



# SCRUTINEER'S GUIDE

TO GENERAL LOCAL ELECTIONS IN B.C.

2022



# Getting Started

## Thinking about volunteering to be a scrutineer in local elections?

This brochure answers questions and provides best practices about scrutineers and their role in general local elections in British Columbia (B.C.).

The brochure is intended to help the general public, candidates, official agents, Chief Election Officers and Presiding Election Officials understand scrutineers in relation to local elections, including:

- the role of a scrutineer;
- how to be appointed as a scrutineer in local elections; and,
- how to prepare to participate in local elections as a scrutineer.

Scrutineers are also known as “*candidate representatives*” in provincial legislation.

General local elections in B.C. are held every four years on the third Saturday in October.

Through general local elections, residents and non-resident property electors determine the individuals who will collectively make decisions and govern on their behalf following general voting day. Electors do this by voting – casting their ballots in favour of a candidate(s).

General local elections (and any by-elections held to fill vacancies between general local elections) must be run in accordance with the *Local Government*

*Act, the Local Elections Campaign Financing Act, the Community Charter, the Vancouver Charter (in the City of Vancouver), the School Act, the Offence Act and the local government's election bylaw, as applicable.*

Each local government is responsible for running its own general local election.

The Chief Election Officer is appointed by the local government to run the local elections process.

The Chief Election Officer oversees administration activities of local elections, including administering voting opportunities; counting ballots; and, declaring election results.

The Chief Election Officer may be a senior local government employee, such as a Corporate Officer, or a private contractor hired to conduct the election on the local government's behalf.

The Presiding Election Official at the voting place is appointed by the Chief Election Officer to administer the voting process and conduct of the election at a voting place.

Scrutineers must follow the legislation, the local government's election bylaw and the direction of the Chief Election Officer and Presiding Election Official at the voting place and during voting proceedings and the ballot counting process.

The election bylaw enables the local government to make decisions about some aspects of local elections administration.

# Being a Scrutineer

## Why consider volunteering to be a scrutineer?

Volunteering to be a scrutineer is one way to be involved in local elections. Scrutineers play a role to help protect the integrity of the vote for their community and the candidate they represent.

## What is the role of a scrutineer?

Scrutineers represent candidates at advance, special and general voting opportunities to:

- observe the voting procedures; and,
- scrutinize the ballot-counting process after the close of voting at the end of general voting day.

## Who can be a scrutineer?

Candidates can choose whom to appoint as a scrutineer. For example, a candidate may appoint a relative or friend to scrutineer for them during local elections.

A candidate's official agent may also act as a scrutineer on voting day.

### What is an Official Agent?

A candidate may appoint an official agent to represent them during the election process.

The official agent may act as the campaign manager or spokesperson or be the point of contact for the people helping on the candidate's election campaign.

## What is a Financial Agent?

A financial agent is a representative that candidates and elector organizations are legally required to have during an election campaign. **A candidate is their own financial agent unless they appoint another individual to the position.**

The financial agent is responsible for administering campaign finances in accordance with the *Local Elections Campaign Financing Act*.

## How are scrutineers appointed?

Candidates or their official agent may appoint a scrutineer. Candidates or the official agent must appoint scrutineers in writing and deliver the appointment (including the name and address of the person) to the Chief Election Officer as soon as practicable after the appointment has been made.

There is no set period in the legislation within which a candidate or their officials must appoint a scrutineer. However, the Chief Election Officer may establish a deadline for scrutineers to be appointed by to simplify election administration.

A person interested in being a scrutineer can contact a candidate or the Chief Election Officer for more information about the local government's process and a sense of what their time commitment would be during the election process.

## **The *Local Government Act* and Scrutineers**

Provincial legislation requires that each scrutineer appointment must:

- be written and signed by the candidate;
- include the full name and address of the person appointed; and,
- be submitted to the Chief Election Officer as soon as practical after the appointment is made.

The appointment of a scrutineer may only be cancelled in the same manner as the appointment was made.

## **Number of scrutineers at a voting place**

Each candidate or their official agent may appoint one scrutineer for each ballot box used at a voting place during general local elections.

In some cases, the local government's election bylaw may allow a candidate to have more than one scrutineer for each ballot box used at a voting place. The absence of a scrutineer at the voting place does not invalidate local elections.

## **Special Voting Opportunities**

Special voting opportunities are generally held in hospitals, long-term care facilities or other places where an elector's mobility may be impaired.

Scrutineers for special voting opportunities are chosen by agreement of the candidates or, failing agreement by the candidates, by the Chief Election Officer.

An election bylaw may place limits on or authorize the Chief Election Officer to limit the number of scrutineers at special voting opportunities.

## Preparing to scrutineer

There are several things scrutineers can do to prepare prior to an advance or special voting opportunity or general voting day. Scrutineers can:

- ensure their availability for voting day;
- consider the length of time they are able or available to observe the vote or ballot count and let the Chief Election Officer know;
- take the solemn declaration to preserve the secrecy of the vote (usually made at the local government office);
- clarify any questions with the Chief Election Officer prior to scrutineering at a voting opportunity;
- review the local government election bylaw and any local government guidelines for scrutineers (if any);
- understand the role of the Presiding Election Official at the voting place; and,
- ensure they have a copy of their appointment documents to carry with them on voting day.

## Voting Opportunities

### On voting day

Local governments, by bylaw, and the Chief Election Officer have the authority to establish specific rules governing scrutineer conduct and responsibilities. Scrutineers must abide by the rules or they may be ordered to leave the voting place by the Chief Election Officer, Presiding Election Official or local law enforcement.

Scrutineers may work part of the voting day and then be replaced by another appointed scrutineer. The Chief Election Officer may place requirements around the timing of shifts to minimize disruption at the voting place and/or require that scrutineers only serve one shift during the voting day.

Scrutineers may be asked to inform the Presiding Election Official if they leave the voting place and/or are being replaced by a new scrutineer.

At the voting place **scrutineers must:**

- carry a copy of their appointment documents and, before beginning duties at the voting place, show them to the Presiding Election Official;
- make the required declaration to preserve the secrecy of the vote (if not previously completed);
- follow the direction of the Presiding Election Official; and,
- remain in the designated area for scrutineers to observe the vote, if one has been designated.

### **Challenging an Elector's Eligibility to Receive a Ballot**

A scrutineer may challenge an elector's right to receive a ballot based on their belief that the elector is not entitled to vote or has accepted an inducement to vote.

Challenges must be raised before the ballot is issued to the elector.

The Presiding Election Official will discuss the matter with the elector and decide whether or not the elector is eligible.

The Presiding Election Official must keep a record indicating the person was challenged and record the name of the scrutineer who made the challenge.

During voting **scrutineers may:**

- generally, only communicate with election officials, during times when no electors are present at the voting place – unless they are challenging an elector’s eligibility to receive a ballot;
- ask to look at the voting books and write down the names of people who have voted, provided it does not interfere with the voting process; however, scrutineers may not handle or touch the voting books;
- be asked to witness the sealing of a ballot box by the Presiding Election Official; or,
- add their initials during the sealing of a ballot box.

During voting **scrutineers must not:**

- interfere with the duties of the Presiding Election Official or handle election documents;
- interfere with or assist a person marking a ballot;
- attempt to discover how someone voted or marked their ballot;
- communicate information about how someone has voted;
- canvass or solicit votes or otherwise attempt to influence an elector’s vote;
- display, distribute, post or openly leave a representation of a ballot marked for a particular result in the voting;
- display, distribute, post any election advertising or any material that identifies a candidate or elector organization, unless this is done with the authorization of the Chief Election Officer; or,
- carry, wear or supply a flag, badge or other thing indicating support of a candidate, elector organization or result in the voting.

# After the Close of Voting

## Observing the ballot count

Ballot counting is generally conducted at the voting place where the ballot boxes are located unless the Chief Election Officer has directed that the counting is to take place at another location.

### Acceptance or Rejection of a Ballot

Ballots must be accepted if the elector's intent is clear. Ballots must be rejected if:

- the ballot is physically different from the ballots provided;
- there are no marks on the ballot;
- the ballot is uniquely marked such that an elector could be identified;
- there is more than one valid mark on the ballot; or,
- the ballot has more marks than the number of candidates to be elected.

Scrutineers must be in the voting place before the end of voting to observe the ballot count. One representative (scrutineer or official agent) for each candidate may be present to observe the count, unless another person is also permitted by the Presiding Election Official.

Prior to the start of the count, the Presiding Election Official may explain the ballot counting process and outline what scrutineers may and may not do while the count is being conducted.

During the ballot count **scrutineers must:**

- be able to see how the ballot is marked as it is being considered for acceptance by the Presiding Election Official or other election officials under the supervision of the Presiding Election Official;
- raise their objection (if they have one) to a ballot's acceptance or rejection with the Presiding Election Official at the time the ballot is being considered;
- not participate in the physical counting of the ballots;
- not touch the ballot boxes or the ballots during the counting process; and,
- not leave during the ballot counting process.

### **Objections to the Acceptance or Rejection of a Ballot**

An objection to accept a vote or reject a ballot on the part of a candidate or scrutineer must be recorded by the Presiding Election Official.

The Presiding Election Official's decision to accept a vote or reject a ballot can only be changed by the Chief Election Officer or the Provincial Court following a judicial recount.

At the ballot count **scrutineers may:**

- be asked to witness the opening of the ballot box(es) for counting;
- be asked to witness the opening of the certification envelopes for mail ballots either at the ballot count or at another designated time; and,

- look at the ballot packages after the count to make sure they are properly re-sealed and may add their own seal to the ballot package.

## Judicial recounts

Scrutineers may make an application to the Courts for a judicial recount after local election results are announced.

An application for judicial recount may only be made in the time between the declaration of the official election results and nine days after the close of general voting.

An application for judicial recount can only be made on the basis that the:

- ballots were incorrectly accepted or rejected;
- ballot account does not accurately record the number of valid votes for a candidate; or,
- final determination of results did not correctly calculate the total number of valid votes for a candidate.

## Local guidelines for scrutineers

Some local governments and Chief Election Officers have developed guidelines for scrutineers to assist with election day administration and to clarify scrutineer roles and responsibilities on voting day and at the ballot count. These guidelines assist the Chief Election Officer and Presiding Election Official to manage scrutineers during voting and help the voting proceedings and the ballot counting process to run smoothly.

Local government best practices for scrutineers may:

- require that the solemn declaration to preserve the secrecy of the vote be made prior to voting day to help ease voting day administration;
- outline whether a scrutineer may be replaced by another scrutineer during voting, return for a second shift or when scrutineer shift changes may occur;
- require scrutineers to wear a name tag at the voting place to identify them as a scrutineer;
- state whether a scrutineer may be asked by the Presiding Election Official to witness ballot box inspection prior to voting (the final decision of who the witness will be is made the Presiding Election Official);
- clarify when it is appropriate for scrutineers to ask to view the voting books and record the names of those electors voting (usually when the voting place is quiet and providing it doesn't interfere with voting proceedings);
- outline that scrutineers may give the candidate's official agent the record of electors who have voted;
- designate specific times when scrutineers will be provided with an updated copy of the voting lists (either paper or electronic);
- require scrutineers to keep questions to election staff to a minimum unless it is vital to the integrity of the election process;
- recommend scrutineers provide their own food, beverages, folding chair and blanket or coats at the voting place and to clean up their area at the close of the vote;
- state whether the use of electronic devices is permitted in the voting place;

- require scrutineers to keep activities quiet and to a minimum while observing the vote;
- require that scrutineers refrain from visiting with neighbours unless outside the voting place;
- state that scrutineers must not discuss the election with electors, election staff or other scrutineers inside or outside the voting place;
- include specific rules for scrutineers if voting machines are used instead of manual counting procedures; and,
- include specific roles for scrutineers with respect to mail ballot voting if mail ballot voting is provided for in the local government election bylaw.

## **Scrutineers for assent voting (formerly referendum)**

There are specific rules set out for a scrutineer during assent voting (formerly referendum).

For more information about rules for scrutineers during assent voting refer to the guide:

*Assent Voting: Processes and Considerations for Local Governments in British Columbia.*

# Further Information

Local government mailing addresses, telephone numbers, email addresses and websites are available online from CivicInfoBC at:

[www.civicinfo.bc.ca/directories](http://www.civicinfo.bc.ca/directories)

For answers to **questions about municipal and regional district elections** please contact:

**Ministry of Municipal Affairs**

Governance and Structure Branch

Phone: 250 387-4020

Email: [LGgovernance@gov.bc.ca](mailto:LGgovernance@gov.bc.ca)

Website: [www.gov.bc.ca/localections](http://www.gov.bc.ca/localections)

## Disclaimer

In the event that there is inconsistency between this booklet and the *Local Government Act*, the *Local Elections Campaign Financing Act*, or any other Act, the legislation shall prevail.

