

# Chief Electoral Officer Directives for the Counting of Ballots

(Elections Act, R.S.N.B. 1973, c.E-3, s.91.2)  
(Municipal Elections Act, SNB 1979, c. M-21.01, s.38.02)



**P 01 403**  
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## BALLOT COUNT BY HAND

In an election where the Chief Electoral Officer has directed that a Ballot Counting Officer will count ballots by hand, the following instructions shall be followed.

Each Returning Officer shall, prior to the advance polls or Election Day:

- Appoint two Ballot Counting Officers to count the ballots in each ballot box. One Ballot Counting Officer will be designated to handle the ballots, and determine the votes cast. The second Ballot Counting Officer will be designated to tabulate the votes cast. Where necessary, a Returning Officer may appoint a pair of Ballot Counting Officers to count the ballots from more than one ballot box.

No ballots may be counted prior to 8:00 p.m. on Election Day. All ballots cast at an advance poll shall be counted at the returning office by the designated Ballot Counting Officers from the advance polling stations.

When preparing to count the votes at a polling station or a returning office, the Ballot Counting Officers shall:

- Wait until Poll Supervisor has declares the poll closed.
- For any one ballot box, only the designated Ballot Counting Officer will physically handle all the ballots, while the second will tabulate the votes cast, as directed by the Returning Officer.
- Prepare the materials and a suitable space for counting. They will need:
  - An empty table;
  - Chairs for themselves and their partnered Ballot Counting Officer;
  - Chairs for any scrutineers present who wish to observe the count;
  - The following forms:
    - a. *Ballot Box Record*;
    - b. *Tabulation Sheet(s)* to record the votes. Copies are also provided for scrutineers;
    - c. *Record of Objections to Ballots* to record any objections encountered during counting;
    - d. An envelope for Tabulated Ballots;
    - e. An envelope for Rejected Ballots;
    - f. An envelope for Tabulation Sheets;
    - g. An envelope to be returned to the Returning office;
    - h. An envelope for one copy of the *Statement of Votes Cast* to be put in the ballot box;
    - i. Three yellow copies of the *Statement of Votes Cast* for:

- The Returning Officer: The returning office will use this copy to officially add up the results following election night;
- The Ballot Box: This copy must remain inside the ballot box in case a judge performs a recount;
- The Ballot Counting Officer who is designated to handle the ballots and determine the votes cast: He will retain one copy in case the other two copies are damaged or lost.
  - Paper seals for the envelopes;
  - A long paper seal to cover the ballot box slot;
  - Two long paper seals, to reseal the ballot box after counting; and
  - A serial numbered ballot box seal, to reseal the ballot box after counting.

When preparing to count the votes at a polling station or a returning office, the Ballot Counting Officer designated to handle the ballots and determine the votes cast shall:

- Invite any scrutineers present in the polling station who wish to observe, to watch him and his partnered Ballot Counting Officer unseal the Ballot Box slot and count the ballots.
- In the interests of transparency, if no scrutineers are present, invite any eligible voters or any free election officials to remain to observe the counting process.
- Not permit media personnel in the counting area during the counting of votes.
- Outline and review to all present, the process he will follow when unsealing the box, counting the votes, determining if a ballot is to be rejected, tabulating the votes, and resealing the box.
- Ensure all scrutineers present are aware of the *Chief Electoral Officer's Instructions for the Rejection of Ballots* (form P 07 381), and give a copy of these instructions.
- Have his partnered Ballot Counting Officer and any scrutineer present witness the unsealing of ballot box.
- Verify that both serial numbers on the metallic paper seal match those numbers recorded on the *Ballot Box Record* for the ballot box. If there is a number discrepancy or a seal has been broken, note it on the *Ballot Box Record* and advise the Poll Supervisor.
- Unseal the Ballot box:
  - If he and his partnered Ballot Counting Officer are responsible for more than one box, only work with one ballot box at a time;
  - Cut one metallic paper seal along the long edge on the right end of the ballot box;
  - Open the ballot box and leave the ballots in the box.
- Examine and show each ballot, one at a time as follows:
  - He shall remove one ballot at a time from the ballot box;
  - He shall examine the ballot to ensure it is a proper ballot and has been properly marked;

- He shall show the ballot to those present before determining if it is to be counted or rejected.
- Determine if the ballot is to be counted or rejected as follows:
  - If there is more than one contest on a ballot, such as one or more candidate races and a plebiscite question, it is possible to reject the ballot for one contest, while still counting the ballot for the other contests.
  - A ballot **IS** to be rejected if:
    - a. the Ballot Counting Officer is not satisfied that the ballot was duly issued at the polling station. If the Ballot Issuing Officer initials are missing, and he is satisfied that this is a ballot that was otherwise properly issued, he may initial it and count it in the usual way; or
    - b. the ballot has not been marked for any candidate for an office or for any option in a plebiscite; or
    - c. the ballot has been marked for more candidates than may be elected or for more than one answer in a plebiscite; or
    - d. the ballot is marked or written on by a voter in such a way that the voter could be identified; or
    - e. the voter's mark is not marked in the circle next to the candidate's name.
  - A ballot **IS NOT** to be rejected only on the grounds that:
    - a. the ballot is marked by the Ballot Issuing Officer; or
    - b. the ballot is marked with a writing instrument other than the supplied ballot marking pen; or
    - c. the voter's mark is made with a sign other than an "X"; or
    - d. the voter's mark extends outside the circle.
- Count the vote:
  - If there is no reason to reject a ballot, the Ballot Issuing Officer shall count and call out the vote cast for the indicated candidate and/or any plebiscite question on the ballot;
  - The Ballot Issuing Officer shall place the counted ballots in separate piles for each candidate, to assist him should it be necessary to recount the vote at the polling station.
- Tabulate the vote:
  - The second Ballot Counting Officer designated to tabulate the votes cast shall record on the *Tabulation Sheet(s)* the votes cast for each candidate, the answers to any plebiscite question, and any rejected ballots, by placing a tick mark in the square in the row next to the voter's choice;
  - After 5 tick marks are placed in any one box, place the next tick mark in the next box to enable easy counting;
  - If scrutineers are present, they may also separately tabulate the vote on their own *Tabulation Sheet(s)*.

- Process Rejected Ballots as follows:
  - If a ballot has been rejected during the count, the Ballot Issuing Officer shall write “Rejected” on the back of the rejected ballot;
  - Place the rejected ballot in a separate pile for rejected ballots;
  - If there is more than one contest on a ballot, such as a candidate race and a plebiscite question, it is possible to reject the ballot for one contest, while still counting the ballot for the other contests. In this case:
    - a. Write “Rejected for [contest name]” on the back of the ballot; and
    - b. Count the other valid votes, but place the ballot in the Rejected pile. This will allow a judge to review the decision if a recount is ordered.
  
- Respond to Objections to Ballots. While counting, a scrutineer may object to the Ballot Counting Officer’s determination of the ballot’s votes. In this circumstance:
  - The Ballot Counting Officer’s decision to count or reject a ballot is final, subject only to reversal on a recount by a judge.
  - If there is an objection to a ballot or to the Ballot Counting Officer’s decision to count or reject a ballot by a scrutineer:
    - a. Assign the ballot a consecutive ‘Number of Objection’;
    - b. Write the consecutive ‘Number of Objection’ on the back of the ballot;
    - c. Print the name of the person objecting to the ballot and the reason for the objection on the *Record of Objections to Ballots* form.
  - The ballot and corresponding entry on the *Record of Objections to Ballots* must be numbered with matching numbers, so that these ballots can be identified in case of a recount.

After all ballots from the ballot box have been counted, the Ballot Counting Officer designated to handle the ballots and determine the votes cast shall:

- Display the empty ballot box to all those present.
  
- Place all the valid ballots cast in to the ‘Tabulated Ballots’ Envelope.
  - He shall complete the ‘Tabulated Ballots’ Envelope with the:
    - a. Ballot Box number;
    - b. Polling Station;
    - c. Names of the Ballot Counting Officers; and
    - d. Number of ballots being deposited.
  - He shall print the number of votes cast for each candidate and plebiscite question on each copy of the *Statement of Votes Cast*.
  
- Place all rejected ballots (in whole or in part) in to the ‘Rejected Ballots’ envelope.
  - He shall complete the ‘Rejected Ballots’ Envelope with the:
    - a. Ballot Box number;
    - b. Polling Station;
    - c. Names of the Ballot Counting Officers; and
    - d. The number of rejected ballots being deposited.
  - He shall print the number of rejected votes on each copy of the *Statement of Votes Cast*.

- Complete the Statement of Votes Cast as follows:
  - He shall complete three copies of the *Statement of Votes Cast* for:
    - a. The Returning Officer;
    - b. The ballot box; and
    - c. Himself.
  - He shall ensure the number of votes cast for each candidate is printed on each *Statement of Votes Cast*.
  - He shall ensure the number of rejected votes is printed on the *Statement of Votes Cast*.
  - He shall ensure both Ballot Counting Officers sign each *Statement of Votes Cast*.
  
- Prior to sealing any envelopes or moving to the next step, have the Poll Supervisor verify that all steps have been completed to this point. He shall have the Poll Supervisor sign each *Statement of Votes Cast*.
  
- Telephone the results to the returning office, or alternately give the results to the Poll Supervisor of the polling station, who will call them in.
  
- Place the Ballot Counting Officer's *Tabulation Sheets* into the 'Tabulation Sheets' envelope.
  
- Place a copy of the *Statement of Votes Cast* into the 'Statement of Votes Cast Ballot Box' envelope.
  
- Obtain a new serial numbered seal.
  
- Write the serial number of the seal on the *Ballot Box Record*.
  
- Seal each envelope to be placed in the Ballot Box with a seal:
  - 'Counted Ballots' Envelope;
  - 'Rejected Ballots' Envelope;
  - 'Tabulation Sheets' Envelope;
  - 'Statement of Votes Cast (Ballot Box)' Envelope;
  
- Have both Ballot Counting Officers sign or initial the seals. Any scrutineer present may also sign or initial the seals.
  
- Place the following items into the 'Returning office Information' envelope':
  - One copy of the *Statement of Votes Cast*;
  - *Ballot Box Record*; and
  - *Record of Objections to Ballots*.
  
- Place the following items into the Ballot Box for return to the returning office by himself or the Poll Supervisor:
  - 'Counted Ballots' envelope;
  - 'Rejected Ballots' envelope;

- 'Tabulation Sheets' envelope; and
- 'Statement of Votes Cast (Ballot Box)' envelope.
  
- Reseal the ballot box:
  - Apply one serial numbered seal along the long edge of the ballot box with the tabs on the right end of the ballot box;
  - Apply two long paper seals along the short edges on the right end of the ballot box;
  - Seal the ballot box slot using a long paper seal.
  
- Seal the 'Returning office Information' Envelope:
  - Both Ballot Counting Officers sign or initial the seals.
  - Any scrutineer present may also sign or initial the seals.
  
- Keep one copy of the Statement of Votes Cast for two weeks, in case anything happens to the ballot box before the official addition at the returning office.

After all counting duties have been completed the Ballot Counting Officers shall return all election materials to the returning office following the instructions given by the Returning Officer.

## **BALLOT COUNT USING TABULATION MACHINE AT RETURNING OFFICE**

In an election where the Chief Electoral Officer has directed that a Special Voting Officer will tabulate ballots using a vote tabulation machine at the returning office, the following instructions shall be followed.

Each Returning Officer shall, prior to the Sunday prior to Election Day:

- Designate one pair of appointed Special Voting Officers to process the ballots contained in the “Write-In Ballot”, “Out-of-Office”, and Additional Poll ballot boxes. One Special Voting Officer will be designated to handle the ballots and the second Special Voting Officer will be designated to assist.
- Determine the time when the Special Voting Officers will process the ballots, normally in the early afternoon.
- Contact each candidate and invite each and or a scrutineer to observe the process at the returning office at the designated time.

On the Sunday prior to Election Day at the designated time, two Special Voting Officers will be required to open the “Write-In Ballot” box, “Out-Of-Office” ballot box, and any Additional Poll ballot boxes and deposit the ballots into the “In-Office” tabulation machine ballot box through the vote tabulation machine.

- This process must be done in the presence of the Returning Officer or an Election Clerk.
- Additionally, each candidate will have been invited to send a scrutineer to witness the process. Each scrutineer must be appointed on the required form, and take the *Oath or Affirmation of Scrutineer* to ensure no vote information may be shared with anyone. Media personnel are not allowed to witness the process.
- In the interests of transparency, if no scrutineers are present at the designated time, the Returning Officer shall invite any eligible electors or any free election officers to remain to observe the process.

### **Processing Special Ballots and Additional Poll Ballots:**

The designated Special Voting Officer shall:

- Open one at a time, the “Write-In Ballot” box, the “Out-of-Office” ballot box, and any Additional Poll ballot boxes. He will follow the same steps detailed in these instructions for each box, until all ballots have been deposited into the “In-Office” tabulation machine ballot box.
- Unseal the ballot box.
  - He shall only work with one ballot box at a time;
  - He shall cut one metallic paper seal along the long edge on the left end of the box; and
  - He shall open the box.
- Remove one ballot at a time from the ballot box without showing those present the voter’s marks.
- If the ballot is in a Ballot Envelope, carefully open the Ballot Envelope and discard the empty envelope.

- If the ballot is a “Write-In” special ballot, leave these aside until the remainder of the ordinary special ballots are processed. He will follow the **Replacement Ballot** procedures to make a “Replacement Ballot” for these ballots so that the vote tabulation machine can tabulate the vote.
- Place each ordinary special ballot face down into the vote tabulation machine so that no one can keep track of the votes being cast. He does not need to put the ballots in a secrecy sleeve.
- Depending on the ballot, the vote tabulation machine may report an error message if it is unable to determine how to process the ballot. Because the voter is not present, this means the Special Voting Officers must ensure voter intent is preserved and counted as intended.
- Respond to all error messages using the following procedure. The Special Voting Officer shall:
  - Not permit, under any circumstances, anyone to place any other mark or attempt to darken a mark on a voter’s ballot, other than to initial the BIO box;
  - Ensure that the ballot causing the error is RETURNED for review;
  - Not tell the vote tabulation machine to accept a ballot “as-is” and allow the vote tabulation machine to deposit the ballot into the box;
  - Place the ballot causing the error aside in a pile face down to be later reviewed;
  - Continue processing the remainder of the ballots. All ballots accepted by the machine without generating an error message will have been counted.

**Processing Ballots Having Caused an Error Message:**

Once the Special Voting Officer has processed all of the remaining ballots in the ballot boxes, he shall process those that caused an error message. The Special Voting Officer shall:

- Be aware that the vote tabulation machine is unable to read:
  - Marks made by voters outside of the circles by the candidates’ names, or
  - Marks made by a pencil or pen that are not dark enough or do not fill enough of the circle.
- In conjunction with the Returning Officer, interpret the ballots to ensure voter intent is preserved.
- For each ballot that caused an error message, both Special Voting Officers, in the presence of the Returning Officer or an Election Clerk and any scrutineers present, must:
  - Examine each ballot that the vote tabulation machine would not accept, to determine the voter’s intent from the markings on the ballot.
  - If there is no obvious problem with the marking of the ballot attempt to re-feed the ballot into the vote tabulation machine.
  - If the vote tabulation machine again gives an error message, respond as follows:

<b>Error Messages</b>		
<b>If the screen reads:</b>	<b>The tabulator will:</b>	<b>The Special Voting Officer will:</b>
<b>AMBIGUOUS MARK DETECTED</b>	Automatically return the ballot for clarification.	If the voter's intended vote is clear, create a <u>Replacement Ballot</u> using the procedure detailed below.
<b>OVERVOTE DETECTED 1-RETURN 2-ACCEPT</b>	Either: 1 – return the ballot for correction, OR 2 – accept the ballot, <b>not counting</b> the over voted section(s).	If the voter's clear intent was to overvote for the contest, then press the option to accept the ballot.  If not, and if the voter's intended vote is clear, create a <u>Replacement Ballot</u> using the procedure detailed below.
<b>BLANK BALLOT 1-RETURN 2-ACCEPT</b>	Either: 1 – return the ballot for correction, OR 2 – accept the ballot, registering no votes.	If the voter's clear intent was to vote for no candidates, then press the option to accept the ballot.  If not, and the voter's intended vote is clear, create a <u>Replacement Ballot</u> using the procedure detailed below.
<b>DEFECTIVE BALLOT DETECTED</b>	Automatically return the ballot for correction.	If satisfied that the ballot is one duly issued by his office, create a <u>Replacement Ballot</u> using the procedure detailed below.  If not so satisfied, follow the <u>Defective Ballots</u> procedure below.
<b>BIO INITIALS NOT DETECTED</b>	Automatically return the ballot for correction.	Complete the BIO initials and re-feed the ballot through the tabulator.
<b>CLEAR PAPER JAM AND PRESS ANY KEY</b>	Not count the jammed ballot, and will not accept additional ballots until the jam has been cleared. Once cleared, the tabulator will resume normal operation.	Pull the stuck ballot out of the front of the machine, or if the ballot is not visible from the front, lift the tabulator off the ballot box and pull the ballot from the exit slot. Press any key to resume normal tabulator operation.  Create a <u>Replacement Ballot</u> using the procedure detailed below, even if the ballot appears clean and flat.

**Defective Ballots:**

- If the vote tabulation machine returns a ballot with a “Defective Ballot” message, examine the ballot and if he is not satisfied that it was a ballot issued from the returning office, do not prepare a replacement ballot. Write the reasons the ballot is considered “suspect” on the bottom part of each ballot, in the white space below the candidates’ names (for example, “not on proper paper”) and put the ballot in the “Replaced Ballots” envelope, so it will be available to the judge in case of a recount.

**Replacement Ballots:**

If the Special Voting Officer must create a replacement ballot, the Special Voting Officers and Returning Officer or an Election Clerk, shall, in the presence of any scrutineers present:

- Examine the ballot that the vote tabulation machine would not accept, and note the ballot style number.
- Obtain a new, clean ballot of the same ballot style number:
  - For ballots from the Special Voting Officer’s district or region, take a clean ballot of the same style from his or her poll supplies; or
  - For ballots from other districts or regions, use the Ballot on Demand system to print a clean ballot of the same style.
- For each mismarked or “Write-In” ballot, assign a unique consecutive number. Using a marker, write on the bottom part or back of each ballot, in the white space below the candidates’ names:
  - “Replaced Ballot No. \_\_\_\_”; and
  - The error message the tabulator reported when he fed the ballot originally.
- Not permit, under any circumstances anyone to place any other mark or attempt to darken a mark on a voter’s ballot.
- On each corresponding clean ballot, using a marker, write on the bottom part or back of each ballot, in the white space below the candidates’ names:
  - “Replacement Ballot No. \_\_\_\_”.
  - Make sure to put the same number on the two ballots.
- On the clean ballot, initial in the space for the BIO initials.
- On the clean ballot, fill in the electoral district or region and polling division number as on the mismarked or “Write-In” ballot.
- Carefully note the votes marked on each part of the mismarked or “Write-In” ballot, and mark votes for the same candidates on the clean ballot.
- Have the Returning Officer or an Election Clerk check the two ballots to be sure the remarked ballot matches the voter’s original intent.
- The Returning Officer will make the final determination of voter’s intent.
- Allow any scrutineers present to examine the two ballots to be sure the remarked ballot matches the voter’s original vote(s).
- Deposit the remarked ballot through the vote tabulation machine.
- Place the mismarked or “Write-In” ballot in the “Replaced Ballots” envelope.
- Repeat these steps for each ballot the vote tabulation machine would not accept.

**End of Day Procedure:**

After all the ballots from the “Write-In Ballot” box, the “Out-of-Office” ballot box, and all Additional Poll ballot boxes have been deposited into the “In-Office” tabulation machine ballot box through the vote tabulation machine, the Special voting Officer shall:

- Seal the “Replaced Ballots” envelope with a short yellow seal.
- Have both Special Voting Officers sign or initial the seal.
- Any scrutineer present may also sign or initial the seal.
- Keep the “Replaced Ballots” envelope secure until 8:00 p.m. on Election Day.
- Seal any “Spoiled Ballots” envelopes from the Additional Polls with a short yellow seal and keep them secure until 8:00 p.m. on Election Day.
- Collapse all empty Additional Poll ballot boxes.
- Show the empty “Out-of-Office” ballot box to the Returning Officer or an Election Clerk and any scrutineers present before closing the box.

- Reseal the “Out-of-Office” ballot box:
  - Apply two long paper seals along the short edges of the left end of the ballot box.
  - Apply one serial numbered seal along a long edge of the left end of the ballot box.
  - Write the serial number of the seal used in the “Out-of-Office” special ballot poll book.
- Understand electors may continue to vote using the “In-Office” tabulation machine ballot box or “Out-of-Office” ballot box until 8:00 pm on Election Day.

## Procedure to Close the Poll:

Each Returning Officer shall, prior to Election Day:

- Designate one pair of appointed Special Voting Officers to process the ballots contained in the “Out-of-Office”, “In-Office”, and any remaining Additional Poll ballot boxes. One Special Voting Officer will be designated to handle the ballots and the second Special Voting Officer will be designated to assist.
- Contact each candidate and invite each and or a scrutineer to observe the process at the returning office after 8:00 pm on Election Day.

At 8:00 p.m. on Election Day, the Returning Officer will declare the special ballot poll closed. If any electors are waiting in line to vote at the returning office at that time, they may still vote using a special ballot.

Once any remaining electors have finished voting, the designated Special Voting Officer shall:

- Invite any scrutineers present who wish to observe the unsealing of any remaining Additional Poll ballot boxes, the “Out-of-Office” ballot box and the “In-Office” tabulation machine ballot box.
- In the interests of transparency, if no scrutineers are present, invite any eligible electors or any free election officers to remain to observe the process.
- Open one at a time, any Additional Poll ballot box and the “Out-of-Office” ballot box remaining after Sunday’s processing of the ballots. It is possible that votes have been collected throughout Election Day.
- Follow the same steps detailed in the section **Processing Special Ballots and Additional Poll Ballots**, tabulating ballots from each ballot box, until all ballots have been deposited into the “In-Office” tabulation machine ballot box.
- If required, follow the required steps as necessary to respond to error messages and create replacement ballots.

Once all ballots have been deposited into the “In-Office” tabulation machine ballot box through the vote tabulation machine, the designated Special Voting Officer shall:

- Prepare one or more new Ballot Transfer Boxes.
- If one was used, seal the “Replaced Ballots” envelope with a short yellow seal and place the “Replaced Ballots” envelope into the Ballot Transfer Box.
- Place the “Spoiled Ballots” envelope into the Ballot Transfer Box, in case they are required for review or recount.
- Fill in the appropriate information on the box, marking them as Special and Additional Poll ballots and date the box.
- Record as polling station the returning office.
- Close the poll at the vote tabulation machine following the detailed instructions provided in the vote tabulation machine operation manual and:
  - Note the total number of ballots that have been deposited through the machine and record this in the “In-Office” special ballot poll book.
  - Close the vote tabulation machine by contacting the sensor with the security key.
  - Select the close option button and follow the simple instructions.

- Required actions will occur automatically and a result tape will print.
- Sign the Certificate of Election Officials as indicated on the bottom of the tape.
- Any scrutineers present may sign the tape if they so desire.
- Post the results tape for viewing.
- Unplug the power cord to power down the vote tabulation machine.
- Unplug the power cord to power down the colour printer.
- Once the results tape has printed, have the Technical Support Officer remove the security seals from the memory card slots and upload the results information as directed.
- Unseal the top flap of the “In-Office” tabulation machine ballot box and remove the vote tabulation machine.
- Place all the cast ballots from the “In-Office” tabulation machine ballot box into Ballot Transfer Box(es):
  - Do not fold or damage the ballots.
  - All ballot styles are placed into the Ballot Transfer Box(es) together.
  - It is not required to sort the ballots so that the top or front of the ballot faces the same way, simply stack them neatly.
  - Seal the Ballot Transfer box(es) with a short yellow paper seal.
  - Both Special Voting Officers are to sign or initial the seal.
  - Any scrutineer present may also sign or initial the seal.
- Show the empty “In-Office” special ballot box to the Returning Officer or an Election Clerk and any scrutineers present.
- Repack the vote tabulation machine into its carrying case.
- Complete all other poll records and pack up the remaining poll materials.