

Purpose

This document clarifies the rights and responsibilities of scrutineers in a Markham municipal or school board election.

Application and scope

This policy applies to scrutineers in all Markham municipal and school board elections.

Legislative authority

Section 16 of Ontario's Municipal Elections Act (MEA) authorizes candidates to appoint scrutineers to observe voting and the counting of ballots at a voting place on their behalf. Sections 43, 47, 48, 49, 52 and 54 of the MEA establish the rights and obligations of candidates and scrutineers during voting days.

Section 12 of the MEA authorizes Markham's City Clerk to establish and/or clarify any matter of the election process that is not set out by law and is necessary or advisable for conducting the election.

Policy

1. General

- 1.1 Unless otherwise prohibited by law, a candidate is permitted:
 - (a) at a voting place, one scrutineer for each ballot box or piece of vote-counting equipment; and,
 - (b) during the processing of special ballots or a recount, one scrutineer for each station where ballots are being sorted or counted.
- 1.2 Unless they are voting, a candidate who enters a voting place is considered their own scrutineer.
- 1.3 A scrutineer will be appointed in writing by the applicable candidate using the prescribed form established by Markham's City Clerk.
- 1.4 A scrutineer who causes a serious or ongoing disruption at a voting place or place where votes are being counted will be required to leave and may forfeit their right to observe the voting or counting process.

2. Rights and responsibilities

- 2.1 Scrutineers are required to:

- (a) show proof of their appointment to the election official in charge of the place where votes are being cast or counted, on request;
- (b) conduct themselves responsibly and in a manner that does not interfere with the administration of the voting place or intimidate voters or election officials;
- (c) complete and sign a declaration of secrecy;
- (d) wear scrutineer identification while in the place where votes are being cast or counted;
- (e) maintain a reasonable distance from election officials and voters; and,
- (f) maintain the secrecy of the voting and vote counting process.

2.2 Scrutineers are permitted to:

- (a) enter a voting place 15 minutes before it opens to visually inspect the ballot box, ballots and other documents, but not in a manner that delays the opening of the voting place;
- (b) leave and re-enter a voting place while voting is occurring;
- (c) challenge a voter's eligibility through an election official, the outcome of which will be decided by the election official;
- (d) object to the counting of a ballot or interpretation of a voter's intent, the outcome of which will be decided by the election official;
- (e) initial the seals used to secure the ballot box or ballot transfer container after the close of voting, or place their own seal on the box or container;
- (f) sign the statement of results prepared by an election official after the close of voting on final voting day; and,
- (g) be present when materials and documents related to the election are delivered to Markham's City Clerk after the close of voting on each voting day.

2.3 Scrutineers are not permitted to:

- (a) speak to voters or act as an interpreter;
- (b) handle any documents in the possession of election officials, including but not limited to ballots, the voters' list, voter information letters, and other election forms;

- (c) place or remove materials on/from an election official's table;
- (d) display, distribute, or wear campaign material at a voting place, including any part of the building or property on which the voting place is located;
- (e) directly or indirectly:
 - i. interfere or attempt to interfere with or disrupt the voting process or the duties of election officials;
 - ii. obtain or try to obtain information about how a voter voted or intends to vote; or,
 - iii. communicate or try to communicate information obtained at a voting place about how a voter voted or intends to vote.
- (f) induce a voter to show a marked ballot to any person;
- (g) use an electronic communications or photographic device inside a voting place; or,
- (h) enter or re-enter a voting place once voting hours have closed.

Roles and responsibilities

Elections Markham periodically reviews and updates this policy to support legislative compliance as well as the principles of transparency, consistency, and accessibility. Updates made during an election period will be communicated to candidates and the public.

Date approved: April 2026
Approved by: Markham City Clerk