



DEPUTY RETURNING OFFICER'S MANUAL

(VOTING BY INCARCERATED ELECTORS)



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Revision Record



The *Revision Record* lists changes made only to the electronic copy of the *Version* listed below. Please print only the pages described under *Comments*, and substitute them in your printed manual to ensure that it remains current. The *Date Published* appears at the bottom of new or changed pages.

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NOTE: The masculine gender is used throughout the manual without bias, in the interests of simplicity and ease of reading.

A MESSAGE FROM ELECTIONS CANADA

This manual explains your duties as a deputy returning officer taking the votes of incarcerated electors. It is based on the Special Voting Rules (Part 11 of the *Canada Elections Act*), on the federal referendum legislation and on the procedures established by the Chief Electoral Officer of Canada.

As a deputy returning officer taking the votes of incarcerated electors, your main job is to supply special ballot voting kits to incarcerated electors who have previously completed an *Application for Registration and Special Ballot*.

You must have a thorough understanding of the rules that govern voting by incarcerated electors, as outlined in this manual.

In this manual, there will be references to two different polling days, as follows:

- **ordinary polling day** means the day on which electors vote at polling stations other than in correctional institutions
- **polling day** means the day on which electors in correctional institutions vote; this date is the 10th day before ordinary polling day.

You are responsible only to the returning officer who appointed you, to the liaison officer in your correctional institution and to the Special Voting Rules Administrator at Elections Canada in Ottawa. They will issue your working instructions. You must act independently from any political party, candidate or referendum committee.

As an election or referendum officer, you must not take part in any partisan activity in the course of your duties on the day of voting in the correctional institution (the 10th day before ordinary polling day). This means that:

- you must not state opinions or display material that supports or opposes a political party, candidate or referendum committee while you are performing your duties
- you should only answer questions relating to the electoral process
- you must not work for any candidate, political party, or referendum committee, nor attend any political functions or meetings on that day.

A MESSAGE FROM ELECTIONS CANADA

CONFIDENTIALITY GUIDELINES

In carrying out your duties, you will come in contact with personal information regarding incarcerated electors that must remain private. By law, elector information (whether on application forms or on any other document) is confidential and must be protected at all times.

You must ensure that any document containing personal information is kept out of sight of other incarcerated electors. Only the elector who is requesting to vote is entitled to see his own personal information. You must keep all documents secure until it is time to return them to the liaison officer.

COURTESY AT WORK

In your role as deputy returning officer taking the votes of incarcerated electors, you are one of the few election or referendum officers whom the elector will meet during the course of an electoral event. The manner in which you perform your work and communicate with the public may influence what electors think about the electoral process and the way electoral events are run.

Moreover, your behaviour while you go about your duties affects the level of trust that electors have in their electoral system and in the organization that runs federal electoral events – Elections Canada. You are a representative of Elections Canada, and we expect you:

- to always be polite to electors
- to dress appropriately
- not to smoke while you are carrying out your duties
- to refer to potential voters in your institution as **electors**.

ELECTORS WITH DISABILITIES

When you are communicating with an elector who has a physical disability, you should apply the following principles:

- Remember that it may take more time for a person with a physical disability or for a senior to answer your questions or to get things done.
- Give your undivided attention to any person who has difficulty communicating.
- Speak directly to a person with a physical disability rather than to his companion.
- Speak calmly, slowly and directly to a person who is deaf or hard of hearing. Your facial expressions, gestures and body movements will help the elector to understand. Do not shout or speak in the person's ear. If communicating is difficult, do not hesitate to write a note to the person who is deaf or hard of hearing.
- Greet a person with a visual impairment by letting the person know who you are and what you do. You should also provide a guiding device, such as a ruler or a card, when that person is required to and is able to complete the ballot or sign the *Outer Envelope for Incarcerated Electors*. If you must help a person with a visual impairment to walk, offer your arm and give warning of any steps or obstacles you may encounter.
- Before assisting a person using a wheelchair, ask if you may do so and how you should proceed.

Do not hesitate to contact your liaison officer or the returning officer if you need additional information on this subject.

BILINGUAL SERVICES

Elections Canada is legally responsible for ensuring that every Canadian is able to obtain service in either official language, English or French. If you do not understand the official language used by the person you are serving, immediately advise the liaison officer. Then appropriate action can be taken to provide service to this person in the official language of choice.

OVERVIEW OF VOTING BY INCARCERATED ELECTORS

Making voting accessible to electors is an important part of what Elections Canada does. Elections Canada and the liaison officer ensure that an elector who is incarcerated in a correctional institution can vote as conveniently as possible.

Incarcerated electors who are in a correctional institution in Canada at the time of an electoral event, regardless of the length of their sentence, are eligible to vote according to the procedures set out in Part 11 of the *Canada Elections Act* and in the federal referendum legislation.

Voting in each institution is organized by a liaison officer designated by the Minister of Correctional Services. The liaison officer gives an *Application for Registration and Special Ballot* (EC 77010) form and a voter's guide to each incarcerated elector, answers questions on procedures and helps electors to fill out the application form.

To vote, incarcerated electors must register by filling out the application form. Registration begins no later than the 13th day before ordinary polling day and lasts for a minimum of three days, ending on the 11th day before polling day.

Incarcerated electors vote on the 10th day before ordinary polling day, in their institution. The voting date is shown on a poster displayed in each correctional institution. One or more polling stations are set up in designated locations on that day, and voting starts at 9:00 a.m. (local time). The polling station remains open until everyone who wants to vote has voted, but no later than 8:00 p.m. (local time).

Electors may vote only once at an election or referendum.

- At an election, an elector may vote only for a candidate in the electoral district in which his place of ordinary residence is situated, as determined by the address on the application form. You must inform the elector of the name of his electoral district, and provide the elector with the names of the candidates running for election there.
- At a referendum, the elector marks the ballot by making an "X" in the space corresponding to the word **Yes** or **No** in answer to a referendum question.

As deputy returning officer, you are in charge of the polling station and are assisted by a poll clerk.

APPOINTMENT OF DEPUTY RETURNING OFFICERS AND POLL CLERKS

Your local returning officer appointed you and your poll clerk to take the votes of incarcerated electors inside a correctional institution on the 10th day before ordinary polling day.

The liaison officer of the institution determines in advance the number of polling stations required in the institution, based on the total number of incarcerated electors who have registered to vote. This, in turn, determines the number of deputy returning officers and poll clerks required: one of each per polling station. There must not be more than 100 electors per polling station, because the special ballot voting system (a double-envelope system) requires between five and seven minutes per elector.

You will receive from your returning officer an *Appointment and Oath* (EC 10130) form for election officers on which your personal information will have been pre-printed and which you must verify. **Any errors or omissions will lead to delays in payment.** Make sure that you keep a copy of the form as proof of your appointment. You must swear the oath at your training session, in front of the returning officer or the assistant returning officer.

SUPPLIES

Before opening the polling station, the liaison officer will give you: All of the completed Application for Registration and Special Ballot (EC 77010) forms for your polling station, in alphabetical order Blank Application for Registration and Special Ballot forms (EC 77010) A Deputy Returning Officer's Manual (Voting by Incarcerated Electors) (EC 77060) The Special Voting Rules (Part 11 of the *Canada Elections Act*) (EC 78360) An envelope (EC 50470) containing voting supplies for one polling station (voting pencils, masking tape, Official Seals (EC 50180) for the envelopes, identification for poll personnel, a pen, a ruler and a pencil sharpener) Booklets of special ballot papers (EC 78300 or REF 78300) *Inner Envelopes* (EC 78840) *Outer Envelopes for Incarcerated Electors* (EC 77160) Instruction Cards (EC 77100) A list of confirmed candidates (for an election only) A voting screen (EC 50240) An envelope for spoiled ballots (EC 78270) An envelope for unused ballots (EC 78290) A mailbag (EC 00500) A List of Federal Electoral Districts (EC 00170) A Guide to Federal Electoral Districts (EC 06508) A set of Street Indexes (EC 06511).

immediately.

If any of the material on this list is missing, please contact your liaison officer

SETTING UP THE POLLING STATION

After the liaison officer has provided you with all the supplies necessary for taking the vote, it is your responsibility to see that the polling station is set up to enable electors to vote in secrecy. The set-up of the polling station is similar to that of a regular polling station. It includes:

- a large table at which you and your poll clerk will be seated
- two chairs
- a smaller table for the voting screen
- a table and chairs for any political party or referendum committee representatives (if required).

You must also post the *Instruction Card* (EC 77100) close to the polling station and inside the voting screen (EC 50240).

The *Canada Elections Act* provides that, at an election, a Canadian citizen may represent a registered political party during the taking of the votes at a correctional institution. This, however, can only be done with the prior authorization of correctional authorities. Should any representatives be authorized to be present, the liaison officer will advise you.

In such a case, you will need to ensure that additional chairs are available for the representatives. Only one representative of each registered party is entitled to be present at any given time. The representatives **must not** sit at the same table as you and your poll clerk. They may have their own table, if one is available. However, they must be able to hear the exchange between the elector and the deputy returning officer or poll clerk.

Place their chairs and tables (if any) on either side of your table. This will ensure that they have a clear view of the proceedings without obstructing you in your duties or the electors in voting.

Place the large table so that when you are sitting behind it, you will be facing the electors entering the polling station to vote.

Make sure that you set up the voting screen so that no one can see how electors mark their ballot papers. Place a sharpened pencil behind the voting screen. Keep the pencil sharpened throughout the day.

SECURITY AT THE POLLING STATION

The correctional institution's staff will provide security at the polling station. The liaison officer will determine the necessary level of security, based on the security level of the institution.

The elector should at no time feel intimidated by the security while casting a vote. Should any intimidation occur in your presence, advise the liaison officer immediately. You should also make note of second-hand information about intimidation that is brought to your attention, and advise the liaison officer.

VOTING PERIOD

Voting takes place in all correctional institutions on the 10th day before ordinary polling day. Polls open at 9:00 a.m. (local time) and close when all the registered electors have voted, but no later than 8:00 p.m. (local time). During those hours, you and your poll clerk will receive the votes of electors entitled to vote. If all the electors have voted before 8:00 p.m. (local time), you may close the poll and hand all the material to the liaison officer.

You and your poll clerk should be available at the institution at least 30 minutes before the time the poll is scheduled to open.

You and your poll clerk must wear your poll personnel identification. You must remove the cards from the plastic pouches and write your name and position title on your card.

At an election, admit the representatives of political parties, if any. When admitted to the polling station, each representative must give you an *Authorization of a Political Party Representative* (EC 77001) form signed by a candidate for that party. The representative may leave the polling station and return without producing a new written authorization. A photocopy of the candidate's signature on the authorization is acceptable.

The representative must swear or affirm the "Oath of Representative" at the bottom of the authorization (EC 77001), before you, the deputy returning officer.

Give each representative an identification label which states his function and political affiliation. **Nothing** may be written on or added to this identification.

MOBILE POLLS

To take the votes of electors confined to their cells, in a segregation area, dissociation area or in the infirmary, you may temporarily suspend voting in the polling station. You and your poll clerk will then, in the presence of the liaison officer, unless otherwise advised, carry the necessary documents to the confined electors in the institution. The liaison officer will determine the appropriate time for this mobile poll, which is held during polling hours on the institution's polling day, and will provide escorts for you and your poll clerk.

A single polling station may also be created for two institutions with fewer than 50 electors, if those institutions are within the same electoral district and within reasonable travelling distance from one another. This single polling station is also called a mobile poll. In this case:

- This mobile poll should be coordinated by the returning officer of the electoral district and the liaison officers of the institutions involved.
- For logistical reasons, a mobile poll should not comprise more than two institutions in any one electoral district.
- Both you and your poll clerk **must remain on duty together** throughout the hours the polling station is open and while you are travelling to the second location.
- You should be familiar with the location of each institution you will be visiting to avoid unnecessary travelling time.

OFFICIALS AVAILABLE ON POLLING DAY

The liaison officer, the returning officer and the Special Voting Rules Administrator will be available to deal with any problem which may arise throughout polling day. If you have a problem during the day, your first point of contact should be the liaison officer of the institution.

On polling day, every elector who has completed an *Application for Registration and Special Ballot* (EC 77010) form, which has been accepted by the liaison officer, is entitled to vote at the polling station established in the institution.

You are **not** responsible for the movement of the electors to and from the polling station. This will be coordinated by the liaison officer.

Before giving a ballot paper to an elector, you must:

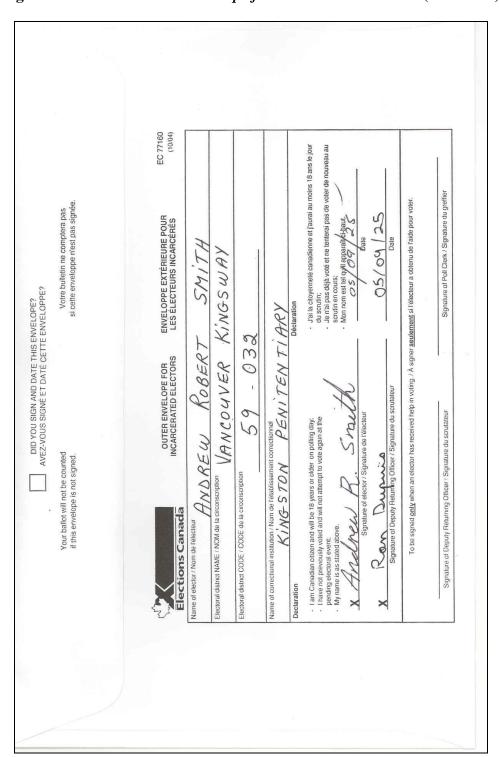
- ask the elector to state his name
- find the elector's *Application for Registration and Special Ballot* (EC 77010) in the alphabetical stack, and in large letters write "VOTED" across the top of the form
- on the back of the *Outer Envelope for Incarcerated Electors* (EC 77160), write the elector's name, the electoral district's code as it appears on the application form, the electoral district's name found by locating the electoral district's code on the *List of Federal Electoral Districts* (EC 00170), and the name of the correctional institution
- ask the elector to sign his name and write the date underneath the declaration on the envelope.

You must then sign your name and write the date on the *Outer Envelope for Incarcerated Electors*, underneath where the elector has signed.

NOTE: If the back of the *Outer Envelope for Incarcerated Electors* is not signed by the elector, the enclosed ballot paper <u>will not be counted</u>.

For an example of a completed back of an *Outer Envelope for Incarcerated Electors*, see **Figure 1** on the next page.

Figure 1: Back of an Outer Envelope for Incarcerated Electors (EC 77160)



PROCEDURES AT AN ELECTION

The elector votes by writing on the ballot the name of the chosen candidate running in the electoral district indicated on his application. You must find the names of the candidates for that electoral district in the list of confirmed candidates and show them to the elector. The electoral districts are in alphabetical order by province, from eastern to western Canada.

Remove a special ballot from the booklet, and give the elector the following:

- the special ballot paper (EC 78300)
- an Outer Envelope for Incarcerated Electors (EC 77160)
- an *Inner Envelope* (EC 78840)
- the list of confirmed candidates, opened to the page corresponding to the elector's electoral district.

Inform the elector that he will vote in private by:

- going behind the voting screen
- writing on the special ballot the given name (or the initials) and the surname of the candidate of choice
- folding the special ballot paper.

NOTE: If there are two or more candidates with the same name, the elector must also write the name of the chosen candidate's registered political party, or the word "Independent," as the case may be. **By law, if the elector writes only the name of a political party on the special ballot, the vote will be rejected.**

After the elector votes in private, the elector must return to where you are sitting and within your plain sight, the elector must:

- insert the folded ballot paper into the *Inner Envelope* (EC 78840)
- seal the *Inner Envelope*
- insert the *Inner Envelope* in the *Outer Envelope for Incarcerated Electors* (EC 77160)
- seal the *Outer Envelope for Incarcerated Electors*.

The elector hands you the *Outer Envelope for Incarcerated Electors* and the list of candidates.

On receiving the elector's envelope, you must inform the elector:

- that you will immediately deposit his ballot into the mailbag in the polling station, to be sent to Elections Canada in Ottawa at the close of polling; **or**
- that he may stamp and mail his envelope personally (postage will be paid by the elector). The envelope must be received at Elections Canada in Ottawa before 6:00 p.m. (Ottawa time) on ordinary polling day. The address is printed on the front of the Outer Envelope for Incarcerated Electors.

NOTE: By law, late ballots cannot be counted.

ELECTORS WHO HAVE NOT COMPLETED AN APPLICATION FOR REGISTRATION AND SPECIAL BALLOT

It is possible that an elector may wish to vote but has not completed an application form. In this case, give the elector a blank *Application for Registration and Special Ballot* (EC 77010) form and ask the elector to write his:

- family name, given name and middle name(s)
- gender
- date of birth (e.g. 31/10/1969)
- complete address of ordinary residence before incarceration (not the address of the correctional institution).

The elector then signs and dates the declaration. Give the completed application to the liaison officer who must:

- fill in the name and identification code of the correctional institution that was given to him by Elections Canada
- identify the inmate type (i.e. federal or provincial)
- verify that the elector has completed the form completely and correctly
- enter the code and name of the elector's electoral district, based on the elector's address on the form
- sign and date the form.

Once the liaison officer has verified and signed the application form, he hands it back to you. You can now give the elector a special ballot, an *Inner Envelope* and an *Outer Envelope for Incarcerated Electors*.

See **Figure 2** on the next page for an example of a completed application.

Figure 2: Application for Registration and Special Ballot (EC 77010)

FAMILY NAME / NOM DE FAMILLE	GIVEN NAME / PRÉNOM	MIDDLE NAME(S) AUTRE(S) PRÉNOM(S)	S) GENDER M(S) SEXE	DATE OF BIRTH DATE DE NAISSANCE
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DECLARATION / DÉCLARATION				
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Name of correctional institution / Nom de l'établissement correctionnel	l'établissement correctionnel		Institution code Code de l'établissement	Inmate type Type de détenu
Kingston Penitentiary			ONT 025	X Federal / Fédéral □ Provincial
ELECTORAL DISTRICT CODE AND NAME FOR	- 0 3 2 Vancouver Kingsway	Kingsway		

PROCEDURES AT A REFERENDUM

For a referendum, you must:

- remove a ballot paper from the ballot booklet, making sure that the counterfoil remains attached to the ballot and that only the stub remains in the booklet
- fold the ballot paper so that the circles are hidden
- hand the folded ballot paper to the elector.

The elector should then:

- take the folded ballot paper behind the voting screen
- mark the ballot paper by making an "X" in the space corresponding to the word **Yes** or **No** in answer to a referendum question
- fold the ballot paper in the same way it was received
- return the folded ballot paper to you.

You must then:

- without unfolding the ballot paper, check the counterfoil number to make sure that it is the same ballot paper you handed to the elector
- in full view of the elector, remove the counterfoil from the ballot and dispose of the counterfoil
- return the folded ballot paper to the elector.

The elector must then, in your full view:

- insert the folded ballot paper into the *Inner Envelope* (EC 78840)
- seal the *Inner Envelope*
- insert the *Inner Envelope* in the *Outer Envelope for Incarcerated Electors* (EC 77160)
- seal the Outer Envelope for Incarcerated Electors
- give you the *Outer Envelope for Incarcerated Electors*.

On receiving the elector's envelope, you must inform the elector:

- that you will immediately deposit his ballot into the mailbag in the polling station, to be sent to Elections Canada in Ottawa at the close of polling; **or**
- that he may stamp and mail his envelope personally (postage will be paid by the elector). The envelope must be received at Elections Canada in Ottawa before 6:00 p.m. (Ottawa time) on ordinary polling day. The address is printed on the front of the Outer Envelope for Incarcerated Electors.

NOTE: By law, late ballots cannot be counted.

SPOILED BALLOTS

If an elector has inadvertently damaged or mistakenly marked a ballot paper so that it cannot be used, he must return it to you.

You must mark the ballot paper as "spoiled" (without unfolding it), place it in the envelope for spoiled ballot papers (EC 78270) and give a new ballot paper to the elector. You may not give an elector more than one additional ballot paper if the first one was spoiled.

ELECTORS REQUESTING ASSISTANCE

If an elector has a physical disability or is unable to read, making it difficult or impossible to vote in the regular way, you may help the elector and complete the declaration on the back of the *Outer Envelope for Incarcerated Electors* in full view of the poll clerk. If necessary, you may write the name of the elector in the space provided for his signature.

If the elector requests assistance in marking the ballot paper, you must mark the ballot paper as the elector directs, in the presence of both the elector and the poll clerk. The way you do this may vary, depending on circumstances. If there are other people nearby, you may go behind the voting screen with the elector and the poll clerk and mark the ballot according to the elector's instructions. If other people are far enough away so they will not overhear or see the elector's choice, you may simply fill out the ballot according to his instructions, in full view of both the elector and the poll clerk.

You and the poll clerk must then sign the note on the back of the *Outer Envelope for Incarcerated Electors*, stating that the elector was assisted.

AFTER THE VOTING IS COMPLETED

After every elector has voted and you have closed the polling station, you must hand to the liaison officer the mailbag containing:

- the completed ballots (sealed in *Outer Envelopes for Incarcerated Electors* (EC 77160)
- the completed application forms (EC 77010)
- the envelope for spoiled ballots (EC 78270) sealed with a signed *Official Seal* (EC 50180)
- the envelope for unused ballots (EC 78290) in which all unused ballots have been placed, sealed with a signed *Official Seal* (EC 50180).

You should hand all the other material separately to the liaison officer, who will forward it to the Special Voting Rules Administrator at Elections Canada in Ottawa.

Contact the liaison officer whenever you need additional information on any subject dealing with voting by incarcerated electors.

Thank You

Your tasks and responsibilities as a deputy returning officer for Your tasks and responsibilities as a deputy returning officer for

Your involvement in our federal electoral process is much appreciated.