section of the Poll Book next to the voter's name. This would be information such as a new address or new local information. If there is a duplicate name on the voter's list please ask the voter if they lived at the other address on the voter's list to determine if they may be a duplicate and if so indicate that in the notes section of the poll book next to their name.
7. The Deputy Returning Officer will fold the ballot into three and initial the back of the middle of the ballot(s), and hand them to the elector (all ballots should be initialed and folded in the same manner).
8. The Deputy Returning Officer will explain the voting process to the elector:
 - a) Proceed directly to the vote casting station – do not speak with others in the polling station until they return their ballot unless they are being assisted to vote;
 - b) Go behind the vote casting screen and mark their ballot in a manner so that no other person can see how they mark the ballot;
 - c) Place a checkmark (√) or an X in the box next to the candidate(s) they wish to vote for;
 - d) If they have been given a ballot for President or Regional Vice-President, they can only vote for one candidate;
 - e) They can vote for up to two candidates on the ballot for the Regional Director for the Board (one or two candidates);
 - f) Their ballots will be rejected if:
 - they vote for more than the allowed number of candidates;
 - it is not possible to tell clearly which candidate they are voting for;
 - they write anything on the ballot other than their marks for indicating the candidates for whom they are voting;

- their ballot is marked or manipulated in any manner that could be used for identifying them as the individual who cast that ballot.
 - g) After marking their ballots, they must fold their marked ballot(s) in half in the same manner the ballot(s) were given to them with the printed portion of the ballot(s) on the inside of the fold in a manner that ensures the candidate(s) for whom they voted cannot be seen;
 - h) After folding their ballot(s), they must return to the place where the ballot box is located without speaking to any other person in the Polling Station.
 - i) Once at the place where the ballot box is located, the Deputy Returning Officer or Poll Clerk must examine the ballot to ensure one of their initials is on the ballot(s).
 - j) If the required initial is not on the ballot(s), the ballot(s) must be declared to be spoiled and "spoiled ballot" must be written on it and it must be placed in the Spoiled and Declined Ballots envelope.
 - k) If the ballot(s) are returned without the required initials on them, the elector shall be provided with another ballot(s) and directed to recast their votes in the same manner as described above.
 - l) If an elector decides not to vote for any candidate on the ballot(s), they must return the ballot(s) to the Deputy Returning Officer or Poll Clerk and tell them they are declining to vote – an elector who receives a ballot and declines to vote, will not be issued another ballot for the MMF 2018 Provincial Election.
 - m) The Deputy Returning Officer or Poll Clerk shall take the ballot(s) and write "declined ballot" on its back and place it in the Declined and Spoiled Ballots envelope.
 - n) An elector who returns their ballot(s) because they choose not to vote for any candidates will not be issued another ballot and must immediately leave the Polling Station.
 - o) When an elector returns a ballot to the Deputy Returning Officer or Poll Clerk and the ballot meets the requirements of an eligible ballot, the elector may place the ballot in the Ballot Box or they may request the Deputy Returning Officer or Poll Clerk to place the ballot in the Ballot Box on their behalf.
 - p) After completing the voting process, the elector must immediately leave the Polling Station without significantly speaking to others in the Polling Station.
9. The Poll Clerk will check the box Ballots Issued once the ballot has been given to the voter.
 10. The Deputy Returning Officer will review the folded ballot(s) returned to them by the elector to ensure their required initials are present.
 11. If the required initials are not on the ballot(s), the ballot(s) must be declared to be spoiled and "spoiled ballot" must be written on it and it must be placed in the Spoiled and Declined Ballots envelope.
 12. The Deputy Returning Officer or Poll Clerk will write "spoiled ballot – new ballot issued" in the Notes column on the line where information on that elector is entered

in the Poll Book.

13. If the ballot(s) are returned without the required initials on them, the elector shall be provided with another ballot(s) and directed to recast their votes in the same manner as described above.
14. If an elector decides not to vote for any candidate on the ballot(s) they must return the ballot(s) to the Deputy Returning Officer and tell them they are declining to vote.
15. The Deputy Returning Officer shall take the ballot(s) and write "declined ballot" on its back and place it in the Declined and Spoiled Ballots envelope and ask the elector to immediately leave the Polling Station without having cast a vote.
16. The Deputy Returning Officer will write "declined ballot" in the Notes column on the line where information on that elector is entered in the Poll Book.
17. Once a completed ballot has been placed in the Ballot Box, the Poll Clerk will check the Voted column on the line in the Poll Book for that elector.

Re-issuing Ballots:

If a voter makes a mistake in completing a ballot by putting an **X** opposite the wrong candidate, or opposite too many candidates, the voter may return the ballots to the Deputy Returning Officer, explain the circumstances, and receive a new set of ballots in return for the original ones.

The Deputy Returning Officer shall write, "Spoiled Ballots" on the original ballots and indicates in the Poll Book that new ballots were issued. The original ballots shall then be placed in Envelope #3, the "Spoiled & Declined Ballots" envelope, and shall not be counted. A note of this should be placed in the poll book.

Infirm or Incapacitated Voters

Where a voter who is on the Voters List comes to a Polling Station to vote and is unable to mark a ballot due to illiteracy, blindness, or physical or mental disability, the Deputy Returning Officer shall:

1. Have a friend or relative complete a Voter Assisted form showing the name of the voter, his or her own name, and the reason the person is incapable of voting alone.
2. Permit that person to accompany the voter into the voting compartment to mark the ballots in accordance with the voter's instructions.
3. Receive the completed ballots, check his or her initials and place the ballots in the ballot box,

4. Enter the reason the person was permitted to vote in this manner, and the name of the person who assisted the voter, in the Poll Book.

Infirm or incapacitated voters who are unable to attend a Polling Station to vote may vote in the following way:

1. Upon notification from the Chief Electoral Officer, the Deputy Returning Officer shall send the Poll Clerk and any Scrutineers who are present and wish to attend to the place where the voter is living.
2. Ask the Poll Clerk to have the voter complete an Incapacitated Voter form. The completed form shall include the name of the voter; the reason the person could not attend a Polling Station and the signature of the Poll Clerk and Scrutineer.
3. The voter must sign the form, or if the voter is infirm, have a friend or relative do so.
4. If the Deputy Returning Officer requires the assistance of another Poll Clerk in the absence of the one who goes to assist a member vote, he/she may appoint a temporary replacement until the Poll Clerk returns.
5. When the ballots are returned, the Deputy Returning Officer shall place them in the ballot box and place the voter's declaration into an Incapacitated Voter envelope.

Dealing With Electors Not on List of Electors for a Poll:

1. Only citizens on the voter's list may vote. Only the CEO may add people to the voter's list.
2. If a person presents to vote, but is not on the voter's list determine if they have made the necessary steps to be registered with Central Registry Office.
3. If they want to challenge their right to vote, refer them to the RRO for your region. They must, in doing that, remove themselves from the polling location.
4. If there is a continued dispute it will be referred to the CEO. Unless you receive communication in writing from the CEO to add a name to the list **NO PERSON NOT ON THE FINAL LIST IS TO BE ALLOWED TO VOTE.**

Voter Challenge:

A Scrutineer may challenge a voter, alleging the voter is not entitled to vote. The Deputy Returning Officer must decide whether to accept or reject the challenge. The Deputy Returning Officer shall enter "Challenged" and then either, "Accepted by Deputy Returning Officer" or "Rejected by Deputy Returning Officer" in the Poll Book.

The Deputy Returning Officer shall note that the voter was challenged and mark the reason for the challenge in the Poll Book next to the name of the voter.

In cases where the Deputy Returning Officer accepts the Scrutineer's challenge and decides the challenged voter is not entitled to vote, the voter will be **not allowed** to vote.

In cases where the Deputy Returning Officer rejects the Scrutineer's challenge and decides the challenged voter is entitled to vote, the voter will be allowed to vote.

The decision of the deputy returning officer is final and subject to reversal only on a recount.

Conduct During Voting:

Only one voter shall be permitted to enter a voting compartment at one time.

Once a person who is entitled to vote has received ballots from the DRO or PC, he/she should not speak to any other person or leave the Polling Station until his/her completed ballots have been placed in the ballot box.

No other person present in the Polling Station is permitted to speak to or interfere with an elector who is marking his/her ballots or placing them in the ballot box.

No person is permitted to approach an elector in the Polling Station or in the vicinity of the Polling Station to suggest the candidate for whom they should vote. Campaigning on Election Day is strictly prohibited within one kilometer of the Polling Station. Campaign materials, including posters and signage, are similarly not permitted within one kilometer of the Polling Station.

No person shall approach an elector after they have voted to determine the candidate for whom they voted.

Except for casting their own ballots, no candidate or supporters of candidates shall be or remain in the vicinity of a Polling Station on Election Day.

No smoking is allowed in the room where voting takes place.

Cellular phones or other communication equipment are not allowed in the polling station during voting hours.

Any person in breach of these rules must be removed from the Polling Station and will not be entitled to vote.

COVID PRECAUTIONS:

The attached COVID rules are to be applied at the polling station. There are to be no exceptions. If there is a greeter, they should be enforced by the Greeter. If there is not the PC should enforce these rules. People who are non-compliant should be removed from the premises.

COUNTING THE VOTE

The polls close at 8:00 p.m. sharp. Doors should be closed and locked. Anyone who is waiting in line at the time the poll closes must be allowed to vote before the count can begin.

Immediately after the close of the polls, the DRO, with the assistance of the PC and in the presence of any Scrutineers who are present, shall proceed to count and tabulate the vote.

The following steps should be taken:

1. Create a clean, uncluttered counting space and put out all supplies that will be needed for the count.
2. Count the remaining unused ballots and record the number on the Ballot Account Form Number 5 and place ballots in Envelope#8 "Unused Ballot Papers".
3. Open the ballot box, unfold the ballots and sort them by color. (President ballots are to be counted first followed by the ballots for Vice-President and then Regional Executive Officer). **Only the DRO and Poll Clerk are permitted to handle the ballots.**
4. Distribute white Tally Sheets to the Scrutineer(s). Included in your final package should be tally sheets of the same colour as each set of ballots that the PC will use to record the count as it happens. The tally sheets for each election are to be the same colour as the ballots for that election. The candidates' names need to be recorded at the top of the Tally Sheet.
5. Proceeding with the count, the DRO should pick up one ballot at a time, ensure their initials are on the back of the ballot, show the ballot to the Scrutineer(s), decide whether or not the ballot should be counted or rejected and, if it is to be counted, announce the name of the candidate on the ballot.

In those cases where the ballot is counted and not challenged, the Poll Clerk and the Scrutineer(s) present should place a tick/mark under the appropriate candidate's name on their Tally Sheet.

In those cases where the DRO rejects the ballot (example: no DRO initials on the back of ballot, ballot marked so it is not legible, too many candidates voted for) his/her decision is not challenged, the ballot shall not be counted, the DRO shall write "Rejected by DRO" on the back of the ballot and place it in Envelope #6 "Rejected Ballots".

In those cases where a Scrutineer challenges the decision of the DRO to accept or reject a ballot, the DRO should listen to the Scrutineer's arguments/rationale and then accept or reject the challenge.

If the DRO accepts the Scrutineer's challenge then the ballot in question will not be counted, the DRO will write "Challenged by Scrutineer – Not Counted" on the back of the ballot and place it in Envelope #5, "Challenged and Not Counted".

If the DRO rejects the Scrutineer's challenge then the DRO should write "Challenged and Counted" on the back of the ballot and place it in Envelope #4

“Challenged and Counted”. These ballots will be added to the vote totals at the end of the counting process.

Please Note: Scrutineers cannot impede the counting process. The decisions of the DRO are final and subject to reversal only on a recount.

6. After all ballots are counted, total all the columns on the Tally Sheet and then place the ballots in Envelope #7 “Ballots Counted”.
7. Count the number of ballots and forms in each of the special envelopes and record the total numbers on the front of the envelopes. The DRO should then sign and seal the envelopes.
8. Complete the Deputy Returning Officer Report form:

Record the # of Eligible Voters on the Electoral List and the # of Votes Cast in the appropriate space at the top of the form.

Enter the total number of votes from the Tally Sheet for Vice-President and Regional Directors on line 1. The candidate’s names will need to be written in order as they appear on the ballot and each result recorded for each candidate.

Enter the total number of votes from Envelope #4, “Challenged and Counted” for each position on line 2.

Enter the total number of “Spoiled and Declined Ballots” (Envelope #3) on line 3.

Enter the total number of “Challenged and Not Counted Ballots” (Envelope #5) on line 4.

Enter the total number of “Rejected Ballots” (Envelope #6) on line 5.

Enter the total number of “Voter Assisted Declarations” (Envelope #1) on line 6.

Enter the total number of “Infirm or Incapacitated Voter Declarations” (Envelope #2) on line 7.

Guidelines for Determining Acceptable and Rejected Ballots

A ballot should be counted if the intention of the voter is clear.

A ballot will not be rejected merely because the voter marked it out of its proper space or in a careless manner, so long as the mark clearly indicates the candidate for whom the vote was intended. Similarly, a ballot will not be rejected if the voter used a pen or other instrument, rather than the pencil that was provided, to mark the ballot.

Ballots shall not be counted if:

- They were not supplied by the Chief Electoral Officer,
- Do not bear the Deputy Returning Officer or Poll Clerk’s initials,
- It is impossible to determine whom the elector intended to vote for,
- The elector voted for more than the permitted number of candidates.

- The ballot contains a name, signature or other mark that enables the elector to be identified, or
- If the ballot contains an improper remark about the election or any candidate.

Please Note: a voter is only required to mark his/her ballot for one Board Member. He/She is not required to vote for two candidates.

Examples:

Acceptable Ballots

| | |
|-------------|---|
| Candidate A | I |
| Candidate B | |
| Candidate C | |

Clear Indication of Intent to Support Candidate A

| | |
|-------------|---|
| Candidate A | |
| Candidate B | X |
| Candidate C | |

Clear Indication of Intent to Support Candidate B

| | |
|-------------|--|
| Candidate A | |
| Candidate B | |
| Candidate C | |

Clear Indication of Intent to Support Candidate B

Rejected Ballots

| | |
|-------------|--|
| Candidate A | |
| Candidate B | |
| Candidate C | |

No Candidate Selected

| | |
|-------------|---|
| Candidate A | X |
| Candidate B | X |
| Candidate C | X |

More Candidates Selected than Permitted

| | |
|-------------|--|
| Candidate A | |
| Candidate B | |
| Candidate C | |

Unknown Intent

Secrecy of Voting:

It is very important that DRO's and PC's ensure the secrecy of the vote and not communicate any information obtained at the counting of the ballots to any person other than the Chief Electoral Officer or those in his office.

If they should inadvertently see the face of a voter's ballot, they shall refrain from telling anyone the name of the voter or for whom the votes were cast.

Role of Scrutineers:

Each candidate is entitled to have a Scrutineer present during voting and during the counting of the ballots to represent his/her interest at a Polling Station and to act as his/her agent.

Scrutineers must identify themselves to the DRO and show their appointment form. All appointment forms must be signed by a candidate. Scrutineers must then take the oath of secrecy and sign the Scrutineer registry in the Poll Book.

Scrutineers shall be permitted to be at the Poll 15 minutes prior to its opening and at the close of the Poll until the counting of votes is completed. The first Scrutineer for each candidate must be given a Scrutineer identification badge. Replacement Scrutineers are permitted throughout the day, however, each new Scrutineers must show their appointment form to the DRO, take the oath of secrecy and sign the registry. The replacement Scrutineers must also be given the Scrutineer identification badge from the Scrutineer that they are replacing.

Each candidate is only permitted to have one Scrutineer at a polling station at a time. The activities transferring responsibility from one Scrutineer to another should take place as quickly as possible and not interfere with the voting process.

Scrutineers may mark their own lists as people vote. Outside Scrutineers may come in to compare lists from time to time but may not remain in the Polling Station. A Scrutineer must not campaign at the Poll; otherwise they may be removed from the Polling Station by the DRO's authority.

The Scrutineer may object to a certain person voting or to the admissibility of a certain ballot but are not entitled to argue their position at length. In all cases the DRO decision is final subject only to a recount.

AFTER THE COUNTING IS COMPLETED

You must complete the various count forms and secure all of the materials used in the election. These will be picked up within 2 days and returned to the RRO (who will return them to the place designated by the CEO).

No one except the DRO, PC, and Greeter should handle any documents or materials and the DRO must secure them until turned over to the RRO.

Once the count is over you are to telephone your RRO and provide them with the count for each election starting with the Presidential election. Tell them the election being reported, your poll name, your name, and then each candidate's name and vote total.

If there is a tie or for any other reason a new election for an office is required, you will be engaged, if available, to handle those duties. You should keep notes of all significant activities and provide those to your RRO. These are necessary in case there is any challenge to the conduct of the election.

If arrangements have not been made for the pick up of the materials within 24 hours, please contact the Chief Electoral Officer. It may, in that case, be that you will need to deliver them. If authorized to deliver the materials you will be paid \$19.00 per hour for all time spent and all expenses including mileage at the MMF rate.

Once all of your duties are completed please fill in the INVOICE form and send it to the RRO for processing.