

Judicial Recount

Handbook

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1. Introduction

1.1. About This Handbook

This handbook explains the process for carrying out a judicial recount under the *Canada Elections Act* (the "Act"). It is intended for participants at a judicial recount or those who are involved in an application for a recount. These may include the returning officer¹, field liaison officer², judge, candidates, candidates' representatives, electors, members of the recount teams, legal counsel and Elections Canada officials.

A judicial recount is a process by which a judge is called upon to conduct a second or fresh count of the votes cast in an electoral district (i.e. riding) following an election. In a typical recount, teams of counters are assigned to review and tabulate each ballot. Recounts are automatic where there is a small margin of difference between the votes cast for the winning candidate and those cast for any other candidate. Judicial recounts may also take place upon the application of an elector where there is evidence that election officers have incorrectly counted, tabulated or rejected ballots. Schedule 4 of the Act (reproduced in Appendix A of this handbook) sets out a detailed process for holding a judicial recount in both cases.

This handbook first explains what is a recount and how it differs from the first count of votes on election night. It then contrasts the two types of recounts mentioned above. It also describes the preliminary steps to be taken in preparation for the conduct of a recount and sets out the roles of the various recount participants. It details the process for recounting the ballots, dealing with disputed ballots and recording recount results. It discusses the grounds for accepting or rejecting ballots. It provides information on how to seek the reimbursement of recount expenses.

As the aim is to keep this handbook as practical and comprehensive as possible, lessons learned from past recounts have been integrated throughout the document. For the reader's convenience, relevant sections of the Act or Schedule 4 of the Act (abbreviated to "Sch.4") are indicated in square brackets after each related statement. Appendix D of this handbook contains forms that are used or consulted in relation to the counting of ballots on election night. Lastly, Appendix E contains forms that are used or consulted with respect to a recount.

This handbook does not address contested elections. Allegations that an elected candidate was not eligible to be a candidate or that there were irregularities, fraud or corrupt or illegal practices that affected the result of an election can be addressed only by an application to contest an election. [s. 524 of the Act]

¹ Canada has 338 federal electoral districts. The Chief Electoral Officer appoints one returning officer for each electoral district. Returning officers are key election officers, responsible for preparing and conducting the election in their electoral district in accordance with the Act and instructions of the Chief Electoral Officer. When a general election is called, each returning officer opens an office in his or her electoral district to serve as the centre of operations for the duration of the election (see ss. 16, 22, 24, 60 of the Act).

² Field liaison officers are responsible for advising and supporting Elections Canada and returning officers. They are in charge of a region, which is composed of approximately 10 to 14 electoral districts. They typically help out a returning officer whose electoral district is the subject of a recount (see s. 23.2 of the Act).

Of note, a recount is not a process to deal with potential violations of the Act. Any alleged violations of the Act should be brought to the attention of the Commissioner of Canada Elections. The Commissioner's website can be consulted at www.cef-cce.ca. It is the duty of the Commissioner to ensure that the Act is complied with and enforced. [s. 509.2 of the Act]

1.2. Legal Disclaimer

This handbook has been updated to reflect the changes made in 2014 to the judicial recount provisions pursuant to amendments contained in the *Fair Elections Act* (Bill C-23) and other, less substantial, amendments to these provisions brought about in 2019 by the *Elections Modernization Act* (Bill C-76).³ It is designed for information purposes only. The information set out in this handbook is not law and is not intended to replace the official text of the Act. How the Act applies to any particular case will depend on the individual circumstances of that case. Elections Canada reserves the right to reconsider any interpretations expressed in this handbook, either generally or in light of the actual circumstances of any case and in accordance with continuing legislative and judicial developments.

This handbook mentions court decisions for illustration purposes. The jurisprudence cited is not exhaustive. Some cases refer to provincial legislation, which may differ from the Act. The case law cited should be taken merely as a starting point for research.

1.3. Questions About This Handbook

Please direct any questions about this handbook to Elections Canada. We can be reached by telephone at 1-800-463-6868, by fax at 613-954-8584, by email through our website at www.elections.ca or by mail at Elections Canada, 30 Victoria Street, Gatineau, Quebec, K1A 0M6.

³ S.C. 2014, c. 12; S.C. 2018, c.31

2. Judicial Recounts - Preliminary Explanations

2.1. What is a Judicial Recount?

After the polls close on election night, the ballots for each polling division in each electoral district are counted by an election officer assigned to the polling station in the presence of another election officer and any candidates or their representatives who are present or, if no candidates or representatives are present, at least two electors. The election officer who counts the votes prepares a Statement of the Vote. Special ballots are counted at the office of the returning officer in each electoral district by teams of election officers and by special ballot officers at Elections Canada's Distribution Centre in Ottawa. A summary of ballot counting procedures can be found in Appendix B.

A judicial recount is a formal means of verifying the count of the votes cast for an electoral district. It is presided over by a judge of a superior court who sits in the electoral district where the election results are validated. [ss. 2(1), 299(1) of the Act] The recount may be conducted by adding the number of votes reported in the Statements of the Vote or by counting the ballots. [s. 304(1) of the Act; s. 6 of Sch. 4] As mentioned in Section 1.1 above, there are two types of recounts—automatic and by request of an elector.

A judicial recount is conducted by a judge, but it is important to note that the judge is acting as *persona designata* under the Act. This can be seen, for example, from the fact that the Act specifically grants the judge some powers that would be inherent if they were working in a traditional judicial capacity (e.g. the power to summon witnesses and require the giving of evidence on oath with "the same power that is vested in any court of record" (s. 304(5) of the Act). The judge has the powers granted under the Act, but the Act recognizes that the formality of a court process may be curtailed in service of the goal of a speedy and final resolution of the election.

2.2. Automatic Judicial Recount After a Close Result

This type of judicial recount occurs automatically upon a close result.

2.2.1 Ground for Automatic Judicial Recount

A judicial recount must take place if the difference between the number of votes cast for the candidate with the most votes and the number of votes cast for any other candidate is less than one one-thousandth (1/1000) of the valid⁴ votes cast. [s. 300(1) of the Act]

⁴ Valid votes consist of the votes cast for candidates and the rejected ballots.

2.2.2 Returning Officer Request and Deadline

Where the margin of votes between candidates triggers an automatic recount, the returning officer must make a request for a judicial recount within four days after the results are validated. [s. 300(1) of the Act] The request is made to a judge who sits in the electoral district where the results are validated. [ss. 2(1), 299(1) of the Act] See Section 2.4.2.5 below for a list of the courts whose judges have jurisdiction to conduct a recount.

The Act does not set out the process to request a judicial recount as this will vary from jurisdiction to jurisdiction. The application process set out in the rules of procedure of the applicable court has been used in the past.

2.2.3 Written Notices of the Application

The returning officer gives each candidate or his or her official agent written notice of the request for an automatic recount. [s. 300(2) of the Act] The returning officer should also notify Elections Canada of the application for a recount. The Notice of an Application by the Returning Officer for a Judicial Recount form reproduced in Appendix E (Form 1) of this handbook may be used for this purpose.

While giving notice of the time and place of the recount is not a statutory requirement for automatic recounts, nothing in the Act prohibits a judge from giving notice to candidates of the time and place fixed for an automatic recount. A form of written notice that the judge may use, the Notice of a Judicial Recount, is reproduced in Appendix E (Form 2) of this handbook.

2.2.4 Deadline to Conduct the Judicial Recount

The recount must commence within four days after the judge receives the application for a recount. [s. 300(3) of the Act] Once the recount has begun, the judge must, as far as practicable, proceed continuously, except for necessary breaks. [s. 305 of the Act]

The goal of the recount is to provide a timely and final determination as to the elected member of the House of Commons. This may be important in determining the makeup of the government. For this reason, timelines in the Act are very tight. Although the federal *Interpretation Act* provides that holidays and weekends are not to be taken into account in the computation of time unless a contrary intention is found in the Act, it is Elections Canada's position that the Act does include such a contrary intention and timelines for recounts should include weekend days and holidays.⁵

⁵ Interpretation Act, R.S.C. 1985, c. I-21, ss. 26–30, 35.

2.3. Judicial Recount on Application by an Elector

2.3.1 Grounds upon Which an Elector May Apply for a Recount

Upon application by an elector, a judge may conduct a judicial recount only if there is credible affidavit evidence of one of the following:

- An election officer incorrectly counted or rejected ballots.
- An election officer wrote an incorrect number on the Statement of the Vote, a document that enunciates the number of votes cast for each candidate.
- The returning officer incorrectly added up the results set out in the Statements of the Vote. [s. 301(2) of the Act]

The burden of proof is fairly low at this stage of the proceedings. Courts have granted recount applications on evidence of errors having occurred such as the incorrect counting of unused ballots, even though such errors did not affect election results. The election officer's obligation to count correctly—set out in s. 283 of the Act—applies not only to the votes cast, but to all ballots. Some judges have gone as far as to hold that the requirement on the judge to fix a date for the recount is mandatory if it appears certain that counting mistakes exist. There is case law considering the number of mistakes to be immaterial. A recount was granted in Saskatchewan on evidence of only two votes being improperly rejected.

Despite the light burden of proof imposed on applicants, the following allegations have been held insufficient to order a recount, as they fail to demonstrate that ballots were incorrectly counted or rejected or that the Statement of the Vote was incorrectly completed:¹⁰

- statistics that 81/234 polling divisions had a percentage of rejected ballots that was higher than 2% and at times reaching 14%;
- election officer difficulties in counting ballots (this does not prove an actual error in the count);
- ballot boxes found unsealed during the vote on polling day;¹¹
- irregularities regarding the serial number of unused ballots;
- election officers receiving text messages during the count of advance poll ballots;

⁶ Normand c. Couillard, 2015 QCCS 5579, at paras 11–13; O'Grady c. Nantel, 2015 QCCS 5001, at para. 7; Re McCullough v. Maple Creek Electoral District, [1940] 2 W.W.R. 185 (Sask. Dist. Ct.), at paras. 3–7; Maynard v. Kania, [2008] O.J. No. 4262 (Ont. S.C.J.); Koloski v. Merasty, [2006] S.J. No. 60 (Sask. Q.B.), at paras. 3, 8–10.

⁷ Koloski v. Merasty, [2006] S.J. No. 60 (Sask. Q.B.), at para.8.

⁸ Koloski v. Merasty, [2006] S.J. No. 60 (Sask. Q.B.), at paras. 3, 8; Maynard v. Kania, [2008] O.J. No. 4262 (Ont. S.C.J.), at para. 7.

⁵ McCullough v. Maple Creek Electoral District, [1940] 2 W.W.R. 185 (Sask. Dist. Ct.), at paras. 3–7. See also Normand c. Couillard, 2015 QCCS 5579, at para. 35.

¹⁰ O'Grady c. Nantel, 2015 QCCS 5001, at paras. 3, 12–15.

¹¹ In the course of a 2015 judicial recount in the electoral district of Edmonton Mill Woods, Justice Burrows observed two issues. With respect to ballot box #1, the yellow envelope seal had been initialed by the wrong election officer. With respect to ballot box #28, the recount team reported that none of the envelopes in the ballot box were sealed. He ruled that these are issues that might be relevant to a contested election application, but not a recount. The handler and recorder continued to count the ballots as they would count them if the issues had not arose.

• irregularities as to eligibility of voters.

Vague and imprecise allegations may also be rejected. The judicial recount application should describe the circumstances surrounding the errors alleged with a sufficient degree of precision. ¹²

2.3.2 Application and Deadline

An elector must make the application within four days of the validation of results by the returning officer. An application may only be filed after notifying the returning officer in writing. [s. 301(1) of the Act]

The returning officer must notify each candidate or his or her official agent in writing of the application for a recount. This will allow candidates to make representations before the judge makes a final determination on the request for a recount. [s. 301(1.1) of the Act] The returning officer should also notify Elections Canada of the application for a recount.

The Act does not set out the process to apply for a judicial recount as this will vary from jurisdiction to jurisdiction. The application process set out in the procedural rules of the applicable court is used. An application is accompanied by affidavit evidence.

2.3.3 Engaging Counsel

An elector may wish to consult his or her own legal counsel before making an application for a judicial recount. The application must conform to the rules of the competent court in the jurisdiction where the election occurred in addition to complying with the provisions of the Act.

Typically, counsel for the Chief Electoral Officer will attend the recount and assist the judge as necessary.

2.3.4 Multiple Judicial Recount Requests

If a judge receives more than one recount application for more than one electoral district, the recounts shall be conducted in the order in which the judge receives the applications. [s. 302 of the Act]

2.3.5 Security for Costs

Where an elector applies for a recount, the applicant must deposit with the clerk or prothonotary of the court the sum of \$250 as security for costs of the candidate who obtained the largest number of votes. [s. 301(3) of the Act] Cost consequences are discussed in Section 7 of this handbook.

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¹² O'Grady c. Nantel, 2015 QCCS 5001, at paras. 22, 23.

2.3.6 Notices

The judge shall notify each candidate or his or her official agent in writing of the date, time and place fixed for the recount. The Notice of a Judicial Recount form set out in Appendix E (Form 2) of this handbook may be used by the judge for this purpose. The judge may decide that service of the notice will be by mail or posting or in any other manner. [s. 301(5) of the Act] The form should be adjusted accordingly.

2.3.7 Deadline to Conduct the Judicial Recount

If the application for a recount is granted, the recount must commence within four days after the judge receives the application. [s. 301(4) of the Act]

See the explanation in Section 2.2.4 above about the calculation of deadlines and the application of the *Interpretation Act*.

2.3.8 Termination of the Recount

The judge may terminate the recount at any time at the written request of the person who applied for the recount, but may not terminate an automatic recount. As a terminated recount is a recount that has not been concluded, the judge need not issue a certificate under s. 308 of the Act setting out the number of votes cast for each candidate. [ss. 307, 308 of the Act]

2.4. Attendees at a Judicial Recount and Their Roles

2.4.1 Attendees at the Recount

Schedule 4 to the Act contains a list of persons who are entitled to attend the recount. Only the following persons may be present during the recount: [s. 1 of Sch. 4]

- the judge
- the returning officer
- the staff that the returning officer asks to assist in the recount
- the recount teams, each consisting of a handler, a recorder and one representative appointed by each candidate who wishes to be represented on the recount team
- each candidate
- up to two representatives per candidate who are not members of a recount team
- one legal counsel per candidate
- legal counsel for the Chief Electoral Officer
- any other person whom the judge allows to observe the recount, including the media [ss. 1, 3 of Sch. 4]

2.4.2 Roles of Attendees at the Recount

2.4.2.1 The Returning Officer

Note: The role of the returning officer is further outlined in Appendix C of this handbook, which contains the Checklist for Returning Officers.

The returning officer attends the recount and brings the relevant materials, including:

- The sealed ballot boxes (described in Section 2.7 below).
- The Statements of the Vote (reproduced in Appendix D, Form 4) forms that were used by the returning officer to complete the Result of Voting form (reproduced in Appendix D, Form 6).
- All ballots cast and voting results provided for that electoral district under the Special Voting Rules (Part 11 of the Act). This includes special ballots that were counted at Elections Canada's Distribution Centre, which are sent from Ottawa to the returning officer. [ss. 300(4), 301(4) of the Act]

Arrangements will need to be made for the secure transit of ballots, if necessary. If circumstances permit, it may be preferable not to move the ballot boxes in order to best preserve their physical integrity and security, and to instead conduct the recount in the returning office.

The returning officer may be asked by the judge to assist with finding a location to conduct the recount and arranging for security (e.g. arranging for the presence of a security guard).

Once a judicial recount has begun, the role of a returning officer is the following:

- Providing general logistical assistance and support to the judge by being able to supply the judge with paper, tables, chairs and any other necessary materials.
- Appointing two members of each recount team—one as handler and the other as recorder. [s. 3 of Sch. 4]
- When asked by the judge, providing technical explanations of the procedures used in an election. This includes explaining the training provided to election officials, the procedures regarding the opening of ballot boxes and the conduct of the election on polling day.
- If requested by the judge, carrying out or assigning staff to carry out tasks during the recount that are best carried out by a non-partisan official, such as ferrying disputed ballots from the counting table to the judge, photocopying documents and preparing the Master Recount Report. A copy of this report is included in Appendix E (Form 4) of this handbook.

It is not the responsibility of a returning officer to count any ballots or determine whether a particular ballot should be accepted or rejected. This is the ultimate responsibility of the recount team and judge. A returning officer should not be involved at all in the representations made by candidates or their legal counsel concerning the validity of a ballot.

The judge may ask for the opinion of a returning officer on facts within the personal knowledge of that returning officer. The judge may ask a returning officer for the names of persons that could clarify any facts at issue, noting that such persons could be summoned to give evidence. [ss. 304(4) and (5) of the Act]

The returning officer should not speak with the media, but should instead invite the media to call Elections Canada at 1-800-463-6868.

2.4.2.2 The Recount Teams

The judge shall, with the Chief Electoral Officer's approval, establish an appropriate number of recount teams, each consisting of:

- two members appointed by the returning officer:
 - one to have the responsibilities of handler
 - one to have the responsibilities of recorder
- one representative appointed by each candidate who wishes to be represented on the recount team. [s. 3, Sch. 4]

The number of recount teams has varied over the years, some recounts have had 8 teams while others 20, with the average typically in the range of 15–20 teams set up to recount tens of thousands of ballots. Fewer teams are warranted when space is too tight. In smaller settings, the judge, counsel and the returning officer can get to the teams that need assistance more quickly. When space permits, it is equally opportune to have a larger number of teams as counting could go extremely quickly once the teams become familiar with the process. The main impediment to multiplying teams is the reduced speed at which the judge and returning officer can answer questions.

The handler and recorder solemnly declare that they will carry out their functions with complete impartiality and according to the law. A copy of the Appointment and Solemn Declaration form is included in this handbook in Appendix E (Form 8). 13

Each team is to be assigned a sequential team number, beginning with 1. [s. 3 of Sch. 4]

Each team is assigned to a table and shall remain at its table except during breaks, as directed by the judge. If practical, breaks shall commence only after the recount of a particular ballot box has been completed. [s. 4 of Sch. 4]

The functions of a recount team are to:

- Examine the ballots in each ballot box assigned to it to ascertain whether the team agrees on their classification.
- Set aside for examination by the judge any ballots on whose classification there is no agreement (disputed ballot).
- Count and report the number of ballots in each classification. [s. 5 of Sch. 4]

See Section 5 below for more detailed guidance related to the examination of ballots and the grounds for rejecting ballots.

¹³ With respect to the 2015 judicial recount held in the electoral district of Barrie–Springwater–Oro-Medonte, the judge declined to require that participants sign an oath. Instead, handlers, recorders and candidate representatives were made to swear an oath of confidentiality orally. The handlers and recorders also verbally swore to act in an impartial manner.

2.4.2.3 The Candidates, Representatives and Legal Counsel

Each candidate and up to two of his or her representatives may attend at a recount to observe the process. These representatives do not form part of the recount team and are different from the representative chosen by each candidate to form part of that team. [ss. 1(b), 3 of Sch. 4]

Candidates may supply multiple representatives at a recount. These representatives could rotate in and out as necessary during the recount and be replaced by new representatives. Each representative must maintain the secrecy of the vote. It is advisable that every candidate representative solemnly declare on the Authorization of Candidate's Representative — Recount form, attached in Appendix E (Form 9) of this handbook, that they:

- will maintain and aid in maintaining the secrecy of the vote;
- will not communicate or use the personal information to which they will have access;
- subject to any contrary order of the judge, will not take any photographs or make any audio or video recordings of the recount proceeding.

Candidates could provide a list of authorized candidate representatives to the judge at the outset of the count. Candidate representatives should also display an identification badge.

Candidate representatives who interfere with the recount process, engage in any misconduct or fail to obey the directions or decisions of the judge may be asked to leave or be removed from the recount location.

2.4.2.4 Legal Counsel for the Chief Electoral Officer

The role of legal counsel for the Chief Electoral Officer is impartial and limited to providing the judge with technical and legal information at his or her request. Legal counsel may also assist with the duties of the returning officer.

2.4.2.5 The Judge

Jurisdiction

Judges of the following courts are authorized by the Act to conduct recounts:

- in Ontario, a judge of the Superior Court of Justice
- in Quebec, a judge of the Superior Court of Quebec
- in British Columbia, Nova Scotia and Prince Edward Island, a judge of the Supreme Court of the province
- in Alberta, Manitoba, New Brunswick and Saskatchewan, a judge of the Court of Queen's Bench of the province
- in Newfoundland and Labrador, a judge of the Trial Division of the Supreme Court of Newfoundland and Labrador
- in Yukon, a judge of the Supreme Court of Yukon
- in the Northwest Territories, a judge of the Supreme Court of the Northwest Territories

• in Nunavut, a judge of the Nunavut Court of Justice

A judge must be acting in a judicial capacity within the electoral district where the results are validated in order to conduct a recount of the votes cast for that electoral district. A judge authorized to preside a judicial recount may act, to the extent authorized, within or outside his or her judicial district. [ss. 2, 299 of the Act]

Summoning witnesses

Missing ballot box or Statement of the Vote

In order to arrive at the facts with respect to a missing ballot box or Statement of the Vote, a recount judge has all the powers of a returning officer with regard to ordering the attendance and examination of witnesses, including ordering that witnesses bring with them any necessary documents. The returning officer could also be called to testify in this regard. [ss. 296(2), 304(4) of the Act]

The Act creates an offence for any person who fails to appear after being summoned. If the person is convicted, the penalty is a fine of not more than \$5,000, imprisonment for a term of not more than six months, or both. [ss. 304(4), 493, 500(2) of the Act]

In the event that individuals are summoned to give evidence in these circumstances, the judge shall give notice to the candidates of the date and time fixed for the appearance of the individuals in question. [ss. 296(3), 304(4) of the Act]

Summoning election officers

A judge conducting a judicial recount may summon any election officer as a witness and can require him or her to give evidence on oath and, for that purpose, has the same power that is vested in any court of record. [s. 304(5) of the Act]

Where a recount of all ballots is required, subsection 304(2) of the Act prohibits the judge from referring to any other election documents besides ballots in the course of the judicial recount. Any irregularities with respect to election documents may be best addressed through a contested election procedure.

Judge may alter procedures

The judge may alter the procedures during the recount after giving the parties (candidates, their representatives and their legal counsel) and the returning officer the opportunity to make submissions. [s. 23 of Sch. 4]

Matters not dealt with under Schedule 4

Any matter not dealt with in the procedures set out in Schedule 4 of the Act and any question arising as to the application of these procedures are to be determined by the judge, including whether persons present at the recount are permitted to communicate with the media. [s. 24 of Sch. 4]

2.4.2.6 Clerical Assistance for the Recount

Subject to the approval of the Chief Electoral Officer, a judge who is called upon to conduct a judicial recount may retain the services of clerical assistants to assist in the performance of his or her duties. [s. 304(6) of the Act] The returning officer generally assists the judge with the hiring of such assistants.

Examples of clerical assistant tasks include:

- attending to photocopies (usually more than one assistant is recommended);
- accounting for all the ballot boxes that are sent to the tables and returned to the ballot box storage room;
- receiving the recount results and making electronic data entries of such results;
- acting as runners carrying the ballot boxes and paperwork around the room as required;
- monitoring the entrance to the recount room;
- supervising the room where the ballot boxes are stored; and
- acting as standbys who can take over in case a clerical assistant has to withdraw.

The field liaison officer could also be present to lend a hand and help develop local field expertise on how to conduct a judicial recount.

2.4.2.7 Other Individuals (Such as Media Representatives)

No persons other than those mentioned above may attend the recount unless they are granted permission to attend by the judge. [s. 1(e) of Sch. 4] Individuals granted such permission may observe the conduct of the recount but shall not participate. They may bring any concerns they have to the attention of the returning officer, who shall relay them to the judge.

The judge may be faced with requests from the media to attend the recount (in some cases, requests have been presented by way of motion). The judge shall take any measure that he or she considers appropriate. [ss. 2, 24 of Sch. 4]

The recount judge might choose to meet media representatives before the commencement of the recount to explain the process. 14

In some instances, judges have refused media access inside the recount room. However, the media were allowed to stay outside, and the judges would periodically update them.

¹⁴ See Judicial Recount Arising out of the 39th General Election in the Electoral District of Parry Sound (Re), 2006 CanLII 6914, at pp. 2, 10.

In other instances, judges allowed the media inside the recount room. Depending on the recount, media representatives were: 15

- asked to swear or affirm (a solemn declaration would be equally acceptable) that they would maintain the confidentiality of identifiable electors;
- prohibited from publishing, making public or in any way disclosing:
 - recount proceedings prior to the issuance of a recount certificate; [s. 308 of the Act]
 - information that would identify an elector;
- forbidden from using a camera, recording device or photographic equipment within the recount room, except with the judge's permission;
- prohibited from sitting or standing at the tables where ballots were being counted, but could
 observe the proceedings, including any ballots that do not identify the voter involved, and
 position themselves as close as necessary to hear clearly the submissions made on behalf of
 the parties or others in attendance, as well as the decisions rendered and reasons given by the
 judge in each instance;
- prohibited from handling any ballots or examining or handling other election documents.

During a 2015 judicial recount, a table for the media was set up at the back of the room. Media was allowed up to the front of the room to hear submissions by counsel and the judge's orders. Members of the public were also allowed to be present, but were instructed to remain at the back of the room. ¹⁶

2.5. Recount Logistics

2.5.1 Choosing the Location of the Recount

The Act does not specify the location of the recount, other than to state at s. 299 that recount judges must sit in the electoral district where the results are validated. The recount may be held within or outside the judge's judicial district. ¹⁷ The recount may be held at a courthouse, at the returning office or at another location where the integrity and security of the ballots and the efficiency of the recount can be assured.

Holding the recount at the returning office or close to that office is suggested as often as possible as it is more efficient and facilitates arrangements for the integrity and security of the ballots. The choice of location should also take into account the available space, the quality of the ventilation, as well as the sufficiency of human resources and the availability of appropriate accommodations for recount workers (especially in remote electoral districts). Bear in mind there

¹⁵ Judicial Recount Arising out of the 41st General Election in the Electoral District of Etobicoke Centre (Re), 2011 CanLII 36068 (ON SC), at paras. 10–18; In the Matter of a Judicial Recount Arising out of the 40th General Election in the Electoral District of Kitchener-Waterloo Held on October 14, 2008 (Re), 2008 CanLII 64382, at paras. 19–29. Both cases emphasize the principles of open proceedings and public scrutiny of judicial decisions.

¹⁶ The recount was held in the electoral district of Barrie–Springwater–Oro-Medonte.

¹⁷ In *Normand c. Couillard*, 2015 QCCS 5579, even though the application for judicial recount was filed in the judicial district of Montmagny, the recount was held in the judicial district of Rivière-du-Loup for logistical reasons related to the proximity of the returning office. This was made possible due to s. 299 of the Act.

will be lots of paperwork at each recount table, which may impact the size of the tables chosen for the recount teams as well as the number of recount teams.

Holding the recount at the returning office allows returning office staff to promptly transfer the results of the recount from the Recount Ballot Box Reports to the Event Results System (ERS). The ERS is an electronic application that is used at the returning office. Once the recount results are inputted for each polling division, the ERS will generate a poll-by-poll report, which will constitute the Master Recount Report – a copy of which is included in Appendix E (Form 4) of this handbook. If the recount is conducted at a place other than the returning office (e.g. at a courthouse), it may be necessary to transport the Recount Ballot Box Reports to and from the returning office.

If the venue being considered is not the returning office or the courthouse, or if it appears that leased premises will be needed, the returning officer should contact Elections Canada for further direction.

If the recount is held at a location other than where the returning officer has stored the ballot boxes, the ballot boxes will need to be moved to that location. The returning officer typically makes arrangements for the transportation of the ballot boxes as well as their security while in transit and while at the location of the recount.

Location was a primary issue in a 2015 judicial recount in the electoral district of Desnethé—Missinippi—Churchill River. The ballot boxes were located at the returning office in the town of La Ronge, Saskatchewan. The poor condition of the ballot boxes made La Ronge the obvious choice of location for the recount. However, La Ronge presented certain difficulties, namely a potential shortage of staff and candidate representatives for the counting tables. While Elections Canada was ready to bus in staff from the adjacent electoral district of Prince Albert (three hours to the south), candidate representatives would have been more difficult to organize. When it became clear that there would be insufficient accommodation in La Ronge for the required number of staff and candidate representatives, a consensus was reached to hold the recount in the electoral district of Saskatoon—University (a five-hour drive to the south). The returning officer for Desnethé—Missinippi—Churchill River was in charge of transporting the ballots from La Ronge and generally organizing the work flow during the recount. The returning officer of Saskatoon—University hosted the recount team at the returning office and helped with setting up his office, the computer system and photocopiers, and procuring staff members. This division of labour greatly enhanced the process.

When evaluating space requirements, returning officers should give special consideration to the capacity and reliability of photocopying resources that may be needed and the layout of the photocopying area. It is recommended to have at least two functioning photocopiers on site. The conduct of the recount may require high volumes of photocopying (of disputed ballots and various forms). Problems with traffic flow or photocopying capacity could slow down the recount.

2.5.2 Organizing the Recount and Forming the Recount Teams

As a preliminary step, Elections Canada headquarters will send a recount kit to the returning officer before the official commencement date of the recount. Such kit will contain, among other materials, envelopes that the recount team will need to sort and place the ballots cast for each candidate and envelopes for rejected and disputed ballots. The envelopes that come out of the ballot box, once unsealed and opened for recounting purposes, are usually not in good enough condition to be reused. When ballots are recounted, these ballots have to be placed in new envelopes. The new envelopes themselves are then sealed and signed (or initialled) by the handler, the recorder and the candidates or their representatives. Each of these envelopes (i.e. envelopes containing ballots cast for each candidate, the rejected ballots envelope and the disputed ballots envelope) will need to be labelled with the name of the electoral district, the polling division number and the title of the envelope.

Before the first recount day, the returning officer and his or her staff could pre-label the envelopes with the name and number of the electoral district, the polling division number and the names of the candidates. They could also prepare labels for the rejected, spoiled and disputed ballot envelopes.

When setting up the recount tables, the returning officer and his or her staff supply each table with the following materials:

- Blank Recount Ballot Box Reports (Appendix E, Form 3);
- Tally Sheets (Appendix D, Form 3);
- Pre-labelled candidate envelopes;
- Pre-labelled rejected, spoiled and disputed ballot envelopes;
- Appointment and Solemn Declaration forms (Appendix E, Form 8);
- Some plastic containers to divide the various piles of ballots and keep the paperwork more organized on the table (optional);
- Pencils, erasers and pens.

In selecting the recount teams, it may be useful for the returning officer to have on hand a list of persons experienced in counting ballots. Such a list is also useful in the event that some persons initially selected withdraw before the recount starts. The returning officer could also contact the candidates to obtain a list of names of persons who may be available to act as the handler and the recorder. In so doing, he or she should make it clear that the judge will determine how the recount will proceed, and that these individuals may not be required. Once it is determined that they will be required, the returning officer must appoint the necessary number of handlers and recorders. In some instances, the recount judge has ordered that handlers and recorders be agreed to by all candidates. ¹⁸

¹⁸ In the matter of the judicial recount in the electoral district of Hochelaga during the 42nd general election.

Once the recount teams have been selected, training could be provided by the returning officer and his or her staff. It will also be useful to identify which ballot boxes cannot be assigned to specific recount teams. For example, a ballot box may not be assigned to a recount team if its handler or recorder was, in the election, assigned to the advance polling station or polling station from which the ballot box originated.

2.5.3 Preliminary Meeting with Parties to Discuss Procedural Matters

The judge governs the conduct of the recount. At his or her discretion, the judge may wish to chair a preliminary meeting in advance of the start of the recount, with the returning officer, the candidates, their legal representatives and legal counsel for Elections Canada in attendance, to discuss procedural and logistical matters. This preliminary meeting is often held on the same day as the hearing on the application for judicial recount or shortly afterwards.

The process could be more efficient if certain common issues are addressed prior to the recounting of the ballots, at the beginning of the recount or at least as soon as they present themselves the first time. Some common issues Elections Canada encourages the parties to discuss are:

- Uninitialled ballots (see Section 5.1.2. of this handbook);
- Counterfoils not having been removed (see Section 5.1.3. of this handbook);
- The manner of dealing with disputed ballots (see Section 4 of this handbook);
- Advance copies of the Statements of the Vote;
- Discrepancies between the rejected and spoiled ballot numbers recorded on the Statement of the Vote and the actual number of ballots that may be found in the rejected and spoiled ballots envelopes (see Sections 2.7.1., 2.7.2.1., 2.7.2.3. and 5.3. of this handbook).

2.5.3.1. Agreement on How to Deal with Disputed Ballots

Parties could establish up front if representations on disputed ballots will be made during the recount or at the end of it.

Waiting until the end of the recount to decide on all disputed ballots could slow down the process considerably. That said, waiting until the end to decide on disputed ballots does have advantages, namely freeing the candidates' counsel to resolve disagreements at the tables before they became disputed ballots, and allowing counsel to discuss the disputed ballots at the end of the day and come to agreements on a number of them (this allows for disputed ballots to be discussed more calmly, often in a largely empty room).

The alternative approach would be to wait until a sufficient number of ballots are disputed, at which time the judge can call on counsel to make short representations. On one hand, in this type of situation, the hustle and bustle of counting activities could lead to higher levels of tension and the impression that snap decisions must be taken. On the other hand, the prompt determination of disputed ballots for a completed ballot box while the recount of other ballot boxes continues may yield useful guidance to all of the participants in the recount, and may speed up the process.

The Act leaves the treatment of disputed ballot boxes to the judge's discretion. The following is an example of one approach that has worked well in past recounts:

- When a ballot is disputed, it is set aside in an envelope attached to the Recount Ballot Box Report and the ballot box is sealed (but not the envelopes contained in it) and stored until the judge decides on the disputed ballots. A "Disputed Ballots" annotation is placed on the seal to signal that ballots in the box are being disputed.
- After the judge rules on the disputed ballots, the box is unsealed by the judge, who then places the disputed ballots in the correct envelopes and returns the box to the returning officer.
- The returning officer's staff then re-seals the ballot box. The new seal contains the annotation "After Judge's Decision."
- The ballot boxes that contained no disputed ballots are sealed with a note that they are "Undisputed."

2.5.3.2. Statements of the Vote

Other procedural steps could be agreed upon at the outset. During a 2015 judicial recount, ¹⁹ the returning officer arranged for copies of the Statements of the Vote to be made at the outset of the recount: for each counsel and for the judge.

2.5.4. Room Setup

There are no specific legislative provisions prescribing how a recount room should be set up. Much is left to the judge's discretion, but he or she often consults with parties and the returning officer in this regard.

By way of example only, the room could be organized to resemble a courtroom. The judge's table can be placed at the front of the room facing out, with court staff at a table next to him or her. Tables could be set out with handlers and recorders facing the judge. A handful of tables could then be placed at the side of the room for counsel, candidates and candidates' representatives. A recount support staffer (often referred to as the "automation coordinator") could set up a desk and computer at the front of the room behind dividers for data entry. The judge could use a separate room as his or her chambers. During submissions on disputed ballots, tables could be placed directly in front of the judge for counsel and candidate representatives. A row of chairs could be placed along the back of the room for members of the public to hear representations from the parties on the disputed ballots. A table could be placed at the back corner of the room for the media.

Ballot boxes which have not been recounted are usually stored in a separate room. After being recounted, the boxes are sealed and moved to a separate location of the same room or to another room (e.g. the judge's chamber). Ballot boxes containing disputed ballots should be separated from those that do not (they are placed within the same room or in a separate room). Rooms containing ballot boxes must be securely locked during breaks and overnight.

¹⁹ The recount was held in the electoral district of Barrie–Springwater–Oro-Medonte.

Ballot boxes and corresponding Statements of the Vote should be kept in order by polling station to facilitate the despatching of boxes to the tables. A chart should be used to indicate the time the ballot box goes out to a counting table and returns, the ballot box number, runner name, and the table to which the box was assigned. A staff member should monitor all ballot box traffic using this chart.

2.5.5. Gowning of Counsel

As the recount procedure is not a court procedure it is the view of Elections Canada that gowning is not required. However, this issue remains in the discretion of the judge.

2.6. How the Recount is Conducted

The Act provides that a judge shall conduct the recount in one of the following manners:

- Adding the number of votes reported in the Statements of the Vote.
- Counting the valid ballots.
- Counting all of the ballots returned by election officers or by the Chief Electoral Officer. This would include the envelopes set aside unopened under the special voting rules (see Section 2.6.3 below). [s. 304(1) of the Act]

The manner of the recount should be determined by the judge based on the application, the affidavit evidence and the submissions of the parties.

If the second or third option is initially chosen, at any time during the recount the candidates can consent to having the judge conduct the recount by adding the number of votes reported in the Statements of the Vote instead of counting the ballots. [s. 6 of Sch. 4]

2.6.1 Adding the Number of Votes Reported in the Statements of the Vote

A Statement of the Vote is completed for each polling division within an electoral district, setting out how many votes were cast for each candidate and how many votes were rejected, spoiled and unused. [s. 287(1) of the Act] The Statement of the Vote form is reproduced in Appendix D (Form 4) of this handbook.

If the judge decides to add the number of votes reported in the Statements of the Vote, the judge will not count each ballot. Instead, the recount is completed by adding the number of votes recorded in the Statements of the Vote. [s. 304(1) of the Act] This type of recount may take place where it is believed (or alleged) that the returning officer has made an arithmetic error in adding the number of votes in the Statements of the Vote.

The sum of the valid ballots cast and the rejected ballots for a polling division should equal the number of electors assigned to that polling division who voted.

The sum of the valid ballots cast, the rejected ballots, the spoiled ballots and the unused ballots for a polling division should equal the number of ballots received from the returning officer for that polling division.

2.6.2 Counting Valid Ballots

In the case of a recount by counting the valid ballots, each ballot is counted again according to the procedure set out in Schedule 4. [s. 304(3) of the Act]

2.6.3 Counting All of the Ballots

In the case of a recount by counting all of the ballots returned by election officers or by the Chief Electoral Officer, the judge may open the large sealed envelopes that contain the used and counted, unused, rejected and spoiled ballots. These are not necessarily all opened, although they may be. Each examined ballot is counted again according to the procedure set out in Schedule 4. [ss. 304(2) and (3) of the Act]

A recount of all ballots includes the special ballots. A special ballot is a ballot that can be sent in by mail, or filled in at a local returning office. The special ballot differs from a regular ballot in that the elector: (1) writes in the name of his or her preferred candidate on the ballot, (2) places the ballot in an inner envelope and seals it, (3) places the inner envelope in the outer envelope and signs a declaration on the outer envelope and seals it and (4) sends the sealed outer envelope to Elections Canada. An elector must submit an application to Elections Canada for a special ballot before receiving one. Images of a special ballot, inner envelope and outer envelope can be found in Appendix D (Form 2).

During the recount, apart from the Statement of the Vote and the envelopes and ballots listed above, the judge may not open any envelopes that appear to contain other documents or refer to any other election documents. [s. 304(2) of the Act]

2.6.4 Requirement for the Recount to Proceed Continuously

As noted, it is important that the recount proceed in a timely manner to provide finality and certainty to the election results. As s far as it is practicable, the judge shall proceed continuously with the recount and remain present throughout, except for necessary breaks. The recount will take place between the hours of 9:00 a.m. and 6:00 p.m. unless the judge orders otherwise. The count will continue until it is completed. Each recount team shall remain at its table except during breaks, as directed by the judge. These breaks should commence only after the recount of a particular ballot box has been completed. [s. 305 of the Act; s. 4 of Sch. 4]

There is no provision in the Act that suggests that the count should be suspended for weekends or holidays and the need for finality would militate against it.

2.6.5 Security of the Ballots During a Break in the Count

During the overnight break in the count, between 6:00 p.m. and 9:00 a.m., and during other necessary breaks during the day, the judge, or any other person who has possession of the ballots and other election documents, shall keep them sealed. The judge shall sign the seal. Any other person in attendance may also sign the seal. [s. 306(1) of the Act]

The judge shall personally supervise the sealing of documents at a recount and take all of the necessary precautions for their security. [s. 306(2) of the Act] In practical terms, the returning officer, with the approval of the judge, typically arranges for any necessary security measures, such as a security guard or alarm system.

2.6.6 Early Termination of Recount

Except for automatic recounts, a judge may at any time terminate a recount on request for withdrawal in writing by the person who applied for the recount. When a recount is terminated in this way, before it is completed, the validated election results for the electoral district stand. [s. 307 of the Act] The judge need not prepare a Certificate of the Judge under s. 308 of the Act. However, costs may be awarded by the judge against the party that requested the recount. Also, all candidates involved may apply to the Chief Electoral Officer for a reimbursement of their costs, up to \$500 for each day or part day during which the judge conducted the recount.

2.7. Information About Ballot Boxes and Ballots

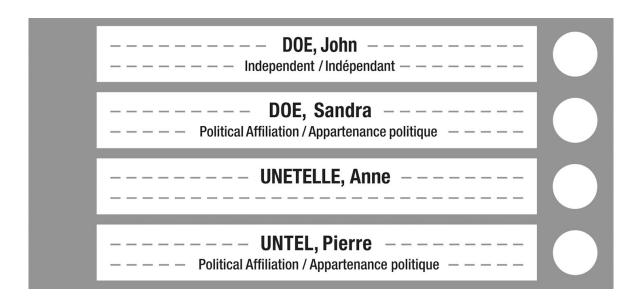
2.7.1 Content of the Ballot Boxes

The ballot boxes contain, in envelopes, what is necessary for the judicial recount: the ballots cast, the unused ballots, the spoiled ballots and the rejected ballots. A spoiled ballot is one that is inadvertently handled by an elector in such a manner that it cannot be used (e.g. it is soiled or wrongly marked by accident, and the elector asks for a new ballot). A spoiled ballot is not put in the ballot box. A spoiled ballot is different from a rejected ballot. A ballot is rejected (i.e. not counted in favour of any candidate) by an election officer after the elector puts the ballot in the ballot box and during the vote counting process, for specific reasons stated in the Act and described further below (e.g. the elector could be identified, the elector did not select any of the candidates, the elector selected more than one candidate, etc.). [ss. 152, 284, 285 of the Act]

The ballot box also includes a copy of the Event Log, the document envelope, the seal control sheet and a Statement of the Vote. [ss. 287, 288 of the Act]

2.7.2 Regular Ballots

The regular ballot is used at polling stations and advance polling stations. It sets out the names of the candidates in an electoral district in the form reproduced in Appendix D (Form 1) of this handbook. [s. 116(1) of the Act, Form 3 of Sch. 1]



2.7.2.1 Spoiled Ballots

An important and often misunderstood distinction is between spoiled and rejected ballots. A spoiled ballot is one that, during the voting process, is inadvertently handled by an elector in such a manner that it cannot be used or was previously rendered unusable in the printing process. The spoiled ballot is not placed in the ballot box and does not form part of the count. It is to be marked as "spoiled" by the election officer and set aside. The election officer gives the elector another ballot. [s. 152 of the Act]

2.7.2.2 Rejected Ballots

A rejected ballot is a ballot that is cast by the elector but is not counted for a candidate, according to specific criteria in the Act, described further below (e.g. the elector could be identified, the elector did not select any of the candidates, the elector selected more than one candidate, etc.). Rejected ballots are placed in a separate envelope, and the number of rejected ballots forms part of the count of total ballots cast. [ss. 284, 285, 287(1), 288(2) of the Act]

2.7.2.3 Unused Ballots

An unused ballot is a ballot not given to an elector during the election process.

2.7.3 Special Ballots

Special ballots are provided for under the special voting rules [ss. 177–280 of the Act] for votes cast by:

- Canadian Forces electors
- Electors residing outside Canada (*international* electors)
- Incarcerated electors

- Electors residing in Canada who:
 - are temporarily away from their electoral district and choose to vote by special ballot (national electors)

or

- are voting locally by special ballot in their own electoral district (*local* electors)

A special ballot is a ballot that can be sent by mail, or filled in at a local returning office. A special ballot simply provides a blank space for the elector to write in the name of a candidate. [s. 186 of the Act, Form 4 of Sch. 1] The ballot is placed in a double envelope: the special ballot is placed in a sealed inner envelope, which is itself placed in a larger, sealed outer envelope. The outer envelope contains a declaration prescribed by the Chief Electoral Officer and identifies the elector. Images of a special ballot, inner envelope and outer envelope can be found in Appendix D (Form 2).

The special ballots for each electoral district are received both by the local returning officer and at Elections Canada's Distribution Centre in the National Capital Region.

The counting process for special ballots is outlined in Appendix B of this handbook.

There may be persons who vote under the special voting rules using a regular ballot rather than a special ballot. If an elector applies to vote in person at the office of the returning officer after regular ballots for that electoral district have been printed, that elector shall be given a regular ballot and shall mark the ballot accordingly. The regular ballot will be enclosed in a double envelope in the same manner as a special ballot. [s. 241 of the Act]

2.7.3.1 Rejected and Spoiled Special Ballots

It is possible for an elector residing in Canada to spoil a special ballot by inadvertently handling it in such a manner that it cannot be used; he or she then receives another ballot. [s. 242 of the Act]

The Act also includes rules for setting aside a special ballot and deeming it to be spoiled based on an examination of the outer envelope. For instance, this may occur for special ballots counted at Elections Canada's Distribution Centre if: (1) the special ballot officers ascertain that the information concerning the elector as set out in the declaration prescribed by the Chief Electoral Officer (currently located on the outer envelope) does not correspond with the information on the elector's Application for Registration and Special Ballot, (2) that declaration does not bear the elector's signature, (3) the outer envelope was received after the statutory deadline, etc. In these cases, the ballot itself would not have been examined. The outer envelope would have been set aside unopened and marked with the reason that this was done. Outer envelopes counted at the returning office may be set aside for similar reasons and, although the ballots contained in them are not expressly deemed under the Act to be spoiled, such ballots will not be counted for any particular candidate. [ss. 267, 277 of the Act]

If, after receiving an elector's outer envelope but before counting the inner envelopes, the special ballot officers at Elections Canada's Distribution Centre ascertain that an elector has voted more than once, they shall set the elector's outer envelope aside, unopened. The ballot contained in it is deemed under the Act to be spoiled and will not be counted for any particular candidate. [ss. 267(2) and (3)(c) of the Act]

The ballots mentioned above are not part of the count, nor are they part of the recount. If there are irregularities concerning such ballots or their treatment, such irregularities may be challenged under a contested election procedure.

As with regular ballots, special ballots may have been rejected during the count according to criteria in the Act (e.g. unmarked, marked with a name other than the name of a candidate, etc.). [ss. 269, 279 of the Act]

2.8. Handling Ballot Boxes; Assigning Ballot Boxes and Special Ballots

This procedure applies when the judge has decided either to count valid ballots or to count all the ballots returned by election officers or by the Chief Electoral Officer.

2.8.1 Handling of Ballot Boxes

Only the handler or the recorder of a recount team shall handle the ballot box, or an envelope containing ballots, that is assigned to his or her recount team or any other document or other election material that is in or accompanies the box or envelope. [s. 9 of Sch. 4]

Ballot boxes are most often stored in a secure room where they are guarded and managed by recount support staff (and locked and guarded by security guards during breaks and overnight). A record-keeping process should be set up to record on paper all ballot box "ins and outs" and assigned recount tables. It may include elements such as the time the ballot box goes out to a counting table and returns, the ballot box number, runner name, and the table to which the box was assigned, but the goal is to at all times be able to keep control of the flow of ballot boxes.

If there are no disputed ballots, the boxes are sealed and moved to a designated section of the secure room. If there are disputed ballots, the boxes are securely stored in another section of the same room or in a separate room that is just as secure (e.g. the judge's chamber) until such time as the disputed ballots are addressed by the judge.

2.8.2 Assignment of Regular Ballot Boxes

The returning officer will assign regular ballot boxes to the recount teams throughout the recount in a manner that promotes the efficient and continuous counting of ballots, having regard to the number of ballots in each ballot box. [s. 7(1) of Sch. 4] Each recount team should be provided with a Recount Ballot Box Report form (see Appendix E, Form 3), which is to be completed for each recounted ballot box.

A ballot box must not be assigned to a recount team if the handler or the recorder of that team was assigned to the advance polling station or polling station from which the box originated. [s. 7(2) of Sch. 4]

2.8.3 Assignment of Special Ballots Cast Under the Special Voting Rules

Special ballot envelopes must be assigned to recount Teams 1 to 3. The process set out for regular ballot boxes [ss. 10–18 of Sch. 4] must be followed, with necessary modifications regarding envelopes containing these special ballots. No other ballots or ballot boxes shall be assigned to these teams until the recount of special ballots has been completed. [s. 8 of Sch. 4]

Strictly interpreted, this provision means that if Team 2 is counting the last special ballot box, Teams 1 and 3 cannot start on a regular ballot box until Team 2 is done. As this may unduly delay the recount process, the judge could direct that Teams 1 and 3 start on a regular ballot box even though Team 2 is still working on the last special ballot box. [s. 23 of Sch. 4]²⁰

Recounting special ballots and suggested modifications from the regular process are dealt with in Section 5.2 below.

²⁰ Such a direction was made by Justice Burrows during the 2015 judicial recount in Edmonton Mill Woods.

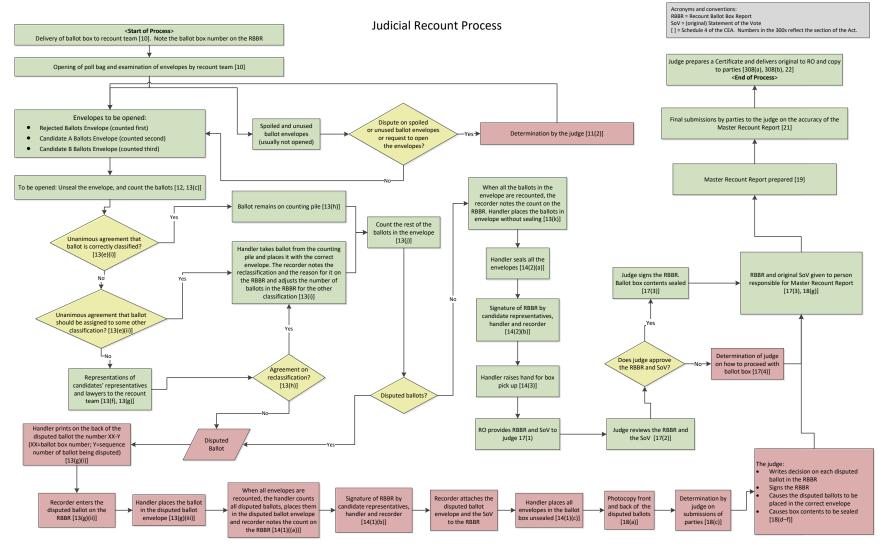
3. Process for Counting Ballots During a Judicial Recount

This section describes the procedural steps related to recounting ballot boxes and envelopes. Sections 4 and 5 below provide guidance on examining ballots and dealing with disputed ballots.

The process for counting ballots and dealing with disputed ballots during a judicial recount is illustrated in Figure 1 below. References are to Schedule 4 of the Act.

A Recount Ballot Box Report is a form used throughout the recount to record the results of the count, the reclassification of ballots and disputed ballots, if any. A copy of a Recount Ballot Box Report is included in Appendix E (Form 3) of this handbook.

Figure 1 - Judicial Recount Process



Version 4.2 October 1, 2019

3.1. Process for Each Ballot Box (Regular Ballots)

When a ballot box and the corresponding original Statement of the Vote are delivered to a recount team, the recorder must first note the number of the ballot box on the Recount Ballot Box Report. Then the handler must open the ballot box, remove and open the large envelope (known as the yellow poll bag) and remove from it the envelopes containing the ballots. [s. 10 of Sch. 4]

The recount team must examine the envelopes containing spoiled ballots and unused ballots without opening them. If there is any dispute concerning one of those envelopes or a request that one of them be opened, the question must be determined by the judge. [s. 11 of Sch. 4]

The recount team must recount first the ballots in the envelope containing the rejected ballots, if any, and then, envelope by envelope in alphabetical order of the candidates' names, the ballots that were classified as valid votes in favour of candidates. [s. 12 of Sch. 4] To facilitate the count, the recount team can use a Tally Sheet similar to the one used on election night and illustrated in Appendix D (Form 3).

3.2. Process for Each Envelope – Review of Ballots Correctly Classified or to Be Assigned to Some Other Classification

The recount of the ballots from each of the envelopes must be conducted in accordance with the following steps:

- 1. The handler must choose the appropriate (first or next) envelope. [ss. 12, 13(a) of Sch. 4]
- 2. If any ballots were placed with that envelope as a result of the earlier examination of another envelope, the handler must place those ballots in a single pile (the "counting pile"). This means that as an envelope is recounted, if any ballots are removed to be added to a different envelope, they are placed in a counting pile for that different envelope. [s. 13(b) of Sch. 4]
- 3. The handler must unseal the selected envelope and, taking the first of the ballots:
 - if a counting pile has already been established, place it on the counting pile;
 - if no counting pile has been established, establish one with that first ballot. [s. 13(c) of Sch. 4]
- 4. The handler must invite all members of the recount team to examine but not handle the ballot. [s. 13(d) of Sch. 4]
- 5. The handler must ascertain whether there is unanimous agreement among the members of the recount team that the ballot:
 - was correctly classified or
 - should be assigned to some other classification [s. 13(e) of Sch. 4]

- 6. If there is no unanimous agreement, each representative of a candidate is entitled to call for one of the candidate's representatives who is not a member of a recount team or the candidate's legal counsel, or both, who may then make representations to the team. [s. 13(*f*) of Sch. 4]
- 7. If, after any such representations, there is still no unanimous agreement about the classification of the ballot, the ballot must be treated as a disputed ballot. [s. 13(g) of Sch. 4] (See next steps in Section 4 below.)²¹
- 8. If there is unanimous agreement that the ballot was correctly classified, it must remain on the counting pile. [s. 13(h) of Sch. 4]
- 9. If there is unanimous agreement that the ballot should be assigned to some other classification, the handler shall take it from the counting pile and:
 - if the envelope containing ballots of that other classification has not yet been recounted, the handler must place the ballot with that envelope, and the recorder must note the re-classification of the ballot and the reason for it on the Recount Ballot Box Report; and
 - if the envelope containing ballots of that other classification has already been recounted, the handler shall place the ballot in that envelope, and the recorder shall note the re-classification of the ballot and the reason for it on the Recount Ballot Box Report and adjust the number of ballots recorded in the report for that other classification accordingly. [s. 13(i) of Sch. 4]
- 10. For each subsequent ballot in the envelope, the handler must place it on top of the counting pile, and the same steps will apply. [s. 13(j) of Sch. 4]
- 11. When all ballots from the envelope have been examined by the recount team, the handler shall count the ballots in the counting pile, the recorder shall make a note of that number on the Recount Ballot Box Report and the handler shall place those ballots in the envelope without sealing it. [s. 13(k) of Sch. 4]

3.3. Steps in Returning the Ballot Box to the Judge

3.3.1 If There Are No Disputed Ballots

When all envelopes from the ballot box—except those containing spoiled and unused ballots—have been recounted, the handler must seal the envelope containing the rejected ballots, if any, and the envelopes for each candidate and place them in the ballot box. The seal is signed or initialled by the handler, the recorder and the candidates or their representatives. [s. 14(2)(a) of Sch. 4] The recorder shall:

• confirm the accuracy of the Recount Ballot Box Report with the recount team;

²¹ Schedule 4 of the Act does not specifically contemplate the involvement of the judge at this point. However, section 23 of Schedule 4 empowers the judge to alter the procedures after giving the parties and the returning officer the opportunity to make submissions. Therefore, a judge may wish to become involved as issues arise to be able to establish an early approach for certain types of disputed ballots.

- invite the candidates' representatives to initial it; and
- give it to the handler. [s. 14(2)(b) of Sch. 4]

The handler shall place the Recount Ballot Box Report, the original Statement of the Vote and the large envelope (poll bag) in the ballot box. [s. 14(2)(c) of Sch. 4]

When these steps are completed, the handler shall signal by raised hand that the recount team has completed its work with that ballot box. [s. 14(3) of Sch. 4]

A person designated by the returning officer from among his or her staff shall bring the recount team another ballot box and shall take the recounted ballot box from the recount team and deliver it to the returning officer. [s. 15 of Sch. 4]

3.3.2 Duties of the Returning Officer

The returning officer must provide the Recount Ballot Box Report and attached original Statement of the Vote to the judge. [s. 17(1) of Sch. 4]

3.3.3 Duties of the Judge

The judge must review the Recount Ballot Box Report and Statement of the Vote and, if satisfied, initial the report to indicate his or her approval. [s. 17(2) of Sch. 4]

3.3.3.1 If the Judge Approves the Report

The returning officer must cause the sealed envelopes to be placed in the large envelope, the large envelope to be sealed and placed in the ballot box, the ballot box to be sealed and placed in a secure location designated for the ballot boxes for which the recount has been completed and the Recount Ballot Box Report and Statement of the Vote to be given to the person responsible for the preparation of the Master Recount Report. [s. 17(3) of Sch. 4] A copy of the Master Recount Report is included in Appendix E (Form 4) of this handbook.

In a 2015 judicial recount, ²² a decision was taken for boxes with no disputed ballots to be sealed at the counting table rather than after the judge had approved the Recount Ballot Box Report. This freed up clerical assistants. [s. 23 of Sch. 4]

3.3.3.2 If the Judge Does Not Approve the Report

The judge shall determine how to proceed with the ballot box. [s. 17(4) of Sch. 4]

²² The recount was held in the electoral district of Desnethé–Missinippi–Churchill River.

4. Process for Determining Disputed Ballots

4.1. Steps Where There Are Disputed Ballots

If, after any representations from a candidate's representative who is not a member of a recount team or from the candidate's legal counsel, there is no unanimous agreement on the classification of a ballot, the ballot shall be treated as a disputed ballot, in which case: [s. 13(g) of Sch. 4]

- the handler shall take the ballot from the counting pile, print on the back of the ballot (with the pen or pencil supplied to the recount team in small but legible script) a number in the form "XX-Y", where "XX" is the ballot box number and "Y" is a unique sequential number starting at 1 for each disputed ballot within that box,
- the recorder shall make an entry for the disputed ballot in the register of disputed ballots in the Recount Ballot Box Report, indicating its number and the envelope from which it originated, and
- the handler shall put the disputed ballot with an additional envelope marked "Disputed Ballots."

The disputed ballots are counted after the counting of the other envelopes in the ballot box has been completed.

When all envelopes from the ballot box, except those designated as containing spoiled ballots and unused ballots, have been recounted, the handler shall:

- Count the disputed ballots.
- Place them in the disputed ballots envelope.
- Indicate the number of the corresponding ballot box on the envelope. [s. 14(1)(a) of Sch. 4]

The recorder shall:

- Note the number of disputed ballots on the Recount Ballot Box Report.
- Confirm the accuracy of the report with the recount team.
- Invite the candidates' representatives to initial the report.
- Attach the report to the disputed ballots envelope, together with the corresponding original Statement of the Vote. [s. 14(1)(b) of Sch. 4]

The handler shall not seal the envelope containing rejected ballots, if any, or the envelopes for each candidate, and shall place the envelopes, including the unsealed disputed ballots envelope, in the ballot box along with the Recount Ballot Box Report, the corresponding original Statement of the Vote and the large envelope (poll bag). [s. 14(1)(c) of Sch. 4]

When these steps are completed, the handler shall signal by raised hand that the recount team has completed its work with that ballot box. [s. 14(3) of Sch. 4]

Section 16 of Schedule 4 contemplates that the returning officer, after receiving delivery of the recounted ballot box, will determine whether it contains a disputed ballots envelope before the judge directs photocopies of the disputed ballots to be made and sets a time to determine their classification. However, s. 23 of Schedule 4 empowers the judge to alter the procedures after giving the parties and the returning officer the opportunity to make submissions. It may be practical to rely on s. 23 to have the photocopies of the disputed ballots made before the handler of the recount team signals for the return of the ballot box to the returning officer.

Photocopies must be made of the front and back of each disputed ballot: one for each party (candidate, candidate's representative and candidate's legal counsel) and one for the judge. Then the disputed ballots are returned to the disputed ballots envelope. Having a runner carrying a disputed ballot box from the counting table to the photocopier is useful. Having a dedicated person making photocopies has also proven efficient. [s. 18(a) of Sch. 4]

After all disputed ballots in the disputed ballots envelope have been photocopied, the disputed ballots envelope shall then be returned to the ballot box. The box could then be delivered to the returning officer, who then places it in a secure location designated by the judge and brings the Recount Ballot Box Report to the judge. [ss. 18(b) and 23 of Sch. 4]

Counsel are permitted to keep photocopies of the disputed ballots since they are part of the record of the proceeding.

4.2. Determining the Classification of Disputed Ballots

The judge shall set a time for the determination of the classification of the disputed ballots. The judge may wish to make a determination on disputed ballots for each ballot box instead of waiting until the end of the recount. If the judge decides to determine the classification of disputed ballots for each ballot box after the recount of that ballot box has been completed, it may be practical to have the photocopies made before the handler of the recount team signals for the return of the ballot box to the returning officer. See Section 2.5.3.1. above for the pros and cons of deciding on disputed ballots earlier or later on in the proceedings. [s. 18(c) of Sch. 4]

Before the judge makes a determination with respect to a disputed ballot, each party may make submissions. Unless the judge decides otherwise, for the purpose of making submissions, any party opposing the original classification of the ballot will be considered an applicant, and all other parties will be considered respondents. [s. 18(c) of Sch. 4]

The judge may alter any of the procedures during the recount after giving the candidates, their representatives and legal counsel and the returning officer the opportunity to make submissions. [s. 23 of Sch. 4]

4.3. Determination of the Judge on a Disputed Ballot

The judge shall, in the Recount Ballot Box Report:

- indicate in writing the determination with respect to each disputed ballot; and
- complete his or her disposition portion of the report.[s. 18(d) of Sch. 4]

The judge must cause each ballot for which a determination has been made to be placed into the appropriate envelope corresponding to the determination and shall cause the envelopes to be sealed and placed in the large envelope (poll bag) and the large envelope to be sealed and placed in the ballot box. [s. 18(e) of Sch. 4]

The judge shall sign the Recount Ballot Box Report, which shall be given, with the judge's disposition noted on it, to the person responsible for the preparation of the Master Recount Report (a staff member of the returning officer) along with the original Statement of the Vote. [s. 18(g) of Sch. 4] A copy of the Master Recount Report is included in Appendix E (Form 4) of this handbook.

4.4. Location of Ballot Box After Dispute Resolved

The judge must cause the ballot box and its contents to be sealed and placed in a secure location designated for ballot boxes for which the recount has been completed. [s. 18(f) of Sch. 4] (See Sections 2.5.4 and 2.8.1. above.)

5. Examining Ballots and Grounds to Reject Ballots

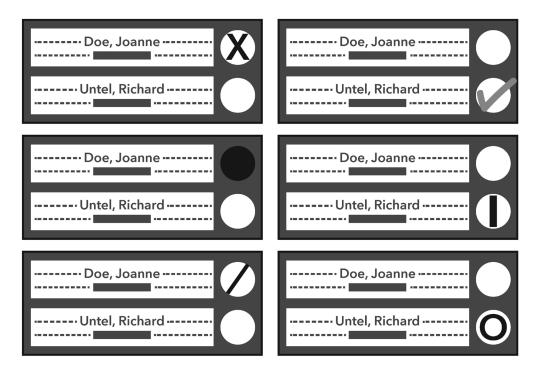
5.1. Examining Regular Ballots

Elections Canada provides election officers with a sample sheet of marked ballot papers which should be accepted or rejected. This bilingual document is a guideline on acceptable and unacceptable ways to mark a ballot. The sample sheet is included in Appendix D (Form 9) of this handbook.

5.1.1 Grounds upon Which to Accept Regular Ballots

Upon examination and according to the criteria referred to in the Act, the recount team should accept a ballot when:

- It has been marked in a circle at the right of the candidates' names. [s. 284(1)(b) of the Act]
 - Examples:



Ballot envelopes found in the ballot box do not have to be properly sealed in order for the ballots therein to be counted during a recount. An Ontario High Court held that holding otherwise would deprive eligible electors of their franchise despite their lawful participation in the election..²³

²³ Bevilacqua (Re), (1988) 56 D.L.R. (4th) 698 (Ont. H.C. J.).

5.1.2 Grounds upon Which to Reject Regular Ballots

Upon examination and according to the criteria referred to in the Act,²⁴ the recount team must reject a ballot on the following grounds:

- It was not supplied by the election officer assigned to the polling station.
 - The absence of the election officer's initials may, *but does not always*, indicate that he or she did not supply a ballot. The election officer assigned to the polling station should have already initialled the ballots given to him or her. If at the initial count on polling night the election officer counting the votes discovered a ballot that was not initialled, and was satisfied that he or she issued it and that all ballots provided by the returning officer have been accounted for, he or she should have initialled it. Therefore, all regular ballots counted as valid should have been initialled. [s. 285 of the Act; s. 12 of Sch. 4].²⁵
 - Despite the statutory requirement to initial the ballots, it is not unusual to encounter uninitialled ballots in a recount. An election officer assigned to the polling station may have forgotten to initial any such ballots or not understood the reason for the requirement. The initials serve as a precaution against ballot box stuffing (unauthorized ballots being added). However, this is not the only precaution against ballot box stuffing; Parliament has clearly recognized that an election officer may forget to initial certain ballots and that this fact alone should not be sufficient to reject those ballots. [s. 285 of the Act]
 - If a ballot that has not been initialled by the election officer is discovered during the recount:
 - The recount team must determine whether the ballot was properly issued by an election officer. One piece of evidence to this effect is that the same election officer issuing the ballot also counted it on polling night, suggesting that he or she was confident that he or she had issued it. A further piece of evidence that can be considered is the total count of ballots for the polling station, which is available in the Statement of the Vote (and further verifiable by counting the spoiled and unused ballots). If the total number of ballots in the ballot box equals the total number issued as stated in the Statement of the Vote, this is a further indication that no new ballots have been added to the box and that the uninitialled ballots were in fact issued by an election officer.
 - A recount team may also find that an uninitialled ballot was included with the rejected ballots because the ballot was not supplied by the election officer who counts the votes. In the latter case, there may be a handwritten number on the back of the ballot, indicating that the ballot was objected to by a candidate or by his or her representative. [ss. 284(1)(a), 286(1) of the Act; s. 12 of Sch. 4]

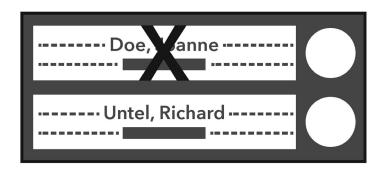
²⁴ Sections 284 and 285 of the Act.

²⁵ Re Moss and Blackburn, 1986 CanLII 2721 (ON SC) discusses the validity of ballots without an election officer's signature in the context of Ontario's Municipal Elections Act. The court considered then subs. 71(2) of the Municipal Elections Act (analogous to subs. 284(1) and (2) of the Act). The court held that an election officer's failure to initial a ballot is not a ground for rejecting the ballot unless the officer concluded that he or she had not supplied the ballot. In the absence of evidence to the contrary, it is assumed that the officer was satisfied that he or she had supplied the ballot.

• The judge may summon any election officer to give evidence on oath. [s. 304(5) of the Act] In a recount held in the province of Quebec following the 2011 general election, the parties agreed before the commencement of the recount not to dispute uninitialled ballots so as to avoid having to summon election officers. ²⁶

• It has not been marked in a circle at the right of the candidates' names.

- The recount team shall reject a ballot where the voter did not make a mark in one of the circles to the right of the candidates' names.²⁷ [s. 284(1)(b) of the Act; s. 12 of Sch. 4]
- Examples:





• It has been marked for a person other than a candidate.

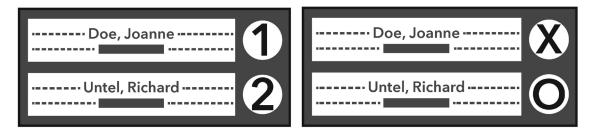
Any votes given for a person other than a candidate are void and for that reason are rejected. [s. 284(1)(c) of the Act; s. 12 of Sch. 4] A vote that is void for this reason will be rare. It could occur where a person who was nominated was not eligible to be a candidate and the ballots were printed before the error was discovered.

²⁶ Couillard (Re), 2011 QCCS 2618 (CanLII), at para. 6.

²⁷ In Judicial Recount Arising out of the 39th General Election in the Electoral District of Parry Sound (Re), 2006 CanLII 6914 (ON SC), where the mark was beside (not over) the candidate's name in the box for the candidate's name adjacent to the circle, and there were no other marks on the ballot, the ballot was rejected.

• It has been marked in more than one circle at the right of the candidates' names.

- The recount team shall reject a ballot that was marked in more than one circle to the right of the candidates' names. 28 [s. 284(1)(d) of the Act; s. 12 of Sch. 4]
- Examples:



• There is any writing or mark on it by which the elector could be identified.

If the recount team, in the course of examining the ballots, discovers a ballot that was marked in such a way that it could identify the elector, including by a mark that could be traced back to the elector, the recount team shall reject the ballot. [s. 284(1)(e) of the Act; s. 12 of Sch. 4] The manner of marking the ballot may be acceptable under one criterion (marked in the circle) but a basis for rejection under another criterion (could identify the elector). This rule also seeks to avoid the purchase of votes, particularly a situation where an elector receives money in exchange for voting for a particular candidate and, to verify that the elector voted as promised, the elector is asked to mark his ballot in some unique manner that will stand out at the count (i.e. the mark is so distinctive as to be used to identify an elector). A voter's intention to identify himself or herself remains part of the overall consideration as to whether the ballot should be rejected.²⁹

²⁸ In *Hewlett (Re)*, 1996 CanLII 11659 (NL SC), at paras. 20-24, the Newfoundland Supreme Court held that where an elector placed a mark in two candidates' boxes, but it was obvious that the elector intended to vote for one of the candidates only, this ballot was valid and counted. The court considered three examples. First, an elector had marked an X for a candidate, then obliterated it and voted for a second candidate. Second, an elector made a mark in the box for one candidate, but stopped after making one diagonal line and subsequently marked an X for another candidate. In these two cases, the court found the ballots valid. However, in the third example, one X was found in one candidate's box, and two Xs were found in another. The ballot was rejected because it was impossible to determine the intention of the voter. This decision was also referred to in *Judicial Recount Arising out of the 41st General Election in the Electoral District of Etobicoke Centre (Re)*, 2011 CanLII 36068 (ON SC), at paras. 32, 33.

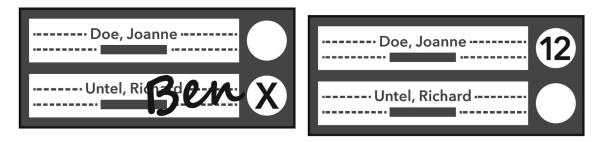
The Ontario Court of Appeal in *Silva* found that "in deciding whether a given mark amounts to the 'casting' of a vote, the voter's intention, as manifested by the nature of the mark is a relevant consideration to be taken into account in determining whether the vote must be rejected [because the voter had placed marks next to the names of more than one candidate]." As it was clear that the voter meant to scratch out one mark and to cast a vote for only one candidate, this ballot was acceptable (*O'Donohue* v. *Silva*, 1995 CanLII 623 (ON CA).

In Judicial Recount Arising out of the 41st General Election in the Electoral District of Etobicoke Centre (Re), 2011 CanLII 36068 (ON SC), at para. 33, a ballot marked with an X for one candidate and a small mark in the circle for a second candidate was considered to be valid, but a ballot marked with a check mark for one candidate and X s for all other candidates and a ballot marked with a check mark for one candidate were considered to be invalid.

In Judicial Recount Arising out of the 39th General Election in the Electoral District of Parry Sound (Re), 2006 CanLII 6914 (ON SC), a ballot marked with a dark X in one circle and a light X in a second circle was considered to be valid.

²⁹ In *Judicial Recount Arising out of the 39th General Election in the Electoral District of Parry Sound (Re)*, 2006 CanLII 6914, upon viewing the writing or mark that appeared on the ballot in question, the court was satisfied that it was a writing or mark by which the elector could be identified. The ballot was rejected.

– Examples:



5.1.3 Insufficient Grounds to Reject Regular Ballots

Upon examination and according to the criteria referred to in the Act, the recount team should not reject a ballot in the following cases:

- It has been marked by the election officer in a manner other than as set out in the Act. [s. 284(2) of the Act]
 - Ballots that were objected to during the initial count should have been marked by an election officer assigned to the polling station with a number. Marking by the election officer in a different way is not a basis to reject the ballot. No ballot is to be rejected by reason only that the election officer placed on it any writing, number or mark. [ss. 286(1), 304(2) of the Act]
 - The judge may summon any election officer to give evidence under oath. [s. 304(5) of the Act]
- The election officer failed to remove the counterfoil.
 - If a ballot is found with the counterfoil attached, the election officer who counts the votes is required to remove a counterfoil during the counting and examination of the ballots.
 [s. 284(3) of the Act] The presence of a counterfoil is not a basis to reject a ballot.

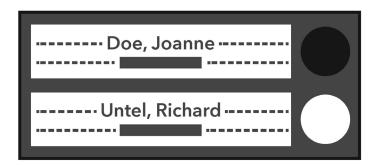
Apart from the statutory criteria, if a ballot is otherwise acceptable, it should *not* be rejected by reason only that:

- It is marked with a writing instrument other than a black lead pencil, unless the writing instrument or mark is so distinctive as to be used to identify an elector.
- It is marked so that the mark extends outside the circle to the right of the candidate's name.

The Ontario Court of Appeal considered municipal electoral legislation with similar statutory language to that of the Act, and it held that an elector must be identifiable on a balance of probabilities in order for this to be a valid reason for rejecting a ballot (O'Donohue v. Silva, 1995 CanLII 623 (ON CA). The Ontario Court of Appeal in Silva referred to the decision of Lucas-Astley v. Barrie, [1995] O.J. No. 255 (Gen. Div.) which held that the intention of the voter must be considered when examining the mark made on the ballot. It could not have been the intention of the legislature to provide that any mark, tear or writing will vitiate a ballot, however inadvertent or accidental that mark, tear or writing may be.

In *Janigan v. Harris*, 1989 CanLII 4295 (ON SC), citing *Re Bow Valley Election* [1926] 4 DLR 117, page 121, a mark that is too common to operate as an identifier will not invalidate a ballot. For other cases on whether a mark may identify an elector, see *Re Fitzgerald*, 1989 CanLII 4890 (NL SCTD), at paras. 17, 20, 22, 24, 27, 29, 30; and *Re Hewlett*, 1996 CanLII 11659 (NL SC) at paras. 13–15, 17–20, 23, 25, 26.

- It is marked with a symbol other than an X.
 - An elector may mark a ballot with an X or other mark in the circular space opposite the name of the candidate of his or her choice provided that the mark cannot be used to identify the elector. [ss. 151(1)(b), 284(1)(e) of the Act]
- It is marked in a way that the circle is completely filled.³⁰
 - Example:



- The ballot is not initialled but it is believed that an election officer issued it.
- The wrong electoral district is printed at the back of the ballot

Where the back of the ballot is marked with the name of an electoral district other than the one for which the recount is conducted, the printing error does not affect the validity of the ballots cast as the operative part of the ballot (i.e. the front of the ballot), accurately sets forth the names of all of the candidates.³¹

5.2. Examining Special Ballots³²

Item 8 of Schedule 4 of the Act requires that the process at a recount for examining regular ballots and resolving disputed ballots be followed for special ballots, with any necessary modifications with regard to envelopes containing special ballots. The criteria for accepting or rejecting special ballots are those that applied at the initial count.

Only those special ballots that were removed from their double envelopes during the initial count are examined at the recount. If there is a concern that an envelope was improperly set aside by election officers either at the returning office or at Elections Canada's distribution centre, this can be challenged via an application for a contested election, but not on a judicial recount.

³⁰ A ballot marked with the circle completely filled was considered to be valid in *Lukaszuk v. Kibermanis*, 2005 ABCA 26, at para. 54. Contrast this with *Bartlett v. McIntosh*, 1999 CanLII 4773 (MB CA), at para. 10, where a ballot was found to be invalid because it contained an X in the circle opposite the candidate's name and that X had been totally obscured by the entire circle being shaded in.

³¹ *Tamblyn v. Nuttall*, 2015 ONSC 7179, at paras. 8–10.

³² The form of special ballots is set by s. 186 and Form 4 of Sch. 1 of the Act.

For those reasons, the criteria below relate to special ballots that were removed from their double envelopes during the first count and are examined at the recount.

5.2.1 How Special Ballot Voting Results Are Reported (Group 1 and Group 2 Results)

Elections Canada's Distribution Centre totals, for each electoral district, the results of the vote by special ballot of Canadian Forces electors, Canadian citizens residing outside Canada (international electors) and incarcerated electors. These three categories are designated as Group 1 and are reported as such in the official results. Separate envelopes are prepared to seal the valid ballots cast by Canadian Forces electors, international electors and incarcerated electors. These envelopes are sent to the returning officer for the recount.

The other category of electors whose votes are counted in Ottawa is the category of Canadian electors temporarily away from their electoral districts (national electors). The results of these votes are tallied separately as part of Group 2. The valid ballots cast for national electors are sealed in an envelope dedicated to this category of elector and sent to the returning officer for the recount.

After the close of the polls on polling day, the Group 1 and Group 2 results for each electoral district are sent to the appropriate returning officer by email from Ottawa on the SVR Results form (see Form 7 in Appendix D for an example). These results are also inputted into the ERS ("ERS" is defined at Section 2.5.1. above of this handbook). [s. 280 of the Act]

The returning officer adds the results for electors voting locally by special ballot in their own electoral district (local electors) to the results of Group 2.

All of the results of the special ballot votes are then added to the total results for each electoral district. [s. 280 of the Act]

The Statement of the Vote – Local Special Ballots, reproduced in Appendix D (Form 5) of this handbook is available to the returning officer and the judge during the recount. It indicates the results only for local electors as these votes are counted at the returning office.

Special voting results for electors in the national, Canadian Forces, international and incarcerated categories are entered in various Statement of the Count forms, reproduced in Appendix D (Form 10). These forms contain similar types of information as that which is contained in the Statement of the Vote – Local Special Ballots. Statements of the Count are stored at Elections Canada's Distribution Centre and not usually made available for use during a recount. However, the SVR Results form (see Form 7 in Appendix D)—which contains the special ballots results for Canadian Forces electors, international electors, incarcerated electors and national electors, consolidated from all Statements of the Count—is made available to the returning officer and the recount judge. This being said, should the judge want to see the Statements of the Count, such statements could be made available upon request.

5.2.2 Grounds upon Which to Accept Special Ballots

Upon examination and according to the criteria referred to in the Act, the recount team shall accept a ballot that is marked with the name of a candidate. [ss. 213(2), 227(2), 238, 258 of the Act]

5.2.3 Grounds upon Which to Reject Special Ballots

Upon examination and according to the criteria referred to in the Act, the recount team should reject a special ballot on the following grounds: [s. 12 of Sch. 4]

- It was not supplied by the Chief Electoral Officer. [s. 269(1)(a) of the Act]
- It has not been marked. [ss. 269(1)(b), 279(1)(b) of the Act]
- It has been marked with a name other than the name of a candidate (however, note the next section dealing with misspelled names that clearly indicate the elector's intent).
 - Any votes given for a person other than a candidate are void and for that reason must be rejected. [ss. 76, 269(1)(c), 279(1)(c) of the Act]
- It has been marked with the names of more than one candidate. [ss. 269(1)(d), 279(1)(d) of the Act]
- There is any writing or mark on it by which the elector could be identified. [ss. 269(1)(e), 279(1)(e) of the Act]
- It was cast at the returning office but was not supplied for the election. [s. 279(1)(a) of the Act]
- It has been marked with the candidate's political affiliation instead of the name of the candidate.
 - The ballot is not rejected if the elector wrote the candidate's political affiliation *in addition to* the name of the candidate. [ss. 269(2), 279(2), 279(3) of the Act]

5.2.4 Insufficient Grounds to Reject Special Ballots

Upon examination and according to the criteria referred to in the Act, the recount team should not reject a special ballot because:

• The elector wrote on it the name of a candidate incorrectly, or wrote the candidate's political affiliation in addition to the name of the candidate, if the ballot clearly indicates the elector's intent. 33 [ss. 269(2), 279(2), 279(3) of the Act]

³³ In *Couillard (Re)*, 2011 QCCS 2618, at para. 18, a special ballot was considered to be valid even if the voter mixed up the first names of two candidates but also indicated the party for which he or she wished to vote.

5.3. Examining Spoiled Ballots

The recount team must examine the envelopes containing spoiled ballots without opening them. If there is any dispute concerning those envelopes or a request that one of them be opened, the question shall be determined by the judge. This might happen where the spoiled ballot envelope appears to contain ballots but the Statement of the Vote records no spoiled ballots. In this instance, an election officer may have erroneously placed a rejected ballot in a spoiled ballot envelope. [ss. 8, 11 of Sch. 4]

While a judge at a recount of the ballots has the power to open the envelopes containing spoiled ballots, he or she is not under any obligation to do so or to examine the spoiled ballots.³⁴ [s. 304(2) of the Act]

At the close of polls, spoiled ballots would not have been counted by the election officer toward the votes received by any candidate. Likewise, spoiled ballots will generally not be opened or counted at a judicial recount because, if a spoiled ballot were subsequently accepted as a valid ballot at a recount, it is possible that two ballots cast by a single elector would both be counted as valid votes. During voting, if an elector spoils a ballot and returns it to the election officer, the elector is given another ballot. [ss. 152, 213(4), 242(1), 258(3) of the Act]

5.4. Examining Unused Ballots

While a judge at a recount of the ballots has the power to open the envelopes containing unused ballots, he or she is not under any obligation to do so or to examine the unused ballots. [s. 304(2) of the Act]

The recount team is to examine the envelopes containing unused ballots without opening them. If there is any dispute concerning one of those envelopes or a request that one of them be opened, the question must be determined by the judge. [s. 11 of Sch. 4]

³⁴ In *Judicial Recount Arising out of the 39th General Election in the Electoral District of Parry Sound (Re)*, 2006 CanLII 6914 (ON SC), a spoiled ballot envelope was opened as the envelope indicated that there was one spoiled ballot, whereas the Statement of the Vote indicated that there were no spoiled ballots, but rather one rejected ballot. There was no mark on the ballot indicating that it was a spoiled ballot. There was also no mark on the face of the ballot indicating for whom the elector intended his or her vote to be cast. The ballot was considered a rejected ballot and placed in the envelope for same.

6. The Completed Recount

6.1. Master Recount Report

A person designated by the judge shall transfer the final results shown on all of the Recount Ballot Box Reports onto the Master Recount Report. [s. 19 of Sch. 4] A copy of the Master Recount Report is included in Appendix E (Form 4) of this handbook.

Once a determination on disputed ballots is made for a particular polling division and a Recount Ballot Box Report is approved by the judge, the person designated by the judge may promptly transfer the results of the recount from the Recount Ballot Box Report to the ERS ("ERS" is defined at Section 2.5.1. above of this handbook). Once the recount results are inputted for each polling division, the ERS will generate a poll-by-poll report, which will constitute the Master Recount Report. If the recount is conducted at a place other than the returning office (e.g. at the courthouse), it may be necessary to transport the Recount Ballot Box Reports to and from the returning office to enter results in the ERS.

If difficulties arise in generating the Master Recount Report from ERS or if there are technical challenges in automatically populating the Certificate of the Judge from the Master Recount Report, the judge could simply indicate over his signature that the poll-by-poll report is the "Master Recount Report" and fill in the certificate by hand.³⁵

6.1.1 Right to Inspect the Master Recount Report

Each party (candidate, candidate's representatives and candidate's legal counsel) and the returning officer shall have the opportunity from time to time, and at the conclusion of the preparation of the Master Recount Report, to inspect and compare the Recount Ballot Box Reports and the Master Recount Report and to bring any error or discrepancy noted to the attention of the judge. [s. 20 of Sch. 4]

6.1.2 Final Submissions to the Judge on the Master Recount Report

When the recount is complete, candidates, their representatives and counsel may make final submissions to the judge with respect to the accuracy of the Master Recount Report. The judge shall determine any issues arising from those submissions and ensure that the Master Recount Report is completed in accordance with any such determination. [s. 21 of Sch. 4]

³⁵ This was the solution to the ERS technical difficulties that was adopted during the 2015 judicial recount in the electoral district of Desnethé–Missinippi–Churchill River.

6.2. Preparation of the Certificate of the Judge

At the conclusion of the judicial recount, the judge (or staff designated by the judge) must seal the ballots in a separate envelope for each polling station and, on the basis of the Master Recount Report, without delay prepare a Certificate of the Judge, entitled "Results of Voting after a Judicial Recount," which sets out the number of votes cast for each candidate. The judge shall deliver the original of the certificate to the returning officer and a copy of it to each of the candidates, their representatives and legal counsel. [ss. 308(a), 308(b) of the Act; s. 22 of Sch. 4] The returning officer also sends a copy to Elections Canada without delay. A sample Certificate of the Judge is included in this handbook in Appendix E (Form 5).

The returning officer then declares elected the candidate who obtained the largest number of votes by completing a Return of the Writ (see Section 6.6 below). [s. 313 of the Act]

6.3. Recount Judgment or Report

The Act is silent on whether an official "judgment" should be issued after a recount. As noted, during a recount the judge is acting in the capacity of a *persona designata*. There is no legal obligation upon recount judges to draft a judgment. Practice has shown that judgments are often released, but not always. In the 2015 judicial recount of Edmonton Mill Woods, for instance, the judge prepared a summary of the recount process with his comments on various aspects, which he made available to counsel for the candidates and to Elections Canada. He also agreed that this report could be shared with other judges conducting a judicial recount.

6.4. Returning Election Materials and Documents to the Returning Officer

At the conclusion of the judicial recount, the judge shall return to the returning officer the election documents or other election materials brought for the purpose of the recount and deliver to him or her the reports created in the course of the recount. [ss. 308(c) and (d) of the Act]

6.5. The Result of Voting Form

The addition, in 2015, of Schedule 4 to the Act and the forms specified in those provisions mean that the forms and results that were completed and recorded on election night—namely, the results recorded on the Result of Voting form, reproduced in Appendix D (Form 6) of this handbook—are left as they were. New forms, created expressly to record the recount results and outcome, are to be completed. This is a change from procedures in earlier recounts.

6.6. Completing the Return of the Writ

Without delay after receiving the signed Certificate of the Judge (Results of Voting after a Judicial Recount) from the judge following the completion of a recount, the returning officer shall declare elected the candidate who obtained the largest number of votes by completing the Return of the Writ in the prescribed form on the back of the writ of election. [s. 313 of the Act] The Return of the Writ is reproduced in Appendix D (Form 8) of this handbook.

If there is an equality of votes between the candidates with the largest number of votes, the returning officer shall indicate that fact on the Return of the Writ. [s. 313(2) of the Act]

The returning officer must forward a copy of the Return of the Writ to each candidate. [s. 315(1) of the Act]

7. Costs and Expenses

7.1. Costs

7.1.1 Security for Costs; Recount on Application of Elector

Where an elector has applied for a recount, the applicant must pay into court the sum of \$250 as security for the costs of the candidate who obtained the largest number of votes. [s. 301(3) of the Act] The Act does not set out any security for costs with respect to automatic recounts.

The money deposited as security for costs must, as far as is necessary, be paid out to the candidate in whose favour costs are awarded. If the deposit is not sufficient to cover the costs awarded, the party who was awarded costs has their action for the balance.

If a recount requested by an elector does not alter the result so as to affect the return, the judge shall:

- Order the costs of the candidate for whom the largest number of votes have been cast to be paid by the person who applied for the recount.
- Tax those costs, following as closely as possible the tariff of costs allowed with respect to proceedings in the court in which the judge ordinarily presides. [s. 309(1) of the Act]
 - The Act does not require that a court deduct from such costs any amounts reimbursed by the Chief Electoral Officer under s. 310 of the Act (see Section 7.3 below) as both provisions (ss. 309 and 310) operate independently. The Chief Electoral Officer leaves it to the discretion of the court to consider or not amounts of costs reimbursed to a candidate by the Chief Electoral Officer under s. 310 of the Act in calculating a cost award pursuant to s. 309 of the Act.

7.2. Returning Officer and Recount Staff Expenses

The returning officer, field liaison officer, handler, recorder and clerical assistants who assist at the recount are paid pursuant to the *Federal Elections Fees Tariff* an amount per hour for attendance and service at a recount, as certified by the judge who conducts the recount. [Items 51 and 52 of the Sch. to the Tariff]

The returning officer should complete a time sheet, ensure that each person who was requested to assist with the recount has completed a time sheet and ensure that the judge has certified all of the time sheets. The Time Sheet (Recount) form reproduced in Appendix E (Form 6) of this handbook should be used for this purpose.

7.3. Reimbursement of Candidates' Costs

7.3.1 Application

Regardless of the outcome of the recount, a candidate may make an application to the Chief Electoral Officer for a reimbursement of his or her costs in respect of the recount. [s. 310(1) of the Act] The application must set out the amount and nature of the costs and whether they were actually and reasonably incurred. The Application for Reimbursement of Costs at a Judicial Recount, set out in Appendix E (Form 7) in this handbook, should be used for this purpose. In addition, evidence of having incurred the expense in question (such as receipts) should be provided.

The types of cost that could be the subject of such an application include, for example, preparation for the recount, travel, meals and legal fees.

The Act does not require that amounts reimbursed by the Chief Electoral Officer under s. 310 of the Act be deducted from costs awarded pursuant to s. 309 of the Act as both provisions operate independently. The Chief Electoral Officer leaves it to the discretion of the judge to consider or not the costs reimbursed to a candidate under s. 310 in calculating costs under s. 309.

7.3.2 Amount of Reimbursement

Upon receipt of such an application, the Chief Electoral Officer must determine the costs and make a request for reimbursement to the Receiver General for Canada for that amount, up to a maximum of \$500 per day or part of a day during which the judge conducted the recount. [s. 310(2) of the Act]

A "day" in this provision refers to a calendar day of 24 hours beginning at midnight. The hours and duration of the recount are set out in the Act, subject to the discretion of the judge. [s. 305 of the Act] The conduct of a recount does not follow the hours for court sitting days. Therefore, if a recount on a given day continues into the evening, it is still the same day, but if it continues past midnight, the next day has begun.

Appendix A – Part 14 and Schedule 4 to the Canada Elections Act³⁶

;	Sections 299–312	
	PART 14	-
	PART 14	_

INTERPRETATION

JUDICIAL RECOUNT

Definition of "judge"

299. (1) In this part, "judge" means a judge who sits in the electoral district where the results are validated.

Powers of judge

(2) A judge who is authorized by sections 300 to 309 to act may act, to the extent authorized, within or outside his or her judicial district.

RECOUNT PROCEDURE

Request by returning officer for recount

300. (1) If the difference between the number of votes cast for the candidate with the most votes and the number cast for any other candidate is less than 1/1000 of the votes cast, the returning officer shall make a request to a judge for a recount within four days after the results are validated.

Notice to candidates

(2) The returning officer shall notify each candidate or his or her official agent in writing of the request for a recount.

Recount automatic

(3) The judge shall fix the date for the recount to be conducted within four days after he or she receives the request.

³⁶ Note: In interpreting or applying the Act, reference must be made to the current official texts published by the Queen's Printer for Canada.

Documents to be supplied

- (4) The returning officer shall attend the recount and shall bring all relevant election materials including
- (a) the ballot boxes;
- (b) the statements of the vote used to validate the results; and
- (c) all ballots cast and statements of the vote made in accordance with Part 11.

Application for recount

301. (1) An elector may, within four days after the day on which a returning officer issues a certificate under section 297 and after notifying the returning officer in writing, apply to a judge for a recount.

Notice to Candidates

(1.1) The returning officer shall notify each candidate or his or her official agent in writing of the application for a recount.

Grounds for recount

- (2) The judge shall fix a date for a recount if it appears, on the affidavit of a credible witness, that
- (a) an election officer has incorrectly counted or rejected any ballots, or has written an incorrect number on the statement of the vote for the votes cast for a candidate; or
- (b) the returning officer has incorrectly added up the results set out in the statements of the vote.

Deposit

(3) The applicant shall deposit with the clerk or prothonotary of the court the sum of \$250 as security for the costs of the candidate who obtained the largest number of votes.

Date of recount and summons

(4) The date fixed for the recount shall be within four days after the judge receives the application. The judge shall summon the returning officer to attend and to bring the relevant ballot boxes and statements of the vote together with the ballots that were counted, and the statements that were completed, under Part 11.

Notice to candidates

(5) The judge shall notify each candidate or his or her official agent in writing of the time and place fixed for the recount. The judge may decide that service of the notice will be substitutional, by mail or posting or in any other manner.

Returning officer required to attend

(6) A returning officer to whom a summons is directed under subsection (4) shall obey it and shall be present throughout the recount.

More than one application

- **302.** If a judge receives more than one application for a recount for more than one electoral district, the recounts shall be conducted in the order in which the judge receives the applications.
- **303.** Repealed (Candidate may attend now in Schedule 4)

Recount procedure

304 (1) The judge shall conduct the recount by adding the number of votes reported in the statements of the vote or by counting the valid ballots or all of the ballots returned by election officers or the Chief Electoral Officer.

Documents that may be examined

(2) If a recount of all of the ballots returned is required, the judge may open the sealed envelopes that contain the used and counted, unused, rejected and spoiled ballots. The judge shall not open any envelopes that appear to contain other documents or refer to any other election documents.

Procedure for certain recounts

(3) In the case of a recount conducted by counting the valid ballots or all of the ballots returned by election officers or the Chief Electoral Officer, the procedure set out in Schedule 4 applies.

Powers of judge

(4) For the purpose of arriving at the facts with respect to a missing ballot box or statement of the vote, the judge has all the powers of a returning officer with regard to the attendance and examination of witnesses who, in case of non-attendance, are subject to the same consequences as in the case of refusal or neglect to attend on the summons of a returning officer.

Additional powers of judge

(5) For the purpose of conducting a recount, a judge has the power to summon any election officer as a witness and to require him or her to give evidence on oath and, for that purpose, has the same power that is vested in any court of record.

Clerical assistants

(6) Subject to the approval of the Chief Electoral Officer, a judge may retain the services of support staff to assist in the performance of his or her duties under this Part.

Proceedings to be continuous

305. The judge shall, as far as practicable, proceed continuously with a recount, except for necessary breaks and, unless the judge orders otherwise, between 6:00 p.m. and 9:00 a.m.

Security of documents

306. (1) During a break described in section 305, the judge or any other person who has possession of ballots and other election documents shall keep them sealed in parcels, and the seal shall be signed by the judge and may be signed by any other person in attendance.

Supervision of sealing

(2) The judge shall personally supervise the parcelling and sealing of ballots and documents at a recount and take all necessary precautions for their security.

Judge may terminate recount

307. Except in a case referred to in section 300, a judge may at any time terminate a recount on request in writing by the person who applied for the recount.

Procedure at conclusion of recount

308. At the conclusion of a recount, the judge shall

- (a) seal the ballots in a separate envelope for each polling station and without delay prepare a certificate in the prescribed form that sets out the number of votes cast for each candidate;
- (b) deliver the original of the certificate to the returning officer and a copy of it to each candidate;
- (c) return to the returning officer the election documents or election materials brought under subsection 300(4) or 301(4) for the purpose of the recount; and
- (d) deliver to the returning officer the reports created in the course of the recount.

Costs

- **309.** (1) If a recount does not alter the result of the vote so as to affect the return, the judge shall
- (a) order the costs of the candidate for whom the largest number of votes have been cast to be paid by the person who applied for the recount; and
- (b) tax those costs, following as closely as possible the tariff of costs allowed with respect to proceedings in the court in which the judge ordinarily presides.

Disposal of deposit and right of action for balance

(2) The money deposited as security for costs shall, as far as necessary, be paid out to the candidate in whose favour costs are awarded under subsection (1) and, if the deposit is insufficient to cover the costs, the party in whose favour the costs are awarded has their action for the balance.

Application for reimbursement of costs

310. (1) After a recount, a candidate may make an application to the Chief Electoral Officer for reimbursement of his or her costs in respect of the recount, setting out the amount and nature of the costs and whether they were actually and reasonably incurred.

Chief Electoral Officer determines costs

(2) On receipt of an application under subsection (1), the Chief Electoral Officer shall determine the costs, and shall make a request for reimbursement to the Receiver General, up to a maximum of \$500 for each day or part of a day during which the judge conducted the recount.

Payment from Consolidated Revenue Fund

(3) The Receiver General, on receipt of a request for reimbursement from the Chief Electoral Officer, shall pay to the candidate the amount requested from the Consolidated Revenue Fund.

FAILURE OF JUDGE TO CONDUCT RECOUNT

Failure of judge to act

- **311.** (1) If a judge does not comply with the provisions of sections 300 to 309, an aggrieved party may, within eight days after the failure to comply, make application for an order under subsection (3)
- (a) in the Province of Ontario, to a judge of the Superior Court of Justice;
- (b) in the Province of Quebec, New Brunswick or Alberta, Yukon, the Northwest Territories or Nunavut, to a judge of the Court of Appeal of the Province or Territory;
- (c) in the Province of Nova Scotia, British Columbia or Prince Edward Island, to a judge of the Supreme Court of the Province;
- (d) in the Province of Manitoba or Saskatchewan, to a judge of the Court of Queen's Bench for the Province; and
- (e) in the Province of Newfoundland and Labrador, to a judge of the Trial Division of the Supreme Court of Newfoundland and Labrador.

Application on affidavit

(2) An application under subsection (1) may be made on affidavit, which need not be entitled in any matter or cause, that sets out the facts relating to the failure to comply.

Order of judge

- (3) The judge to whom an application is made under subsection (1) shall, if it appears that there was a failure to comply, make an order
- (a) fixing the time, within the following eight days, and place to hear the application;
- (b) directing the attendance of all parties interested at that time and place; and
- (c) giving directions for the service of the order, and of any affidavit on which it was granted, on the judge alleged to have failed to comply and on any other interested party.

Affidavit may be filed in reply

(4) The judge complained of and any interested party may file in the office of the clerk, registrar or prothonotary of the court of the judge to whom the application is made affidavits in reply to those filed by the applicant and shall provide the applicant with copies of them on demand.

Order of court after hearing

- **312.** (1) After hearing the judge complained of and any other parties, the judge to whom the application was made or another judge of the same court
- (a) shall make an order dismissing the application or ordering the judge in default to comply with the requirements of this Act in respect of the recount; and
- (b) may make an order with respect to costs.

Judge to obey order

(2) A judge found to be in default shall without delay comply with an order made under subsection (1).

Costs

(3) Remedies for the recovery of costs awarded under paragraph (1)(b) are the same as for costs in ordinary cases in the same court.

SCHEDULE 4

(*Subsection 304(3)*)

PROCEDURE FOR RECOUNTS

PERSONS WHO MAY BE PRESENT

- 1. Only the following persons may be present during the recount in addition to the judge, the returning officer and the staff that the returning officer asks to assist in the recount and the recount teams:
- (a) the candidates;
- (b) up to two representatives for each candidate who are not members of a recount team;
- (c) one legal counsel for each candidate;
- (d) legal counsel for the Chief Electoral Officer; and
- (e) any other person that the judge allows.
- 2. Persons referred to in paragraph 1(e) may observe the conduct of the recount but shall not participate. They may bring any concerns they have to the attention of the returning officer who shall relay them to the judge. The judge shall take any measure that he or she considers appropriate.

RECOUNT TEAMS

3. The judge shall, with the Chief Electoral Officer's approval, establish an appropriate number of recount teams, each consisting of two members appointed by the returning officer—one to have the responsibilities of handler and the other those of recorder—and one representative appointed by each candidate who wishes to be represented on the recount team. Each team is to be assigned a sequential team number, beginning with 1.

PROCESS—GENERAL

- 4. Each recount team shall be assigned to a table and shall remain at its table except during breaks as directed by the judge. To the extent practical, these breaks shall commence only after the recount of a particular ballot box has been completed.
- 5. The functions of a recount team are the following:
- (a) to examine the ballots in any ballot box assigned to it to ascertain whether the team agrees on their classification:
- (b) to set aside for examination by the judge any ballots on whose classification there is not agreement ("disputed ballot"); and

- (c) to count and report the number of ballots in each classification.
- 6. At any time during the recount, the candidates referred to in paragraph 1(a) may consent to having the judge conduct the recount by adding the number of votes reported in the statements of the vote, instead of the counting of ballots.
- 7. (1) The returning officer shall assign ballot boxes to recount teams throughout the recount in a manner that promotes the efficient and continuous counting of ballots, having regard to the number of ballots in each ballot box.
- (2) A ballot box shall not be assigned to a recount team if the handler or the recorder of that team was assigned to the advance polling station or polling station from which the box originated.
- 8. Ballots cast under Part 11 of this Act shall be assigned to recount teams 1 to 3. The process set out in sections 10 to 18 shall be followed with any necessary modifications with regard to envelopes containing ballots cast under that Part. No other ballots or ballot boxes shall be assigned to those teams until the recount of those ballots has been completed.
- 9. Only the handler or the recorder of a recount team shall handle a ballot box or an envelope containing ballots that is assigned to his or her recount team or any other document or other election material that is in or accompanies the box or envelope.

PROCESS — FOR EACH BALLOT BOX

- 10. When a ballot box and the corresponding original statement of the vote are delivered to a recount team,
- (a) the recorder shall note the number of the ballot box on the Recount Ballot Box Report in the prescribed form; and
- (b) the handler shall open the ballot box, remove and open the large envelope referred to in subsection 288(3) of this Act and remove from it the envelopes containing ballots.
- 11. (1) The recount team shall examine the envelopes containing spoiled ballots and unused ballots without opening them.
- (2) If there is any dispute concerning one of those envelopes or a request that one of them be opened, the question shall be determined by the judge.
- 12. The recount team shall recount first the ballots in the envelope containing the rejected ballots, if any according to the criteria referred to in section 269, 279, 284 or 285 of this Act and then, envelope by envelope in alphabetical order of the candidates' names, the ballots that were classified as valid votes in favour of candidates.

FOR EACH ENVELOPE—REVIEW OF BALLOTS

- 13. The recount of the ballots from each of those envelopes shall be conducted in accordance with the following steps:
- (a) the handler shall choose the appropriate envelope;
- (b) if any ballots were placed with that envelope as a result of the earlier examination of another envelope, the handler shall place those ballots in a single pile (the "counting pile");
- (c) the handler shall unseal the envelope and, taking the first of those ballots,
 - (i) if a counting pile has already been established, place it on the counting pile, and
 - (ii) if no counting pile has yet been established, establish one with that first ballot;
- (d) the handler shall invite all members of the recount team to examine but not handle the ballot:
- (e) the handler shall ascertain whether there is unanimous agreement in the recount team that the ballot
 - (i) was correctly classified, or
 - (ii) should be assigned to some other classification;
- (f) if there is no unanimous agreement, each representative of a candidate is entitled to call for one of their candidate's representatives who is not a member of a recount team or their candidate's legal counsel, or both, who may then make representations to the team;
- (g) if, after any such representations, there is still no unanimous agreement on the classification of the ballot, the ballot shall be treated as a disputed ballot, in which case
 - (i) the handler shall take the ballot from the counting pile, print on the back of the ballot (with the pen or pencil supplied to the recount team in small but legible script), a number in the form "XX-Y" where "XX" is the ballot box number and "Y" is a unique sequential number starting at "1" for each disputed ballot within that box,
 - (ii) the recorder shall make an entry for the disputed ballot in the register of disputed ballots in the Recount Ballot Box Report, indicating its number and the envelope from which it originated, and
 - (iii) the handler shall put the disputed ballot with an additional envelope marked "disputed ballots";
- (h) if there is unanimous agreement that the ballot was correctly classified, it shall remain on the counting pile;

- (i) if there is unanimous agreement that the ballot should be assigned to some other classification, the handler shall take it from the counting pile and
 - (i) if the envelope containing ballots of that other classification has not yet been recounted, the handler shall place the ballot with that envelope and the recorder shall note the re-classification of the ballot and the reason for it on the Recount Ballot Box Report, and
 - (ii) if the envelope containing ballots of that other classification has already been recounted, the handler shall place the ballot in that envelope and the recorder shall note the re-classification of the ballot and the reason for it on the Recount Ballot Box Report and adjust the number of ballots recorded in the report for that other classification accordingly;
- (j) for each subsequent ballot in the envelope, the handler shall place it on top of the counting pile, and steps (d) to (i) apply with respect to it; and
- (k) when all ballots from the envelope have been examined by the team, the handler shall count the ballots in the counting pile, the recorder shall make a note of that number on the Recount Ballot Box Report and the handler shall place those ballots in the envelope without sealing it.

PREPARATION FOR RETURN OF BALLOT BOX

- 14. (1) When all envelopes from the ballot box—except those designated as containing spoiled ballots and unused ballots—have been recounted, if there are any disputed ballots,
- (a) the handler shall count the disputed ballots and place them in the disputed ballots envelope and indicate the number of the corresponding ballot box on the envelope;
- (b) the recorder shall note the number of disputed ballots on the Recount Ballot Box Report, confirm the accuracy of the report with the recount team, invite the candidates' representatives to initial it and attach it to the disputed ballots envelope together with the corresponding original statement of the vote; and
- (c) the handler shall not seal the envelope containing rejected ballots, if any, or the envelopes for each candidate, and shall place the envelopes, including the unsealed disputed ballots envelope, in the ballot box along with the Recount Ballot Box Report, the corresponding original statement of the vote and the large envelope.
- (2) However, if there are no disputed ballots,
- (a) the handler shall seal the envelope containing rejected ballots, if any, and the envelopes for each candidate and place them in the ballot box;
- (b) the recorder shall confirm the accuracy of the Recount Ballot Box Report with the recount team, invite the candidates' representatives to initial it, and give it to the handler; and
- (c) the handler shall place the Recount Ballot Box Report, the corresponding original statement of the vote and the large envelope in the ballot box.

(3) When the actions in subsection (1) or (2) have been completed, the handler shall signal by raised hand that the recount team has completed its work with that ballot box.

RETURN OF BALLOT BOX

- 15. A person designated by the returning officer from among his or her staff shall bring the recount team another ballot box and shall take the recounted ballot box from the recount team and deliver it to the returning officer.
- 16. On receipt of a recounted ballot box, the returning officer shall ascertain whether it contains a disputed ballots envelope.

IF THERE ARE NO DISPUTED BALLOTS

- 17. (1) If the ballot box does not contain a disputed ballots envelope, the returning officer shall provide the Recount Ballot Box Report and attached original statement of the vote to the judge.
- (2) The judge shall review the report and statement and, if satisfied, shall initial the report to indicate his or her approval.
- (3) If the judge approves the report, the returning officer shall cause the sealed envelopes to be placed in the large envelope, the large envelope to be sealed and placed in the ballot box, the ballot box to be sealed and placed in a secure location designated for ballot boxes for which the recount has been completed and the report and statement to be given to the person responsible for the preparation of the Master Recount Report.
- (4) If the judge does not approve the report, the judge shall determine how to proceed with the ballot box.

IF THERE ARE DISPUTED BALLOTS

- 18. If the ballot box contains a disputed ballots envelope, the judge shall cause it to be dealt with in accordance with the following steps:
- (a) photocopies of the front and back of each disputed ballot in the disputed ballots envelope shall be made one for each party referred to in paragraphs 1(a) to (c), as the case may be, and one for the judge. Then the disputed ballot shall be returned to the disputed ballots envelope;
- (b) after step (a) is completed for all the disputed ballots, the disputed ballots envelope shall be returned to the ballot box;
- (c) the judge shall then set a time for the determination of the classification of the disputed ballots. Before the judge makes a determination with respect to a disputed ballot, each party may make submissions. Unless the judge decides otherwise, for the purpose of making submissions, any party opposing the original classification of the ballot will be considered an applicant, and all other parties will be considered respondents;
- (d) the judge shall, in the Recount Ballot Box Report, indicate in writing the determination with respect to each disputed ballot and complete the judge's disposition portion of the report;

- (e) the judge shall cause each ballot for which a determination of classification has been made to be placed into the appropriate envelope corresponding to the determination, and shall cause the envelopes to be sealed and placed in the large envelope and the large envelope to be sealed and placed in the ballot box;
- (f) the judge shall cause the ballot box and its contents to be sealed and placed in a secure location designated for ballot boxes for which the recount has been completed; and
- (g) the judge shall sign the Recount Ballot Box Report, which shall be given, with the judge's disposition noted on it, to the person responsible for the preparation of the Master Recount Report along with the original statement of the vote.

MASTER RECOUNT REPORT AND CERTIFICATE OF VOTES

- 19. A person designated by the judge shall transfer the final results shown on the Recount Ballot Box Reports onto the Master Recount Report.
- 20. Each of the parties referred to in paragraphs 1(a) to (c), as the case may be, and the returning officer shall have the opportunity, from time to time and at the conclusion of the preparation of the Master Recount Report, to inspect and compare the Recount Ballot Box Reports and the Master Recount Report, and to bring any error or discrepancy noted to the attention of the judge.
- 21. When the recount is complete, the parties referred to in paragraphs 1(a) to (c), as the case may be, may make their final submissions to the judge with respect to the accuracy of the Master Recount Report and the judge shall determine any issues arising from those submissions and ensure that the Master Recount Report is completed in accordance with any such determination.
- 22. The judge shall on the basis of the Master Recount Report without delay prepare a certificate in the prescribed form that sets out the number of votes cast for each candidate and deliver the original of the certificate to the returning officer and a copy of it to each of the parties referred to in paragraphs 1(a) to (c), as the case may be.

OTHER POWERS OF THE JUDGE

- 23. The judge may alter these procedures during the recount after giving the parties referred to in paragraphs 1(a) to (c), as the case may be, and the returning officer the opportunity to make submissions.
- 24. Any matter not dealt with in these procedures, and any question arising as to the application of these procedures, is to be determined by the judge, including whether persons referred to in section 1 are permitted to communicate with the media.

Appendix B – Counting Regular and Special Ballots

Introduction

The procedure for counting ballots on polling day provides the necessary context for a judicial recount. This Appendix describes the polling day counting procedure, with references to the relevant sections of the Act and Elections Canada manuals in square brackets.

Counting Votes at the Close of Polling Day

Immediately after the close of a polling station, an election officer who is assigned to the polling station shall count the votes cast at his or her polling station in the presence of another election officer who is assigned to the polling station and any candidates or their representatives who are present or, if no candidates or representatives are present, in the presence of at least two electors. [s. 283(1) of the Act]

One of the election officers assigned to the polling station shall supply those present at the count who request it with a Tally Sheet to keep their own score of the voting.

Under the scrutiny of candidates or their representatives, the election officer who counts the votes shall, in the following order [s. 283(3) of the Act]:

- Count the number of electors who voted.
- Count the number of electors to whom a registration certificate was given under subs. 161(4).
- Make an entry at the end of the list of electors that states the number of electors who voted in the election at the polling station and, of these, the number of electors to whom a registration certificate was given. The election officer must sign the list and place the list in the envelope supplied for that purpose.
- Count the number of spoiled ballots, place them in the envelope supplied for the purpose, indicate on the envelope the number of spoiled ballots and seal it.
- Count the unused ballots that are not detached from the books of ballots, place them with the stubs of the used ballots in the envelope supplied for the purpose, indicate on the envelope the number of unused ballots and seal it.
- Total the number of electors who voted and the number of spoiled and unused ballots in order to ascertain that all ballots that were provided by the returning officer are accounted for.

- Open the ballot box and empty its contents onto a table. Examine each ballot, show the ballot to each person who is present and ask the other election officer who is assigned to the polling station to make a note on the Tally Sheet beside the name of the candidate for whom the vote was cast for the purpose of arriving at the total number of votes cast for each candidate.
- Reject ballots that meet the rejection criteria in the Act. [s. 284 of the Act]

Statement of the Vote

The election officer who counts the votes shall prepare a Statement of the Vote setting out the number of votes in favour of each candidate and the number of rejected ballots. The original Statement of the Vote and a copy of it are placed in separate envelopes. The election officer shall give a copy of the Statement of the Vote to each of the candidates' representatives present at the count. [s. 287 of the Act]

Contents of the Ballot Box

The spoiled ballots, unused ballots, rejected ballots and marked ballots, along with the list of electors and a copy of the Statement of the Vote, are placed in various envelopes. These envelopes are then placed in a large envelope, *except* the envelopes containing the Statements of the Vote and the registration certificates, and the envelope is sealed. This envelope is then placed in the ballot box. The form for each solemn declaration of an elector's identity and residence shall also be placed by an election officer in the envelope supplied for that purpose. The large envelope and the envelope that contains the copy of the Statement of the Vote shall be placed in the ballot box. The election officer shall then seal the ballot box. The envelopes containing the registration certificates, correction certificates and solemn declarations are returned to the returning office. [ss. 143(3), 161(1)(b), 169(2)(b), 287, 288, 288.01, 549.1 of the Act]

Without delay after sealing the ballot box, an election officer who is assigned to a polling station will send to the returning officer the ballot box, with the envelopes that contain the original Statement of the Vote, the solemn declarations, the registration certificates and other election documents. [s. 290 of the Act]

Validation of the Results

The returning officer oversees all polling stations within his or her electoral district. After the returning officer receives all of the ballot boxes from every polling station, the returning officer shall, at his or her office, proceed to validate the results using the original Statements of the Vote and the results of the count of special ballots that were counted at Elections Canada's Distribution Centre in the National Capital Region. [s. 293 of the Act]

The returning officer will verify and record the number of votes cast for each candidate, the number of valid votes, the number of rejected votes and the total number of votes. The returning officer shall not open an envelope that appears to contain ballots. [ss. 293(1), 295(3) of the Act; Returning Officer's Manual]

Voting Results

Without delay after the validation of results, the returning officer shall prepare a certificate (the Result of Voting form) setting out the number of votes cast for each candidate and forward the original to the Chief Electoral Officer and a copy of it to each candidate or his or her representative. Without delay after six days following the completion of the validation of the results, the returning officer shall declare elected the candidate who obtained the largest number of votes by completing the return of the writ and forwarding the writ to the Chief Electoral Officer. [ss. 297, 313(1) of the Act]

Counting Votes Cast by Special Ballot

A special ballot is cast differently than a regular ballot cast at a polling station on polling day or at the advance polls. Special ballots are received and counted at the returning office and at Elections Canada's Distribution Centre.

An elector who votes by special ballot shall:

- a) Receive a special ballot, an inner envelope and an outer envelope.
- b) Write the name of the candidate of his or her choice on the ballot and fold the ballot.
- c) Place the ballot in the inner envelope and seal it.
- d) Place the inner envelope in the outer envelope and seal it. [ss. 212, 213, 227(2), 238, 257, 258(1) of the Act]
- e) Sign the declaration on the outer envelope prescribed by the Chief Electoral Officer.

Counting Special Ballots at the Returning Office

An elector who votes by special ballot in his or her electoral district must ensure that the ballot is received at the returning office before the close of the polling stations on polling day. [s. 239(2) of the Act]

Election officers are assigned by the returning officer to verify the declarations prescribed by the Chief Electoral Officer and to count the special ballots issued to electors in his or her electoral district and received in his or her office. [s. 273 of the Act] The returning officer notifies the candidates of the date, time and place of the verification, and the candidates or their representatives may be present for the verification of the declarations and the counting of the ballots. [ss. 274, 276(2) of the Act]

The election officers assigned by the returning officer must follow the steps below. They:

- verify the declaration on the outer envelope prescribed by the Chief Electoral Officer by determining from the information in the declaration whether the elector is entitled to vote in the electoral district. [s. 276 of the Act]
- count the outer envelopes that have not been set aside. [s. 278(1) of the Act]
- open the outer envelopes that have not been set aside and put all the inner envelopes in a ballot box provided by the returning officer. [s. 278(2) of the Act]

An election officer sets aside an elector's outer envelope unopened that falls within the criteria for setting aside outer envelopes under the Act and places them in the envelope for spoiled ballots. [s. 277(1) of the Act]

After the close of polling stations, one of the election officers so assigned by the returning officer shall:

- Open the ballot box containing the inner envelopes and, together with another election officer so assigned, open the inner envelopes and count the votes. [s. 278(3) of the Act]
- Reject ballots that meet the rejection criteria under the Act. [s. 279 of the Act]

Counting Special Ballots at Elections Canada's Distribution Centre

An elector who votes by special ballot outside his or her electoral district must ensure that the ballot is received at the office of the special voting rules administrator in the National Capital Region not later than 6:00 p.m. on polling day. [s. 239(1) of the Act]

The counting of the special ballots is conducted by special ballot officers working in pairs, under the supervision of the special voting rules administrator. [ss. 264(1) and (2) of the Act]

The counting of special ballots at Elections Canada's Distribution Centre must commence on a date to be fixed by the Chief Electoral Officer or, if no date is fixed, on Wednesday, the fifth day before polling day. [s. 266 of the Act]

The special ballot officers shall set aside an outer envelope, unopened, that meets the criteria for spoiled envelopes under the Act. [ss. 267(1) and (2) of the Act]

The special ballot officers shall, on examining a special ballot, reject it if it meets the rejection criteria under the Act. [s. 269 of the Act]

Each pair of special ballot officers shall prepare a Statement of the Vote and deliver it to the special voting rules administrator. [s. 270(1) of the Act]

Without delay after the counting of the votes for every electoral district has been completed, the special voting rules administrator shall:

- Inform the Chief Electoral Officer of:
 - the number of votes counted for each candidate for every electoral district
 - the total number of votes counted for each electoral district
 - the number of rejected ballots for each electoral district [s. 271 of the Act]
- Send to the Chief Electoral Officer in separate envelopes:
 - the list of electors
 - all other documents and election materials received from commanding officers and election officers
 - the solemn declarations of the election officers
 - the complete files of correspondence, reports and records in his or her possession [s. 272 of the Act]

The Results of Votes Cast by Special Ballot

Communication to returning officers

The Chief Electoral Officer shall, without delay after the closing of polling stations in an election, inform each returning officer of the results, for his or her electoral district, of the counting of special ballots at Elections Canada's Distribution Centre, giving the number of votes cast for each candidate and the number of rejected ballots. [s. 280(1) of the Act]

Release of information by returning officers

When a returning officer receives information from the Chief Electoral Officer respecting the results of the special ballots counted at Elections Canada's Distribution Centre, the returning officer shall add those results to the results of the special ballots counted at the returning office and release all of them as being the results of the vote under the special voting rules. [s. 280(2) of the Act]

Appendix C – Checklist for Returning Officers

Before the Recount

- 1. Advise Elections Canada Legal Services of a judicial recount. Call 1-800-463-6868.
- 2. Obtain the name and direct telephone number of the judicial recount support official at Elections Canada headquarters in the National Capital Region.
- 3. Obtain the name of the Elections Canada representative who will travel to your electoral district to provide support.
- 4. Select and train the recount teams. It may be useful to have on hand a list of persons experienced in counting ballots. Such a list is also useful in the event that some persons initially selected withdraw before the recount starts. In addition, contact the candidates to obtain a list of names of persons who may be available to act at a judicial recount as the handler and the recorder. Make it clear that the judge will determine pursuant to the Act how the recount will proceed and that these individuals may not be required. Once it is determined that they will be required, appoint the necessary number of handlers and recorders.
- 5. Call Elections Canada headquarters to discuss IT contracts, contracts with the telephone company and the movers and to advise them that there will be a delay in closing the returning office.
- 6. Review the returning office lease termination date and discuss any requirements for extension.
- 7. Ensure that the original Result of Voting form is set aside in a safe place.
- 8. Contact a security firm and hire a security guard to ensure the security of the ballots while they are at the returning office.
- 9. If the recount is held at a location other than where you stored the ballot boxes, visit the location of the recount and ensure that the necessary materials are in place.
- 10. Review the security at the location of the recount.
- 11. Review the security for the transportation of the ballot boxes.
- 12. Reserve a moving company to transport the ballot boxes.
- 13. Move the ballot boxes from the returning office to the location of the recount when the judge directs that this be done. As directed by the judge, set up any necessary computers and photocopiers at the location of the recount.

- 14. Obtain the date of the presentation of the application for judicial recount.
- 15. If this is an automatic recount, obtain the name of the lawyer retained by Elections Canada to assist with the drafting of the application for judicial recount. [s. 300(1) of the Act]
- 16. If this is an automatic recount, prepare the Notice of an Application by the Returning Officer for a Judicial Recount form and send this to all candidates or their official agents. [s. 300(2) of the Act] A copy of this form is reproduced in Appendix E (Form 1) of this handbook.
- 17. If this is a recount requested by an elector, notify each candidate or his or her official agent in writing of the application for a recount. [s. 301(1.1) of the Act]
- 18. Ensure that the judge gives the candidates notice of the date, time and place of the recount. If this is an automatic recount, suggest that the judge may wish to give this notice even though it is not a requirement of the Act. [s. 301(5) of the Act] The Notice of a Judicial Recount form, set out in Appendix E (Form 2) of this handbook, may be used by the judge for this purpose.
- 19. Prepare the necessary materials to conduct the recount.
- 20. Provide the judge with a package of information for use at a judicial recount.
- 21. If the judge wishes to have a preliminary meeting, attend this meeting and receive any instructions the judge may give. If the judge wishes to proceed by supervising the recount, advise the judge whether the candidates have provided lists of names of persons who can be appointed as handlers and recorders.

During the Recount

- 1. Ensure that all members of the support staff used by the judge at a recount have a time sheet.
- 2. Although the security of the ballots during a recount is the responsibility of the judge, ensure that you are satisfied with the arrangements for security and bring any of your concerns to the attention of the judge immediately. [s. 306(2) of the Act]
- 3. Make photocopies of any disputed ballots according to the judge's instructions. [s. 18 of Sch. 4]
- 4. If asked by the judge, approve the time sheets of the persons working at the recount.
- 5. Ensure that the time sheets are countersigned by the judge.
- 6. Ensure that the Master Recount Report is completed as directed by the judge and that the judge signs the Certificate of the Judge to certify the result of the recount. [s. 308 of the Act] A sample Master Recount Report is included in Appendix E (Form 4) of this handbook, and a sample Certificate of the Judge is included in Appendix E (Form 5).

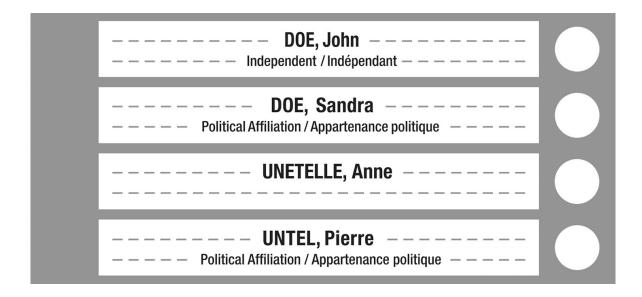
7. Ensure that a copy of the certificate is provided to the candidates, their representatives and the candidates' legal counsel. [s. 308(b) of the Act; s. 22 of Sch. 4]

After the Recount

- 1. Ensure that you and your staff have completed a Time Sheet (Recount) form and have had it certified by the judge. Ensure that this form is also completed by all support staff used by the judge at the recount and certified by the judge. This form is reproduced in Appendix E (Form 6) of this handbook.
- 2. If the recount is held at a location other than where you stored the ballot boxes, move the ballot boxes from the location of the recount back to the returning office.
- 3. Ensure that a copy of the Certificate of the Judge is provided to any candidates who did not receive a copy.
- 4. Fax a copy of the certificate to Elections Canada Legal Services at 819-939-2005.
- 5. Complete the Return of the Writ. This form is reproduced in Appendix D (Form 8) of this handbook.
- 6. Complete the necessary procedures to close the returning office and return election materials, including the Time Sheet (Recount) forms and other forms, to Elections Canada headquarters.

Appendix D – Election Forms (Forms Used at the Initial Count of Regular and Special Ballots)

Form 1 - Form of the Regular Ballot





GENERAL ELECTION ELECTORAL DISTRICT OF TRAINING (EC 10790)

(year/année)

ÉLECTION GÉNÉRALE CIRCONSCRIPTION DE FORMATION (EC10790-1)

POLLING DAY / JOUR DU SCRUTIN (date)

Printed by: Imprimé par : (name and address of printer /

nom et addresse de l'imprimeur)

SPACE FOR INITIALS OF D.R.O.

INITIALES DU SCRUTATEUR

POLLING DIVISION

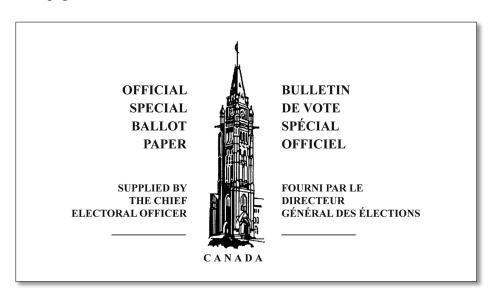
SECTION DE VOTE

Form 2 – Form of Special Ballot, Inner Envelope and Outer Envelope

I vote for / Je vote pour

Names (or initials) and surname of candidate of your choice Prénoms (ou initiales) et nom de famille du candidat de votre choix

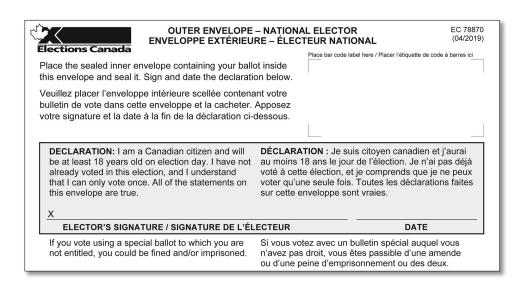
Back of ballot paper





INNER ENVELOPE ENVELOPPE INTÉRIEURE EC 78840 (01/2019)

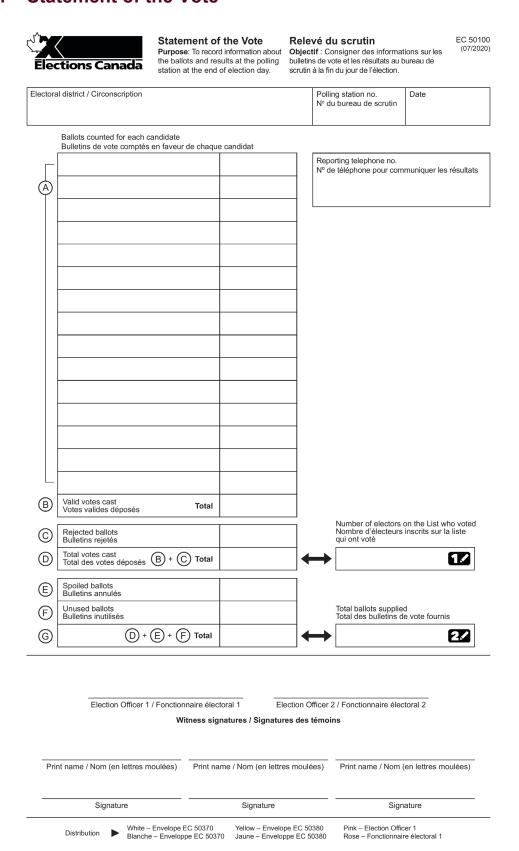
Place the marked ballot inside this envelope, seal it, and place it inside the outer envelope. Veuillez déposer votre bulletin de vote rempli dans cette enveloppe, la cacheter et l'insérer dans l'enveloppe extérieure.



Form 3 – Tally Sheet

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Form 4 - Statement of the Vote



Form 5 – Statement of the Vote – Local Special Ballots

Flt di-t-i-t / Gii-ti		Outer Fausters Bassa / Sária d	lanualanan autéria.	I Data
Electoral district / Circonscription		Outer Envelope Range / Série d From: De :	Tenveloppes exterieures To: A :	Date
Complete at the	e verification of outer	envolones	Number	
Remplir à la vérif	ication des enveloppes	s extérieures	Number Nombre	
Individual items in ballot box (Oute Articles individuels dans l'urne (En enveloppes intérieures)			A	
Outer envelopes spoiled Enveloppes extérieures annulées			B	
Loose ballots and inner envelopes Bulletins sans enveloppe et envelo	oppes intérieures		©	
Total valid outer envelopes Total des enveloppes extérieures v	valides	(A-B-C=D)	(D)	←
	Complete at the co Remplir au dépouille		Number Nombre	
				Should be equal Devraient être éga
Valid votes cast				
Votes valides déposés			E	
Rejected ballots during the count Bulletins de vote rejetés au dépou	illement		F	
Votes cast Votes déposés		\bigcirc + \bigcirc = Total	©	←
Ballot box seal numbers / Numéro Deputy Returni	ing Officer / Scrutateur	ness signatures / Signatures des témoin:	Poll Clerk / Greffier du sci	rutin
		J		
Print name / Nom (en lettres mo		Print name / Nom (en lettres moulées)		om (en lettres moulées)

Form 6 - Result of Voting



RESULT OF VOTING

RÉSULTAT DU SCRUTIN

EC 10420 (12/14)

OR / EN FAVEUR DE		NUMBER NOMBRE
OTAL NUMBER OF VALID VOTES CAST / NOMBRE TOTAL DE VOTE	ES VALIDES DÉPOSÉS	
EJECTED BALLOT PAPERS / BULLETINS DE VOTE REJETÉS OTAL NUMBER OF VOTES CAST / NOMBRE TOTAL DE VOTES DÉF		
CERTIFICATE OF RETURNING OFFICER I certify that the results of the validation of the results at this electoral event are as stated above. In the case where votes were "ascertained" because of the loss or destruction of a ball ot box as per Section 296 of the Canada Elections Act, I have attached a separate statement noting the number of such votes withat have been included in the totals reported above.	CERTIFICAT DU DIRECTEUR DU SCRUTIN Je certifie que la validation des résultats à ce scrutin a apporté les résultats énoncés ci-dessus. Dans le cas où des votes ont été constatés suite à la disparition ou la destruction d'une urne, en vertu de l'article 296 de la Loi électorale du Canada, j' ai annexé un énoncé indiquant le nombre desdits votes qui ont été inclus dans les résultats figurant ci-haut.	

Form 7 - SVR Results

SVR Results Résultats RÉS

EC 78761 (02/07)

Vancouver Granville (59-036)

2021-09-20 Certified / Certifié

Candidate / Candidat(e)	Group 1 / Groupe 1
	(Incarc. / Forces / Internat. / National)
Appadurai, Anjali (N.D.P./N.P.D.)	359
Che, Kailin (Cons.)	217
Jewett, Damian (PPC)	25
Noormohamed, Taleeb (Lib.)	278
Popat, Imtiaz (G.P./P.V.)	22
Total Votes Cast / Votes valides déposés	901
Rejected / Rejetés	24
Total	925

80

RETURN OF THE WRIT



RAPPORT D'ÉLECTION

ELECTORAL DISTRICT / CIRCONSCRIPTION

West Vancouver—Sunshine Coast—Sea to Sky Country

I, the undersigned, returning officer for the electoral district for which this writ was issued, hereby certify that:	Je, soussigné, directeur du scrutin pour la circonscription mentionnée dans ce bref, certifie par la présente que :
The candidate who has received the largest number of votes cast and who has been duly elected therefor is:	Le candidat ayant reçu le plus grand nombre des votes déposés et étant dûment déclaré élu pour cette circonscription est :
The candidate duly elected by acclamation is:	Le candidat élu par acclamation est :
* NAME/NOM	OCCUPATION / PROFESSION
POLITICAL AFFILIATION / APPARTENANCE PO	DLITIQUE
ADDRESS / ADRESSE	
or The election resulted in an equality of votes between the candidates with the largest number of votes.	Le résultat de l'élection est un partage des voix entre les candidats ayant obtenu le plus grand nombre de votes.
DATE	RETURNING OFFICER / DIRECTEUR DU SCRUTIN
* As stated in nomination pap	er / Tel qu'il apparaît dans l'acte de candidature
RECORD OF RECEIPT OF RETURN	CONSTATATION DU REÇU DU RAPPORT
DATE CHIE	F ELECTORAL OFFICER / DIRECTEUR GÉNÉRAL DES ÉLECTIONS

STEPHEN WALLACE

Deputy of the Governor General / Suppléant du gouverneur général

Elizabeth the Second, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories QUEEN, Head of the Commonwealth, Defender of the Faith.

Elizabeth Deux, par la Grâce de Dieu, REINE du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

TC 2	Mrs. Hélène Dae
of de	Vancouver
Returning Officer for the electoral district of Directeur du scrutin pour la circonscription de	West Vancouver—Sunshine Coast—Sea to Sky Country
In the province of Dans la province de	British Calumbia

GREETIAG:

WHEREAS, by and with the advice of OUR PRIME MINISTER OF CANADA, We have ordered a PARLIAMENT TO BE HELD AT OTTAWA, on the sixteenth day of November next.

WE COMMAND DOWN that, notice of the time and place of election being duly given,

YOU DO CAUSE election to be made according to law of a member to serve in the House of Commons of Canada for the said electoral district in the Province aforesaid;

AND YOU DO CAUSE the closing day for the nomination of candidates to be September 28, 2015;

And if a poll becomes necessary, that the poll be held on October 19, 2015;

AND YOU DO CAUSE the name of that member when so elected, whether present or absent, to be certified to Our Chief Electoral Officer, as by law directed as soon as possible and not later than the ninth day of November, 2015.

*Winness: STEPHEN WALLACE, Deputy of Our Right Trusty and Well-beloved DAVID JOENSTON, Chancellor and Principal Companion of Our Order of Canada, Chancellor and Commander of Our Order of Military Merit, Chancellor and Commander of Our Order of Merit of the Police Forces, GOVERNOR GENERAL AND COMMANDER-IN-CHIEF OF CANADA.

At Our City of Ottawa, on September 13, 2015, and in the sixty-fourth year of Our Reign.

SALHT:

CORSIDÉRART QUE, sur l'avis de NOTRE PREMIER MINISTRE DU CANADA, Nous avons ordonné qu'un PARLEMENT SOIT TENU À OTTAWA, le seizième jour de novembre prochain.

AOUS VOUS ORDONNONS, après qu'avis du moment et du lieu en aura été dûment donné,

DE POURVOIR à l'élection, selon la loi, d'un député à la Chambre des communes du Canada, pour la circonscription, dans la province susmentionnée;

ET DE POURVOIR aux candidatures jusqu'au 28 septembre 2015;

Et, si la tenue d'un scrutin est nécessaire, de tenir ce scrutin le 19 octobre 2015;

ET DE FAIRE RAPPORT du nom de ce député, lorsqu'il sera ainsi élu, qu'il soit présent ou absent, à Notre directeur général des élections, selon que le prescrit la loi aussitôt que possible et au plus tard le neuvième jour de novembre 2015.

En Notre ville d'Ottawa, le 13 septembre 2015 en la soixante-quatrième année de Notre règne.

BY COMMAND, PAR ORDRE,

MARC MA	YRAND
D110>7110>7110>7110>7110>7110>7110>7110>	***************************************
Chief Electoral Officer	Directeur général des élection

Form 9 - Sample Sheet of Marked Ballots

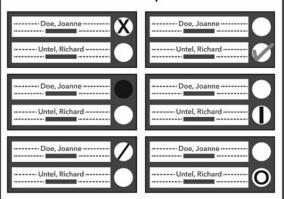


EC 50130 (08/2019)

EXAMPLES OF MARKED BALLOTS

ACCEPTED & COUNTED

Examples of Marked Ballot Papers
Which Should be Accepted and Counted

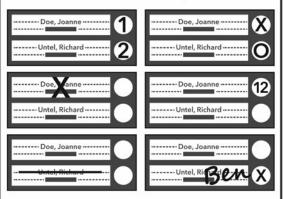


The **DRO** must accept a ballot paper if it is marked:

- in one (and only one) circular space to the right of the name of the candidate
- with an "X" or other mark made with any writing instrument as long as the DRO is satisfied the mark or writing instrument is not so distinctive that it could be used to identify an elector

REJECTED

Examples of Marked Ballot Papers
Which Should be Rejected



The DRO must reject a ballot if:

- it is marked in more than one of the circular spaces
- it is not marked in any of the circular spaces
- it contains a mark that the DRO considers could be used to identify an elector

Appendix E – Judicial Recount Forms

Form 1 – Notice of an Application by the Returning Officer for a Judicial Recount



EC 06701 (09/2015)

Table # / N° de table :

Notice of an application by the returning officer for a judicial recount

Avis d'une demande par le directeur du scrutin pour un dépouillement judiciaire

electoral district of:

Whereas I, the returning officer for the Attendu que, à titre de directeur du scrutin pour la circonscription de :

Electoral District / Circonscription électorale

have validated the results of the votes cast at the 43rd General Election;

j'ai validé les résultats du scrutin relativement à la 43^e élection générale;

Whereas I have established that the difference between the number of votes cast for the candidate with the most votes and the number cast for any other candidate is less than 1/1000th of the votes cast; and

Attendu que j'ai constaté que le nombre de votes séparant le candidat qui a reçu le plus grand nombre de votes de tout autre candidat est inférieur à un millième des votes déposés;

Whereas I (have made / will make) an application to a judge of a designated court for a judicial recount pursuant to subsection 300(1) of the Canada Elections Act on

Attendu que (j'ai présenté/je présenterai) à un juge habilité une requête de dépouillement judiciaire conformément au paragraphe 300(1) de la Loi électorale du Canada le

Date

Therefore, I hereby give you notice of this application as required by subsection 300(2) of the Canada Elections Act.

Par conséquent, je vous donne par la présente avis de cette requête, conformément au paragraphe 300(2) de la Loi électorale du Canada.

For further information about judicial recounts, see sections 299 through 312, and Schedule 4 of the Canada Elections Act.

plus Pour d'information sur dépouillements judiciaires, consultez articles 299 à 312, et l'Annexe 4 de la Loi électorale du Canada.

The Judicial Recount Handbook is available on the Elections Canada website (www.elections.ca).

Le Manuel de Dépouillement judiciaire se trouve sur le site Web d'Élections Canada (www.elections.ca).

Returning Officer / Directeur du scrutin

Date

Page 1 / 1

Form 2 - Notice of a Judicial Recount



EC 06702 (09/2015)

[Court name and judicial district] [Style of cause]

Notice of a judicial recount

Notice is hereby given that, pursuant to the *Canada Elections Act*, S.C. 2000, c. 9, a judicial recount of the ballots cast in the 43rd General Election will be held at:

[Nom du tribunal et district judiciaire] [intitulé de la cause]

Avis d'un dépouillement judiciaire

Avis est par la présente donné, conformément à la *Loi électorale du Canada*, L.C. 2000, ch. 9, qu'un dépouillement judiciaire des votes exprimés à la 43^e élection générale sera tenu à :

Location / Lieu

before the honourable Mr./Madam Justice

devant l'honorable juge

Each of the candidates in the election are entitled to be present at the recount and have up to two representatives who are not members of a recount team in attendance to scrutinize the count. Each of the candidates shall also be entitled to be represented by one legal counsel at the recount.

I direct that this notice may be served personally to the candidates or their official agent or, if that is not practicable, by delivering a copy of this notice to the address for the candidate as noted in the records of the returning officer for the aforementioned electoral district.

Chacun des candidats à l'élection a le droit d'assister au dépouillement et d'être accompagnés d'au plus deux représentants qui ne sont pas membres d'une équipe de dépouillement et qui se présentent pour examiner le dépouillement. Chacun des candidats a également le droit d'être représenté au dépouillement par un avocat.

Je demande que le présent avis soit signifié en personne aux candidats ou à leur agent officiel ou, si c'est en pratique impossible, qu'une copie de cet avis soit envoyé par la poste à l'adresse de chaque candidat, telle qu'elle est consignée dans les dossiers du directeur du scrutin de la circonscription susmentionnée.

Judge / Juge

Date

Form 3 – Recount Ballot Box Report



EC 06704 (07/2019)

Table # / N° de table

				de dépouilleme	
Electoral District / Circonscription électorale		of Recount of the box /	Ballot box	#: / N° de l'urne :	
	Zato da depo		Special ba	allot types: / Types de bulle aux :	etins de
INITIAL RECOUNT BY	RECOUNT TE	AM / DÉPOUILLEMENT I	NITIAL P	AR L'ÉQUIPE DE DÉ	ÉPOUILLEME
Candidate / Candidat	t				Numbe
VALID VOTES CAST / V	OTES VALID	ES DÉPOSÉS			1
REJECTED BALLOTS /	BULLETINS	REJETÉS			2
TOTAL VOTES CAST (\ N ^{bre} TOTAL DE VOTES		CTED) / DES + VOTES REJETÉS)	1 + 2 =	3
SPOILED BALLOTS / B	ULLETINS AN	NULÉS [®]			4
UNUSED BALLOTS / B	ULLETINS NO	ON UTILISÉS [®]			5
DISPUTED BALLOTS /	BULLETINS D	DE VOTE CONTESTÉS [©]			6
4.5) 5 - 4 - 4 - 5 - 5 - 4 - 4 - 4 - 4 - 4 -	TOTAL DE B				7
TOTAL BALLOTS / N ^{bre}	TOTAL DE B	ULLETINS	3 + 4	+ 5 + 6 =	
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NIMOUSLY AGREED R	RECLASSIFICA / ajouter une feu	ATIONS / RECLASSIFICA	TIONS U		EPTÉES
ch extra sheet(s) if needed /	RECLASSIFICA / ajouter une feu	ATIONS / RECLASSIFICA	TIONS U	NANIMEMENT ACC	EPTÉES
NIMOUSLY AGREED R	RECLASSIFICA / ajouter une feu	ATIONS / RECLASSIFICA	TIONS U	NANIMEMENT ACC	EPTÉES
NIMOUSLY AGREED R ch extra sheet(s) if needed / From Envelope / De l'	RECLASSIFIC / ajouter une feu 'enveloppe 'enveloppe attement of the evé du scrutin, '	ATIONS / RECLASSIFICA ille ou plusieurs, au besoin) To Envelope / À l'enve Vote, unless recounted as sauf si le dépouillement es	eloppe	Reason /	EPTÉES

Page 1 / 3



Recount Ballot Box Report (cont'd)

Rapport de dépouillement d'urne (suite)

	Comments	Commentaires								
	In favour of	en faveur de								
	Accepted	Rejeté Accepté								
	Rejected	Rejeté								
	Originating Envelope									
uj	(A-)	lle8 ·XX) i ub °V XX)								

Ballot # (XX-Y): The XX represents the ballot box number, and Y is the sequence number starting at 1 for each disputed ballot in the box.

N° du bulletin (XX-Y): Les « XX» représentent le numéro de l'urne, tandis que le Y est le numéro séquentiel commençant par le chiffre 1 attribué à chaque bulletin contesté provenant de l'urne.



Recount Ballot Box Report (cont'd) Rapport de dépouillement d'urne (suite) FINAL RECOUNT / DÉPOUILLEMENT DÉFINITIF

Candidate / Candidat	Number
Candidate / Candidat	Nombre
VALID VOTES CAST / VOTES VALIDES DÉPOSÉS	1
REJECTED BALLOTS / BULLETINS REJETÉS	2
TOTAL VOTES CAST (VALID + REJECTED) /	3
N ^{bre} TOTAL DE VOTES (VOTES VALIDES + VOTES REJETÉS) 1 + 2 =	4 25
SPOILED BALLOTS / BULLETINS ANNULÉS $^{\odot}$	4
UNUSED BALLOTS / BULLETINS NON UTILISÉS [©]	5
TOTAL BALLOTS / N ^{BRE} TOTAL DE BULLETINS 3 + 4 + 5 =	6

Same as page 1 (No disputed ballots, therefore, the final recount is identical as the initial recount reported on page 1 of this Recount Ballot Box Report)

Identique à la page 1 (aucun bulletin de vote contesté, donc le dépouillement définitif est identique au dépouillement initial figurant à la page 1 de ce Rapport de dépouillement d'urne.

SIGNATURE OF JUDGE / SIGNATURE DU JUGE

Data extracted from the Statement of the Vote, unless recounted as per the Judge's order. Données extraites du Relevé du scrutin, sauf si le dépouillement est mandaté par le juge.

Form 4 - Master Recount Report

Detail of the vote / Détail du scrutin

46-012 Winnipeg North / Winnipeg-Nord 2011-05-02

État courant : Dépouillement judiciaire 1																									
État courant : Dépo	EOL Error	ÉSL Erreur	617	380	360	478	361	415	468	437	389	445	474	451	482	461	411	530	409	411	421	381	414	420	208
	Total Vote	Vote	268	164	193	265	174	221	178	197	138	187	234	207	214	222	206	244	191	163	176	172	179	154	00
	Rej. Votes	Votes '	0	2	0	0	2	0	0	-	-	0	0	2	0	-	က	-	-	0	-	- -	-	0	c
	Valid Votes	Votes	268	162	193	265	172	221	178	196	137	187	234	205	214	221	203	243	190	163	175	171	178	154	62
	Matejicka	Cons.	61	49	33	7.1	41	79	40	29	23	51	69	22	53	51	30	61	53	33	42	42	58	46	22
	Lamoureux	l <u>a</u>	139	72	88	143	91	91	66	114	90	87	118	106	137	126	134	129	91	96	81	82	70	73	45
	Komarniski	Comm.	0	0	0	~	0	0	~	0	0	0	0	•	0	0	0	0	-	0	0	0	-	~	-
	Harvie	G.P./P.V.	2	2	4	2	E	0	0	-	-	ო	ო	4	ო	4	2	-	ო	F	2	2	2	2	0
	Blaikie	N.D.P./N.P.D.	99	39	29	48	39	51	38	52	63	46	44	37	21	40	37	52	42	33	20	45	47	32	VC
Current Status: Judicial Recount 1			bed.	Ded.	5ed	bed		peq.	bed	Ded	Ded.		Ded.	bed	Ded	bed	bed	bed	bed.	bed	bed	bed	bed	bed	
rrent S	Name	Nom	Winnipeg	Winnipeg	Winnipeg	Minning																			
<u>ರ</u>	2	ž	_	2	က	4	9	9	7	80	თ	10	7	12	13	14	15	16	17	18	19	20	21	22	23

Detail of the vote / Détail du scrutin

Winnipeg North / Winnipeg-Nord 2011-05-02 État courant : Dépouillement judiciaire 1 EOL Error ÉSL Erreur 147 205 33 31 58 168 131 Vote 45 531 009 428 280 Rej. Votes Votes 278 168 642 Valid Votes Votes 593 427 267 291 Matejicka ---Cons. 22 14 111 1118 61 56 230 180 Lamoureux ---Lib. 17 12 336 335 147 147 89 69 69 25 249 162 17 184 Komarniski ---Comm. Harvie ---G.P./P.V. Blaikie ---N.D.P./N.P.D. 102 123 157 111 142 155 166 Current Status: Judicial Recount 1 Advance poll/Bureau par anticipation Merged with / Fusionné avec 505 SVR Group 1/RÉS Groupe 1 Mobile poll/Bureau itinérant S/R 2 SVR/RÉS Grp2 (Local) Nom S/R2 503A 503B 200 502 505 909 009 504 602 603 604 909 909

601

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Detail of the vote / Détail du scrutin 46-012 Winnipeg North / Winnipeg-Nord 2011-05-02

Cun	Current Status: Judicial Recount 1									État courant : Dépouillement judiciaire 1
2	Name	Blaikie	Harvie	Komarniski	Lamoureux	Matejicka	Valid Votes	Rej. Votes	Total Vote	EOL Error
Š	Nom	N.D.P./N.P.D.	G.P./P.V.	Comm.	- ig	Cons.	Votes	Votes rej.	Vote	ÉSL Erreur
S/R 2	S/R 2 Total SVR/RÉS Grp2 (Local+Nat.)	124	15	0	203	115	457	4	461	x 0
	Polling Stations / 154 Bureaux de scrutin Electoral District Totals / Totaux de la circonscription	6,053	458	118	260'6	6,701	25,427	136	25,563	068'15

Form 5 - Certificate of the Judge



RESULTS OF VOTING AFTER A JUDICIAL RECOUNT RÉSULTATS DE VOTE APRÈS UN DÉPOUILLEMENT JUDICIAIRE

EC 10421 (12/14)

ELECTORAL DISTRICT / CIRCONSCRIPTION	DATE OF ELECTION DATE DE L'ÉLECTION	
4 4		
BALLOT PAPERS COUNTED / BULLETINS DE VOTES DÉPOUILLÉS FOR / EN FAVEUR DE		NUMBER / NOMBRE
FAMILY NAME, First Name (Political Party) / nom de famille, prér	nom (parti politique)	
FAMILY NAME, First Name (Political Party) / nom de famille, prér	10 N	-
FAMILY NAME, First Name (Political Party) / nom de famille, prér	nom (parti politique)	
FAMILY NAME, First Name (Political Party) / nom de famille, prér	nom (parti politique)	
TOTAL NUMBER OF VALID VOTES CAST / NOMBRE TOTAL DE V	VOTES VALIDES DÉPOSÉS	
REJECTED BALLOTS / BULLETINS DE VOTE REJETÉS		_
TOTAL NUMBER OF VOTES CAST / NOMBRE TOTAL DE VOTES	EXPRIMÉS	
I hereby certify following the judicial recount I presided, the results of the votes obtained by each candidate and of the number of rejected ballot papers are as set out above. AT Ä	Je certifie par la présente qu'à la suite du dépouillement jud résultat des votes obtenus par chaque candidate et des bulle ci-dessus.	
DATE:	NAME OF JUDGE / NOM DU JUGE	
	SIGNATURE OF JUDGE / SIGNATURE DU JUGE	
After the judicial recount, the judge will transmit one copy to each candidate and the original copy to the returning	Après le dépouillement judiciair transmettre une copie à chacun des	e, le juge devra candidats et l'original

Form 6 - Time Sheet (Recount)



EC 06703 (09/2015)

TIME SHEET (RECOUNT)		FEUILLE DE TEMPS (DÉPOUILLEMENT)				
Electoral District / Circonscription		Date of recount / Date du dépouillement				
Claimant / Réclamant			S.I.N. / N.A.S.			
Address / Adresse						
City / Ville Province /		Province / Te	err.	Postal Code / Code postal		
	j	FEES / HO	NORAIRES			
Date	Date Hours worked Heures travaillées		No. of hours N ^{bre} d'heures	Hourly rate Taux horaire	Total (# hrs X \$)	
D - 161 4 D 4		-				
Position / Poste				TOTAL :		
Claimant / Réclamant			Returning Officer / Directeur du scrutin			
Ø			Ø			
		Judge	/ Juge			
Ø						
	CERTIFICATION			CERTIFICATION		

I hereby certify that the work has been performed, the goods supplied or the services rendered and that the claim for payment is in accordance with the Federal Elections Fees Tariff.

Je certifie par la présente que les fournitures ont été livrées, les services rendus, ou les travaux exécutés, et que le paiement demandé est conforme au *Tarif des* honoraires d'élections fédérales.

Form 7 – Application for Reimbursement of Costs at a **Judicial Recount**



EC 06706 (09/2015)

APPLICATION FOR REIMBURSEMENT OF COSTS AT A JUDICIAL RECOUNT

DEMANDE DE REMBOURSEMENT DE FRAIS À UN DÉPOUILLEMENT JUDICIAIRE

(Form 9) (Formulaire 9)			(Formulaire 9)		
Electoral District / Circonscription	10.5	Date(s) of recount / Date(s) du dépouillement			
After a recount, a candidate may make an application to Chief Electoral Officer for the reimbursement of his or costs in respect of the recount, setting out the amount a nature of the costs and whether they were actually a reasonably incurred.	her and	présenter au directeur général des élections une demande remboursement des frais occasionnés par le dépouillement			
Name of candidate / Nom du candidat					
Nature of costs / Nature des f	frais		Amount / Montant		
		TOTAL:			
I, the abovementioned candidate, certify that the costs enumerated above were all in respect of the recount, were all actually and reasonably incurred, and that the attached receipts support these costs.	de ju	essus ont été occasionr diciaire, qu'il s'agit des	certifie que tous les frais énumérés ci- lés dans le cadre du dépouillement frais réellement et raisonnablement us joints justifient ces frais.		
Car	ndidate	e / Candidat			
Please attach original receipts supporting that the costs enumerated above were actually and reasonably incurred in respect of the recount.	frais	uillez joindre les reçus ori s énumérés ci-haut ont asionnés dans le cadre du	ginaux à l'appui pour indiquer que les été réellement et raisonnablement dépouillement judiciaire.		
On receipt of this application, the Chief Electoral Officer shall determine the costs and request that the Receiver General reimburse the candidate's costs up to a maximum of \$500 for each day or part of a day during which the judge conducted the recount.	étal	olira le montant des frais	de, le directeur général des élections et demandera au receveur général un squ'à concurrence de 500 \$ par jour ou souillement judiciaire.		

Form 8 – Appointment and Solemn Declaration



EC 06703 (07/2019)

APPOINTMENT AND SOLEMN DECLARATION

(recount handler, recorder and support staff)

NOMINATION ET DÉCLARATION SOLENNELLE —

	(préposé, secrétaire et personnel de soutien pour le dépouillement judiciaire)						
ELEC	TORAL DISTRICT / CIRCONS	CRIPTION	ÉLECTORALI	E			
PERSC	ON APPOINTED / PERSONNE	NOMMÉE					
Family	name/Nom de famille	Given	name(s) / Prénd				rth (YYYY/MM/DD) / Date de (AAAA/MM/JJ)
Resid	ential address / Adresse résider	ntielle					
No.	Street/Rue	Apt.	City/Ville	City/Ville Province			Postal code/Code postal
Home	Tel. # / N° de tél. au domicile	Cellphor	e # /N° de cellul	ellulaire Email / Cor		el	
	red language of correspondence /La	angue préfér	ée E	nglish / Ang	plais 🗌		French / Français
POSITI	ION / FONCTION			RECOU	NT TEAM # / I	N° DE L'ÉG	QUIPE DE DÉPOUILLEMEN
	APPOINTMEN	JT		2		NOMINA	TION
elector impose such p direction		I have all able by the and acco	I the duties ne holder of ording to my	judiciair accomp	e dans ma c olir toutes le s de sa ch	irconscriptes fonctionarge sel	tionné au dépouillemer tion. Cette personne devr ons et exercer tous le on la loi et selon me
RETU	RNING OFFICER / DIRECT	EUR DU	SCRUTIN			DATE	
SOLEMN DECLARATION I, the undersigned, solemnly declare that: I will perform my duties in an impartial manner and according to the law; I will maintain and aid in maintaining the secrecy of the vote;		DÉCLARATION SOLENNELLE Je, soussigné, déclare solennellement que : • j'accomplirai mes fonctions sans partialité e conformément à la loi; • je garderai et aiderai à garder le secret du vote;					
I will not use the personal or other information to which I may have access in the performance of my services for purposes other than those related to the duties for which I was appointed; I will respect the confidentiality and security guidelines issued by the Chief Electoral Officer;		 je n'utiliserai pas les renseignements personnels o autres renseignements auxquels je pourrais avo accès dans l'exercice de mes fonctions autremer qu'aux fins pour lesquelles mes services sont retenus; je me conformerai aux consignes de confidentialité e de sécurité établies par le directeur général de élections: 					
 I have not and will not violate the Canada Elections Act; The information on this form relating to me is correct. 			 je n'ai pas enfreint et je n'enfreindrai pas la Lélectorale du Canada; les renseignements sur ce formulaire qui m 				
				conce	ernent sont e	kacts.	
	ARED BEFORE ME AT ARATION FAITE DEVANT MO	ı		Pr	erson Appoin	ted / Perso	onne nommée (signature)
À							,
This Ce	Day of Jour de	Yea Ann					sioner for taking affidavits) /
Privacy purpos	rsonal information provided is p Act and is issued for federal ar es only. The information is retai tition Bank Elections (PIB) PPU	nd provincia ned in Pers	al electoral	Les rens de la Lo utilisés s conserv	seignements p i sur la protect aux fins des él	ersonnels f ion des ren ections féd	nissaire à l'assermentation) fournis sont protégés en vert seignements personnels et érales et provinciales. Ils sor eignements personnels (FRF
	IBUTION: 1. Ju	dge / Juge			ointee / P	ersonne	3. Returning Officer /

Form 9 –Authorization of Candidate's Representative



EC 06707 (07/2019)

AUTHORIZATION OF A CANDIDATE'S REPRESENTATIVE – RECOUNT

AUTORISATION DU REPRÉSENTANT D'UN CANDIDAT — DÉPOUILLEMENT JUDICIAIRE

Date rec	Date recount began / Date du début du dépouillement			
15				
7	ALITOR	RATION		
d agir cor	AUTORISATION Par la présente, j'autorise la personne susmentionnée à agir comme représentant du candidat susmentionné dan ladite circonscription lors de ce dépouillement judiciaire			
	_	Date		
	DÉCLARATION	SOLENNELLE		
Je, sou	ssigné, déclare soler	nnellement que :		
• je g • je ren: pou fonc s mo • je con des l • sou je r en: en: s i • je n' vote l'inf	arderai et aiderai à q n'utiliserai et ne seignements person urrais avoir accès le ctions autrement qu n mandat; me conformerai didentialité et de séc s'elections; is réserve d'une orde ne prendrai aucune egistrement sonore dépouillement judicia interviendrai pas dai es et ne tenterai pas formation quant à sa	e divulguerai pas les nels ou autres auxquels je ors de l'exercice de mes le pour les fins d'exerce aux consignes de curité du directeur généra connance contraire du juge photo et je ne ferai aucur ou vidéo de la procédure aire; ns le dépouillement des d'obtenir de		
DÉCLA	RÉ DEVANT MOI			
This Ce	Day of Jour de	Year Année		
	Par la agir con ladite de la source de la so	AUTOR Par la présente, j'autorise la agir comme représentant du ladite circonscription lors de de la dite circonscription lors de la dite circonscription lors de de la dite circonscription lors de la dite circonsc		

1. Judge / Juge

2. Representative / Représentant

3. Returning Officer / Directeur du scrutin

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