

# Chief Electoral Officer Directives for the Counting of Ballots

(Elections Act, R.S.N.B. 1973, c.E-3, ss.5.2(1), s.87.63, 87.64, 91.1, and 91.2)



**P 01 403**  
(2021-09-07)

## BALLOT COUNT USING TABULATION MACHINES

In an election where the Chief Electoral Officer has directed that tabulation machines will count ballots, the following instructions shall be followed.

Prior to the advance polls or Election Day, each Returning Officer shall appoint one Tabulation Machine Officer to operate each tabulation machine through which ballots are deposited in a ballot box.

### Close of Advance Polling Stations

**No ballots cast at the advance polls may be counted prior to 8:00 p.m. on Election Day.** All advance poll tabulation machines will be returned to the returning office following the advance poll, and stored securely until Election Day. They will have their results counted only after 8:00 p.m. on Election Day. At that time, the designated Technical Support Officer will close the poll on the tabulation machines returned from the advance polling stations.

### Counting of Ordinary Polling Station Votes

When preparing to count the ordinary poll votes at an ordinary polling station, the Tabulation Machine Officers shall complete the following procedures.

- Wait until the Poll Supervisor has declared the poll closed.
- Process any ballots in the Auxiliary Compartment or in a ballot box designated for curbside voting:
  - Remove any ballots in the Auxiliary Compartment or in a ballot box designated for curbside voting.
  - Feed each ballot **face down** through the tabulation machine.
  - **If a ballot is not accepted immediately by the tabulation machine, press the “Return” button or take the automatically returned ballot and place it face down on the table,** and continue processing the other ballots. Once complete, contact the Poll Supervisor to finalize the unaccepted ballots.
  - **Do not simply place the ballots in the ballot transfer box** as this will cause errors with the balancing of votes to the number of voters having voted.

The Poll Supervisor shall then complete the following procedures.

- This process must be done in the presence of the Poll Supervisor, a Ballot Issuing Officer and the Tabulation Machine Officer. Scrutineers may observe this process.
- The Tabulation Machine Officer will place each ballot **FACE DOWN** into the tabulation machine so that no one can keep track of the votes being cast. The Tabulation Machine Officer does not need to put the ballots in a secrecy sleeve.
- If the tabulation machine reports an alert, for ALL alert messages:
  - **DO NOT, UNDER ANY CIRCUMSTANCES, PLACE ANY OTHER MARK OR ATTEMPT TO DARKEN A MARK ON A VOTER’S BALLOT, OTHER THAN TO INITIAL THE BIO BOX.**

- Ensure that each ballot causing the alert is **RETURNED** for review.
- Do not tell the tabulation machine to accept a ballot “as-is” and allow the tabulation machine to deposit the ballot into the box.
- Place the ballot causing the alert 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 alert message will have been counted.
- For each ballot that caused an alert message, the Poll Supervisor must:
  - Examine each ballot that the 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 tabulation machine.
  - If the tabulation machine again gives an alert message, respond as follows:

If the screen reads:	The tabulation machine will:	The Poll Supervisor will:
<b>AMBIGUOUS MARKS DETECTED</b>	<u>Automatically return</u> the ballot for clarification.	If the voter’s intended vote is clear, create a <u>Replacement Ballot</u> using the procedure detailed below.
<b>BIO INITIALS NOT DETECTED</b>	<u>Automatically return</u> the ballot for correction.	Complete the BIO initials and re-feed the ballot through the vote tabulation machine.
<b>MISREAD BALLOT INVALID BALLOT DETECTED</b>	<u>Automatically return</u> the ballot for correction. It cannot be accepted.	If satisfied that the ballot is one duly issued at the polling station, create a <u>Replacement Ballot</u> using the procedure detailed below.  If not so satisfied, do not prepare a replacement ballot. Write the reasons the ballot is considered “suspect” on the bottom part of the ballot, in the white space below the candidates’ names (for example, “not on proper paper”) and put the ballot in the <i>Replaced Ballots envelope</i> , so it will be available to the judge in case of a recount. Write a note in the <i>Poll Supervisor Ballot Record</i> .
<b>MULTIPLE SHEETS DETECTED</b>	<u>Automatically return</u> all of the ballots for correction. Only one ballot can be inserted at a time.	Ensure two ballots are not stuck together. <ul style="list-style-type: none"> <li>● A single marked ballot should be inserted again.</li> <li>● A second blank ballot should be treated as a “Spoiled Ballot”.</li> </ul>
<b>PAPER JAM</b>	Not count the jammed ballot, and will not accept additional ballots until the jam has been cleared. Once cleared, the vote tabulation machine will resume normal operation.	Pull the stuck ballot out of the front of the machine or lift the vote tabulation machine off the ballot box and pull the ballot from the exit slot. Press “ <b>Cleared</b> ” on the operator screen to resume normal tabulator operation.  Create a <u>Replacement Ballot</u> using the procedure detailed below, even if the ballot appears clean and flat.
<b>BLANK BALLOT DETECTED</b>	Wait for confirmation to: <ul style="list-style-type: none"> <li>● Return the ballot for correction, OR</li> <li>● Cast the ballot,</li> </ul>	If the voter’s clear intent was to vote for no candidates, press the “ <b>Vote</b> ” button to accept the ballot.  If not, and the voter’s intended vote is clear, create a

	registering no votes.	<u>Replacement Ballot</u> using the procedure detailed below.
<b>OVERVOTE DETECTED</b>	Wait for confirmation to: <ul style="list-style-type: none"> <li>Return the ballot for correction, OR</li> <li>Cast the ballot, not counting the over voted sections.</li> </ul>	If the voter’s clear intent was to overvote for the contest, press the “ <b>Vote</b> ” button 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.

- If the Poll Supervisor must create a replacement ballot, they shall, in the presence of any scrutineers present, complete the following procedures.
  - Examine the ballot that the tabulation machine would not accept, and note the ballot style number.
  - Obtain a new, clean ballot of the same ballot style number from the designated Ballot Issuing Officer.
  - For **each unaccepted ballot**, assign a unique consecutive number.
  - On the **original ballot to be replaced**, using a marker, write on the bottom part or back of each ballot:
    - “Replaced Ballot No. \_\_\_\_”; and
    - The alert message the tabulation machine reported when the ballot was fed originally.
    - Not permit, under any circumstances anyone to place any other mark or attempt to darken a mark on a voter’s original ballot.**
  - On **each corresponding replacement ballot**, using a marker, write on the bottom part or back of each ballot:
    - “Replacement Ballot No. \_\_\_\_”.
    - Make sure to put the same number on the two ballots.
  - On the replacement ballot, initial in the space for the BIO initials.
  - On the replacement ballot, fill in the electoral region and polling division number as on the unaccepted ballot.
  - Carefully note the votes marked on each part of the unaccepted ballot, and mark votes for the **intended** candidates on the replacement ballot.
  - Check the two ballots to be sure the remarked ballot matches the voter’s original intent.
    - The Poll Supervisor 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 **replacement** ballot through the tabulation machine.
  - Place the **original replaced** ballot in the *Replaced Ballots envelope*.
  - Repeat these steps for each ballot the tabulation machine would not accept.

After all the ballots have been deposited into the ballot box through the tabulation machine, the Poll Supervisor shall complete the following procedures.

- Seal the *Replaced Ballots envelope* with a short yellow seal.
- The Tabulation Machine Officer and the Ballot Issuing Officer are to sign or initial the seal.
- Any scrutineers present may sign the seal.

- Place the *Replaced Ballots envelope* in the Ballot Transfer Box for that tabulation machine on top of the ballots that were removed from the ballot box at the end of the day.

The Tabulation Machine Officer shall then complete the following procedures:

- Note the number of electors that deposited ballots and inform the Poll Supervisor.
- Assist the Poll Supervisor to close the poll on the tabulation machine.
  - Have the Poll Supervisor close the tabulation machine by contacting the sensor with the security key.
  - Select the “close” option and enter the password. If a cellular modem is being used to transmit results, attach it when required.
  - Print two copies of the results report.
  - Sign the certification as indicated on the bottom of both copies of the result sections of the tape.
  - Any scrutineers present may sign the result sections of the tape if they so desire.
- Detach the entire tape from the tabulation machine.
- **Tear off the second copy of the results report that was printed last at the bottom of the tape** and post it on the wall for viewing in the polling station until the polling station is closed.
- **Keep the remaining tape in one piece**, so that there is a continuous strip from when the zero report was printed until when the first results report was printed.
- Retain the second result section of the tape that was posted in case the machine is damaged *en route* to the Returning Office.
- Power down the tabulation machine and repack it into its carrying case.
- Place all cast ballots into a Ballot Transfer box.
  - Use one Ballot Transfer Box for each tabulation machine (or more as necessary).
  - Remove all ballots from the rear section of the ballot box.
  - Place these counted ballots into the Ballot Transfer box.
  - Do not fold or damage ballots.
  - All ballot styles are placed into the Ballot Transfer box 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.
  - If used, place the sealed *Replaced Ballots envelope* into the Ballot Transfer box.
  - Use one long paper seal to seal the Ballot Transfer box.
  - Record the polling location name and tabulation machine number on the Ballot Transfer box.
  - Ensure the Ballot Transfer box is sealed and marked as “Ordinary Poll”.

After all counting has been completed, the Poll Supervisor shall return all election materials to the returning office following the instructions given by the Returning Officer.

### **Counting of Advance Polling Station Votes**

When preparing to count the advance poll votes at a returning office, the Technical Support Officer shall complete the following procedures.

- Wait until Returning Officer has declared the poll closed.
- Power up the tabulation machine.
- Close the tabulation machine in the presence of the Returning Officer or Election Clerk.

- Close the tabulation machine by contacting the sensor with the security key.
- Select the close option and enter the password. If a cellular modem is being used to transmit results, attach it when required.
- Print two copies of the results report.
- Sign the certification as indicated on the bottom of both copies of the result sections of the tape.
- Any scrutineers present may sign the result sections of the tape if they so desire.
- Detach the entire tape from the tabulation machine.
- **Tear off the second copy of the results report that was printed last at the bottom of the tape** and post it on the wall for viewing.
- **Keep the remaining tape in one piece**, so that there is a continuous strip from when the zero report was printed until when the first results report was printed.
- Power down the tabulation machine.
- Repack the tabulation machine into its carrying case.

## 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 complete the following procedures.

- Wait until the Poll Supervisor has declared 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:
    - Tabulation Sheet(s)* to record the votes. Copies are also provided for scrutineers;
    - Record of Objections to Ballots* to record any objections encountered during counting;
    - A Tabulated Ballots envelope*;
    - A Rejected Ballots envelope*;
    - A Tabulation Sheets envelope*;
    - An envelope for one copy of the *Statement of Votes Cast* to be returned to the Returning office;
    - An envelope for one copy of the *Statement of Votes Cast* to be put in the ballot box;
    - 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 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; and
- A short paper 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 complete the following procedures.

- Invite any scrutineers present in the polling station who wish to observe, to watch the Ballot Counting Officer and the partnered Ballot Counting Officer unseal the ballot box 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 that will be followed 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 provide a copy of these instructions.
- Have the partnered Ballot Counting Officer and any scrutineer present witness the unsealing of the ballot box.
- Unseal the ballot box:
  - If the partnered Ballot Counting Officers are responsible for more than one box, only work with one ballot box at a time;
  - Cut one paper seal along the top 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:
  - Remove one ballot at a time from the ballot box;
  - Examine the ballot to ensure it is a proper ballot and has been properly marked;
  - 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 votes for one contest, while still counting the votes for the other contests.
  - Votes for a contest **ARE** to be rejected if:
    - 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 the Ballot Counting Officer is satisfied that this is a ballot that was otherwise properly issued, they may initial it and count it in the usual way;
    - the ballot has not been marked for any candidate for an office or for any option in a plebiscite;
    - the ballot has been marked for more candidates than may be elected or for more than one answer in a plebiscite;

- the ballot is marked or written on by a voter in such a way that the voter could be identified;
    - the voter's mark is not marked in the circle next to the candidate's name.
  - Votes for a contest on a ballot **ARE NOT** to be rejected only on the grounds that:
    - the ballot is marked with a writing instrument other than the supplied ballot marker;
    - the voter's mark is made with a sign other than an "X"; or
    - the voter's mark extends outside the circle.
- Count the vote:
  - If there is no reason to reject the votes for a contest on a ballot, the Ballot Counting 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 them 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 Counting 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 votes on the ballot for one contest, while still counting the votes on the ballot for the other contests. In this case:
    - Write "Rejected for [contest name]" on the back of the ballot; and
    - 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:
    - Assign the ballot a consecutive 'Number of Objection';
    - Write the consecutive 'Number of Objection' on the back of the ballot;
    - 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 complete the following procedures.

- Display the empty ballot box to all those present.
- Place all the valid ballots cast into the *Tabulated Ballots envelope*.
  - Complete the *Tabulated Ballots envelope* with the:
    - Ballot Box number;
    - Polling Station;
    - Names of the Ballot Counting Officers; and
    - Number of ballots being deposited.
  - 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) into the *Rejected Ballots envelope*.
  - Complete the *Rejected Ballots envelope* with the:
    - Ballot Box number;
    - Polling Station;
    - Names of the Ballot Counting Officers; and
    - The number of rejected ballots being deposited.
  - Print the number of rejected votes on each copy of the *Statement of Votes Cast*.
- Complete the *Statement of Votes Cast* as follows:
  - Complete three copies of the *Statement of Votes Cast* for:
    - The Returning Officer;
    - The ballot box; and
    - The Ballot Counting Officer.
  - Ensure the number of votes cast for each candidate is printed on each *Statement of Votes Cast*.
  - Ensure the number of rejected votes is printed on the *Statement of Votes Cast*.
  - 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. The Ballot Counting Officer 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 short paper seal.
- Seal each envelope to be placed in the Ballot Box with a seal:
  - *Tabulated 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*; and
  - *Record of Objections to Ballots*.
- Place the following items into the ballot box for return to the returning office by the Poll Supervisor:
  - *Tabulated Ballots envelope*;
  - *Rejected Ballots envelope*;
  - *Tabulation Sheets envelope*; and
  - *Statement of Votes Cast (Ballot Box) envelope*.
- Reseal the ballot box:
  - Reseal the ballot box using a short paper seal;
  - 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 has been completed, the Poll Supervisor 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 tabulation machine at the returning office, the following instructions shall be followed.

Prior to the Sunday prior to Election Day, each **Returning Officer** shall:

- 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.
- Designate the time as 1:00 p.m. when the Special Voting Officers will process the ballots.

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 tabulation machine.

- This process **must** be done in the presence of the Returning Officer or an Election Clerk.
- Additionally, each candidate may attend and/or send one 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 **available** election officers to remain to observe the process.

### Processing Special Ballots and Additional Poll Ballots

The designated Special Voting Officer shall complete the following procedures.

- Open one at a time, the “Write-In Ballot” box, the “Out-of-Office” ballot box, and any Additional Poll ballot boxes. 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.
  - Only work with one ballot box at a time;
  - Cut the paper seal along the top of the box; and
  - 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*, remove the ballot from the 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. Follow the **Replacement Ballot** procedures to make a **replacement ballot** for these ballots so that the tabulation machine can tabulate the vote.
- Satisfy themselves that the ballot is a duly issued ballot.

- Place each special ballot **FACE DOWN** into the tabulation machine so that no one can keep track of the votes being cast. The Special Voting Officer does not need to put the ballots in a secrecy sleeve.
- Depending on the ballot, the tabulation machine may report an alert 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.
- If the tabulation machine reports an alert, for ALL alert messages:
  - **DO NOT, UNDER ANY CIRCUMSTANCES, PLACE ANY OTHER MARK OR ATTEMPT TO DARKEN A MARK ON A VOTER'S BALLOT, OTHER THAN TO INITIAL THE BIO BOX.**
  - Ensure that each ballot causing the alert is **RETURNED** for review.
  - Do not tell the tabulation machine to accept a ballot "as-is" and allow the tabulation machine to deposit the ballot into the box.
  - Place the ballot causing the alert 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 alert message will have been counted.

### **Processing Ballots Having Caused an Alert Message**

Once the Special Voting Officer has processed all of the remaining ballots in the ballot boxes, they shall process those ballots that caused an alert message by completing the following procedures.

- Be aware that the tabulation machine is unable to read:
  - Marks made by voters outside of the circles by the candidates' names; and
  - 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, except where the voter's mark is not marked in the circle by the candidate's name.
- For each ballot that caused an alert 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 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 tabulation machine.
  - If the tabulation machine again gives an alert message, respond as follows:

If the screen reads:	The tabulation machine will:	The Special Voting Officer will:
<b>AMBIGUOUS MARKS DETECTED</b>	<u>Automatically return</u> the ballot for clarification.	If the voter’s intended vote is clear, create a <u>Replacement Ballot</u> using the procedure detailed below.
<b>BIO INITIALS NOT DETECTED</b>	<u>Automatically return</u> the ballot for correction.	Complete the BIO initials and re-feed the ballot through the vote tabulation machine.
<b>MISREAD BALLOT INVALID BALLOT DETECTED</b>	<u>Automatically return</u> the ballot for correction. It cannot be accepted.	If satisfied that the ballot is one duly issued by a Special Voting Officer, create a <u>Replacement Ballot</u> using the procedure detailed below.  If not so satisfied, do not prepare a replacement ballot. Write the reasons the ballot is considered “suspect” on the bottom part of the ballot, in the white space below the candidates’ names (for example, “not on proper paper”) and put the ballot in the <i>Replaced Ballots envelope</i> , so it will be available to the judge in case of a recount. Write a note in the <i>Special Ballot Poll Book</i> .
<b>MULTIPLE SHEETS DETECTED</b>	<u>Automatically return</u> all of the ballots for correction. Only one ballot can be inserted at a time.	Ensure two ballots are not stuck together. <ul style="list-style-type: none"> <li>• A single marked ballot should be inserted again.</li> <li>• A second blank ballot should be treated as a “Spoiled Ballot”.</li> </ul>
<b>PAPER JAM</b>	Not count the jammed ballot, and will not accept additional ballots until the jam has been cleared. Once cleared, the vote tabulation machine will resume normal operation.	Pull the stuck ballot out of the front of the machine or lift the vote tabulation machine off the ballot box and pull the ballot from the exit slot. Press “ <b>Cleared</b> ” on the operator screen to resume normal tabulator operation.  Create a <u>Replacement Ballot</u> using the procedure detailed below, even if the ballot appears clean and flat.
<b>BLANK BALLOT DETECTED</b>	Wait for confirmation to: <ul style="list-style-type: none"> <li>• Return the ballot for correction, OR</li> <li>• Cast the ballot, registering no votes.</li> </ul>	If the voter’s clear intent was to vote for no candidates, press the “ <b>Vote</b> ” button 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>OVERVOTE DETECTED</b>	Wait for confirmation to: <ul style="list-style-type: none"> <li>• Return the ballot for correction, OR</li> <li>• Cast the ballot, not counting the over voted sections.</li> </ul>	If the voter’s clear intent was to overvote for the contest, press the “ <b>Vote</b> ” button 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.

## 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, complete the following procedures.

- Examine the ballot that the 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 electoral district, take a clean ballot of the same style from their poll supplies; or
  - For ballots from other districts, use the Ballot on Demand system to print a clean ballot of the same style.
- For each **unaccepted ballot** or **"Write-In" ballot**, assign a unique consecutive number. Using a marker, write on the bottom part or back of each ballot:
  - "Replaced Ballot No. \_\_\_\_"; and
  - The alert message the tabulation machine reported when the ballot was fed originally.
  - **Not permit, under any circumstances anyone to place any other mark or attempt to darken a mark on a voter's original ballot.**
- On each **corresponding replacement ballot**, using a marker, write on the bottom part or back of each ballot:
  - "Replacement Ballot No. \_\_\_\_".
  - Make sure to put the same number on the two ballots.
- On the replacement ballot, initial in the space for the BIO initials.
- On the replacement ballot, fill in the electoral district and polling division number as on the unaccepted or "Write-In" ballot.
- Carefully note the votes marked on each part of the unaccepted or "Write-In" ballot, and mark votes for the **intended** candidates on the replacement 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 **replacement** ballot through the tabulation machine.
- Place the **original replaced** or **"Write-In"** ballot in the *Replaced Ballots envelope*.
- Repeat these steps for each ballot the tabulation machine would not accept immediately.

## Finalizing 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 tabulation machine, the Special Voting Officer shall complete the following procedures.

- Seal the *Replaced Ballots envelope* with a short yellow seal.
- Have both Special Voting Officers sign or initial the seal.
- Permit any scrutineer present to sign or initial the seal who wishes to do.
- Keep the *Replaced Ballots envelope* secure until 8:00 p.m. on Election Day.
- Collapse all empty Additional Poll ballot boxes.

- If the Auxiliary compartment of the “In-Office” tabulation machine ballot box was opened to process ballots, close and seal the box opening with seals.
- 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.
- 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

Prior to Election Day, each Returning Officer shall complete the following procedures.

- 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 candidate 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. **All special ballots must be physically deposited into a ballot box prior to this time.**

At 8:00 p.m., the designated Special Voting Officer shall complete the following procedures.

- 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 boxes 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 alert messages and create replacement ballots.

Once **all ballots** have been deposited into the “In-Office” tabulation machine ballot box through the tabulation machine, the designated Special Voting Officer shall complete the following procedures.

- Prepare one or more new Ballot Transfer Boxes.
- Fill in the appropriate information on the box, marking them as Special and Additional Poll ballots and date the box.
- Record the “returning office” as the polling station.
- If one was used after 8 p.m., seal the *Replaced Ballots envelope* with a short yellow seal and place the *Replaced Ballots envelope* into the Ballot Transfer box. Include the sealed *Replaced Ballots envelope* from Sunday’s processing.

- Close the poll at the tabulation machine following the detailed instructions.
  - 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 tabulation machine by contacting the sensor with the security key.
  - Select the “close” option and enter the password. If a cellular modem is being used to transmit results, attach it when required.
  - Print two copies of the results report.
  - Sign the certification as indicated on the bottom of both copies of the result sections of the tape.
  - Any scrutineers present may sign the tape if they so desire.
- Detach the entire tape from the tabulation machine.
- **Tear off the second copy of the results report that was printed last at the bottom of the tape** and post it on the wall for viewing in the returning office.
- **Keep the remaining tape in one piece**, so that there is a continuous strip from when the zero report was printed until when the first results report was printed.
- Unplug the power cord to power down the tabulation machine.
- Unplug the power cord to power down the colour printer.
- Unseal the top flap of the “In-Office” tabulation machine ballot box and remove the tabulation machine.
- Place all the cast ballots from the “In-Office” tabulation machine ballot box into Ballot Transfer Box(es):
  - Remove all ballots from the rear section of the ballot box.
  - Do not fold or damage the ballots.
  - Place these counted ballots into the Ballot Transfer box(es).
  - 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.
  - If used, place the sealed *Replaced Ballots envelope(s)* into the same Ballot Transfer box.
  - Use one long paper seal to seal the Ballot Transfer box.
  - 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 tabulation machine into its carrying case.
- Complete all other poll records and pack up the remaining poll materials.



## VERIFICATION AND DECLARATION OF ELECTION

In an election where the Chief Electoral Officer has directed that ballots were to be tabulated using tabulation machines at the returning office, the following instructions shall be followed.

### Prior to Election Day

Each **Returning Officer** shall:

- Designate two Special Voting Officers to conduct an audit verification of the ballots cast in one tabulation machine from one advance polling station or one ordinary polling station. One Special Voting Officer will be designated to handle the ballots and the second Special Voting Officer will be designated to assist.
- Designate the Tuesday following Election Day at 4:00 p.m. as the time when the Special Voting Officers will process the ballots.
- Invite each candidate to attend and/or send one scrutineer to witness the process. Each scrutineer must be appointed on the required form, and take the *Oath or Affirmation of Scrutineer*. Media personnel are not allowed to witness the process.

### Tuesday following Election Day

After all Returning Officers have uploaded the results from all tabulation machines, **Elections NB** will provide each returning officer with *Certification of Tabulation Machine Results* reports to be reviewed and certified, including:

- A report showing the total votes cast per candidate in the special ballot tabulation machine located in the electoral district; and
- A report showing the total votes cast for the candidates in the electoral district from each advance poll and ordinary poll tabulation machine located in the electoral district.

Using the results tapes that were returned with the tabulation machines, the **Returning Officer** shall:

- Verify that the votes each candidate received on each results tape matches the votes indicated on the *Certification of Tabulation Machine Results* reports. This will confirm that the data from each tabulation machine was uploaded correctly on election night.
- Report back to the Chief Electoral Officer that the verification was completed and if any discrepancies were noted.

At the designated time, the **Returning Officer** shall conduct the audit verification of ballots from one tabulation machine from one advance or one ordinary polling station using the following procedures:

- This process **must** be done in the presence of the Returning Officer or an Election Clerk.
- In the interests of transparency, if no scrutineers are present at the designated time, the Returning Officer shall invite any eligible electors or any available election officers to remain to observe the process.
- Select one tabulation machine from one advance polling station or one ordinary polling station in the electoral district from which to conduct an audit verification of ballots cast.
- The two Special Voting Officers will be required to open the ballot transfer box returned from the selected polling station. One Special Voting Officer will physically handle all the ballots, while the second Special Voting Officer will tabulate the votes cast, as directed by the Returning

Officer. If more than one ballot transfer box for that tabulation machine was returned, each box shall be processed, one at a time.

- Generally, follow the procedures outlined in “BALLOT COUNT BY HAND” in this directive, ensuring that the Special Voting Officers:
  - Examine and show each ballot, one at a time.
  - Determine if the ballot is to be counted or rejected.
  - Count the vote.
  - Record on *Tabulation Sheet(s)* the votes cast for each candidate.
  - Process Rejected Ballots.
  - Respond to Objections to Ballots.
- After all the ballots have been counted, return the ballots to the ballot transfer box.
- If more than one ballot transfer box was returned for that tabulation machine, each box shall be processed separately, and new *Tabulation Sheets* shall be used to aid in counting and verification.

### **Finalizing Procedure**

After all the ballots from the selected tabulation machine have been counted, the **Returning Officer** shall complete the following procedures.

- Report to the Chief Electoral Officer the following information:
  - That the audit verification of ballots was completed;
  - If any discrepancies were noted, and if so, what they were.
- Place the *Tabulation Sheets* into a *Tabulation Sheets envelope*.
- Seal the *Tabulation Sheets envelope* using a short paper seal.
- Place any rejected ballots into a *Rejected Ballots envelope*.
- Seal the *Rejected Ballots envelope* using a short paper seal.
- Have both Special Voting Officers sign or initial the seals. Any scrutineer present may also sign or initial the seals.
- Place the *Rejected Ballots envelope* and the *Tabulation Sheets envelope* into the ballot transfer box.
- Reseal the ballot transfer box using a long paper seal.
- The Returning Officer and both Special Voting Officers are to sign or initial the long paper seal. Any scrutineer present may also sign or initial the seal.

The Chief Electoral Officer will examine the audit verification reports submitted by each Returning Officer. Upon review, the Chief Electoral Officer may direct that additional ballot transfer boxes be subjected to an audit verification using hand counts prior to a Returning Officer making their official declaration on Declaration Day.

Once satisfied that all reports have been completed, the Chief Electoral Officer will provide each Returning Officer with the following reports:

- A report showing the total votes cast for the candidates in the electoral district from each advance poll and ordinary poll tabulation machine located in the electoral district as well as each special ballot tabulation machine located in the various returning offices across the Province; and

- A report showing the detailed poll-by-poll results for each candidate in the electoral district. It will include the votes cast from each tabulation machine across the Province.

**Declaration of Election**

In accordance with paragraph 13(2)(f) of the *Elections Act*, on the Friday following Election Day, Returning Officers shall declare the candidate with the most votes elected.

If there is a tie in the votes for two or more (leading) candidates, the Returning Officer must cast the deciding vote before filling out the Declaration.