

Candidates and scrutineers at a voting place	City Clerk's Office – Election Services
	Policy No.: POL-LCEF-004

1. Policy

Candidates and scrutineers are permitted to be present at the voting place to observe the voting process, in addition to their rights set out in various sections of the Municipal Elections Act, 1996.

The City Clerk requires that a declaration be taken when a candidate or scrutineer enters the voting place. A candidate and/or scrutineer entering the same voting place is required to take only one declaration each day during the advance vote if there are multiple days of voting. The Clerk will decide whether declarations are to be made orally or in a written format. Where oral declarations are required, they shall be recorded.

Candidates and scrutineers shall not have access to the active voters' list showing who has voted during the advance vote nor on election day because an electronic voters' list is used. Upon written request, the City Clerk shall provide to candidates or scrutineers a list showing the name of each person who voted following each day of the advance vote period, as set out in section 43(6) of the Municipal Elections Act.

2. Emergency Conditions Due to COVID-19

Due to the current COVID-19 pandemic, the City Clerk is using their emergency power under the Municipal Elections Act, 1996 to apply new conditions for candidates and scrutineers when attending a voting place. The City Clerk will continue to monitor the situation and may make further adjustments to the conditions as appropriate.

- (1) One scrutineer per candidate is allowed in the voting place.
 - (a) If a candidate attends a voting place, their appointed scrutineer must leave in order for the candidate to enter the location.
 - (b) If the candidate is in the voting place for the sole purpose of voting in the election or by-election, section 2(1)(a) does not apply.
- (2) A candidate or scrutineer cannot travel from one voting place to another.
- (3) A candidate or scrutineer must wear a mask or face covering at all times while inside the voting place, as well as while entering or exiting.

- (4) If the voting place is at full capacity, the candidate or scrutineer must wait outside until there is sufficient space for them to physically distance from election staff and electors.

Please note that institutions and retirement homes, as described in Section 45(7) of the Municipal Elections Act, 1996, are closed to the general public and candidates and/or scrutineers will not have access to these locations before or during voting days.

3. Application

This policy applies to candidates and scrutineers in the Ward 22 Scarborough-Agincourt by-election.

4. Authority/Legislative reference(s)

Section 12 of the Municipal Elections Act sets out 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.

Section 16 of the Municipal Elections Act provides candidates with the ability to appoint scrutineers to represent them during voting and at the counting of votes, and sets out what is required for their appointment.

Sections 43, 47-49, 52 and 54 of the Municipal Elections Act set out the rights and requirements of candidates and scrutineers during both the advance vote period and on election day.

Section 53(1) of the Municipal Elections Act provides authority to the City Clerk to declare an emergency if they are of the opinion that circumstances have arisen that prevent the election being conducted in accordance with the Municipal Elections Act. Section 53(2) authorizes the City Clerk to make arrangements as deemed necessary for the conduct of the election.

5. Implementation

- (1) 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.
- (2) Candidates and scrutineers present at a voting place must take the declaration set out in Appendix "A".

Date Approved: December 2020

Appendix "A" Scrutineer or Candidate Declaration

Declaration – Scrutineer or Candidate

I, _____, declare that I will not:

- Interfere or attempt to interfere with an elector who is marking the ballot.
- Obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted.
- Communicate any information obtained at a voting place about how an elector intends to vote or has voted.