

A Guide for Scrutineers (F0411)

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Overview

Elections Ontario (EO) has prepared this guide to provide information to scrutineers about their role in the electoral process in Ontario.

EO is responsible for administering provincial elections in Ontario. It is a non-partisan office of the Legislative Assembly of Ontario (LAO), which means that it has no political affiliation. EO protects the integrity of the electoral process by ensuring that Ontario provincial elections are independent, impartial, secure, transparent, and accountable. It also provides Ontarians with information they can use to learn more about provincial elections, the electoral process and how they can participate in elections.

A scrutineer is appointed to represent their candidate at a poll. A scrutineer's role is to observe the electoral process, from before the poll opens until the poll closes, including the counting of ballots after polls close and the tallying of unofficial results. To do this properly, a scrutineer should understand their rights and responsibilities. The scrutineer's main point of contact will be the candidate that they are representing or the person the candidate has appointed as a designate. The scrutineer's candidate or candidate's designate will be the one to answer their questions about dates, times, locations, and other logistical details.

Introduction

This guide is designed to help scrutineers perform their duties. It includes information about:

- Who is eligible to become a scrutineer
- How to become a scrutineer
- The rights and responsibilities as a scrutineer
- The different ways Ontarians can vote
- The scrutineer's role in ensuring an election is fairly and properly administered
- Unofficial election results

Scrutineers' rights and responsibilities are governed by Ontario's *Election Act*. If any conflict arises between what appears in this guide and the provincial *Election Act*, the *Act* is deemed to be the exclusive authority with respect to the conduct of elections in Ontario. Unless otherwise stated, all queries related to the content of this guide should be directed to your candidate.

This document is also available in accessible formats, such as large print.

Disponible en français.

Part One: Becoming a Scrutineer

Who is a scrutineer?

A scrutineer is a person appointed to represent a candidate at a poll in a voting location. A scrutineer's role is to observe the electoral process and scrutinize its integrity and fairness. They work closely with EO poll officials but must never directly interact with electors. While at a voting location, the poll official who oversees the voting location has the final say in all matters regarding that voting location.

Who is eligible to become a scrutineer?

A person that is 16 years of age or older may become a scrutineer and observe the electoral process. Only scrutineers who are also qualified electors (over 18 years old, a Canadian citizen and a resident of Ontario) can raise objections or challenge electors. These duties are described in more detail in Part 2 - Rights and Responsibilities of Scrutineers.

How does one become a scrutineer?

A candidate or candidate's designate appoints a scrutineer by completing and signing the Appointment of Scrutineer (F0412) form and providing it to the scrutineer. The scrutineer needs this form to gain access to voting locations. The candidate or candidate's designate's original signature is not required on the Appointment of Scrutineer (F0412) form. Forms that contain photocopied signatures are acceptable.

What should one do to prepare for the role?

EO strongly recommends that any person planning on acting as a scrutineer on election day should vote in advance either at an advance poll in their electoral district or by special ballot at the local election office or by vote by mail.

Scrutineers are not permitted to wear any item of clothing or accessory which identifies a political party or candidate (e.g. logos, t-shirts, ribbons, colours, etc.) in the voting location.

Part Two: Rights and Responsibilities of Scrutineers

Scrutineers should be aware of their rights and responsibilities. This section details what a scrutineer can do, as well as the rules they must adhere to while performing their duties.

There can only be one scrutineer per candidate for each poll official that issues a ballot to an elector during voting and only one scrutineer per candidate for each poll official that count or tabulates ballots.

Note: At the local election office there can be one scrutineer per candidate for each counting team for special ballot voting.

What can a scrutineer do?

A scrutineer has the right to:

- Vote at an advance poll, by special ballot, or request a transfer to another polling place other than his or her own but in the same electoral district if they are working on election day.
- Inspect the inside of the empty ballot box before the poll opens and initial the seals used to secure the ballot box or tabulator when the ballot boxes are being securely closed on the first day of advance polls and on the morning of polling day.
- Monitor the voting process at more than one voting location.
- Pick up the Electors Who Voted on Polling Day (F0528) sheets from the appropriate candidate folder every half hour at a poll without technology, these are the strike-offs by sequence number of the electors who voted and are on the Polling Day List of Electors (F0313).
- Request the Electors Who Voted on Polling Day (F0528) sheets from the Supervising Deputy Returning Officer (SDRO) at a poll with technology, these are the strike-offs by sequence number of the electors who voted and are on the Polling Day List of Electors (F0313).
- Leave and return to the voting location while voting is occurring; however, they may not enter or re-enter a voting location once the polls have closed.

- Challenge an elector through the poll official if they are a qualified elector (18 years of age or older, a resident of Ontario and a Canadian citizen).
- Observe revision activities at all polls; however, objections to revisions are not allowed.
- Write down candidate unofficial result totals once polls close after 9:00 P.M. (EST) on election day for any poll where they are observing ballot counting or tabulation.
- Fill in temporarily for a poll official who has fallen ill (18 years of age or older, a resident of Ontario and a Canadian citizen) if asked to do so; however, they may decline to serve if requested. While acting in the capacity of a poll official, whether for a short duration or for the entire day, they cease to be a scrutineer.
- Continue to serve as a scrutineer after filling in temporarily for a poll official.

A scrutineer has the responsibility to:

- Conduct themselves responsibly, and in a way that does not interfere with the administration of the poll or intimidate electors or poll officials.
- Take and sign the Oath of Secrecy.
- Wear the EO scrutineer label.
- Maintain a reasonable distance from the poll official.
- Keep the ballot counting and tabulating proceedings secret.

What is a scrutineer prohibited from doing?

A scrutineer cannot:

- Speak to electors.
- Enter an elector's room when voting is taking place at their bedside or locked down areas of a long-term care facility.
- Act as an interpreter.
- Touch ballots.
- Touch the tabulator except to sign the ballot seals or view the inside of the empty box before polls open.

- Wear any candidate paraphernalia (e.g. buttons, pins, badges, stickers, sashes).
- Wear clothing or colours that identify a political party or candidate.
- Reveal any information or knowledge about how an elector has voted.
- Interfere with or disrupt the voting process, or continually or repeatedly challenge electors.
- Place any materials on the poll official's table.
- Remove any forms from the poll official's table.
- Make or take calls, or send texts, on a mobile device while inside the voting location.
- Use a mobile device in a way that compromises the secrecy of the vote, or otherwise causes disruption to the voting process (i.e. taking videos or pictures at the polls or posting any aspect of the voting process on social media).
- Post any partisan documentation at the voting location. A voting location is not just the room where voting takes place. It includes the building and surrounding areas of the property. If the voting location is in an apartment building or similar property, this applies only to the common areas but not individual residential units.

What can a scrutineer bring to a voting location?

A scrutineer may bring:

- Communication devices, such as cell phones, pagers, and personal digital assistants on their person, if they are set to silent or vibrate mode.
- Meals and/or snacks. Note: schools do not allow any products containing nuts, such as peanut butter.
- Pen and paper.
- Purse and/or other personal effects.

Part Three: Procedures at the Polls

Ways to Vote

There are many ways to vote in Ontario provincial elections. This section gives an overview of the options available to an elector to vote and explains scrutineers' rights and responsibilities during the voting process for each option.

The different voting options include:

- Election day: Polls are open from 9:00 A.M. to 9:00 P.M. (EST). On election day, an elector can only vote in person at their assigned voting location. Electors receive a Voter Information Card (VIC) which informs them of their voting location. The VIC is mailed to electors who are on the List of Electors.
- Mobile polls: These polls are election day polls but are open for part of the day at one location and could move to another location later in the day.
- Advance polls: These polls are open from 10:00 A.M. to 8:00 P.M. (EST) over multiple days in advance of election day. Electors can vote at any advance poll in their electoral district. There are two types of advance poll locations:
 - Local election office advance poll
 - Area advance poll
- Special ballot: Electors who cannot vote on election day or at
 - an advance poll may vote by special ballot. Electors have several options for voting by special ballot, including:
 - In person at the local election office;
 - By mail;
 - By requesting a home visit under certain conditions;
 - Through the hospital program, (during a general election only) at a participating hospital.

Voting Processes and Scrutineer Rights and Responsibilities

Scrutineers have different rights and responsibilities depending on the voting option that is being utilized. These differences affect how they interact with poll officials at the different polls and position themselves at the poll. The section below provides more details about the responsibilities of scrutineers for each voting option.

Election Day Processes and Scrutineer Rights and Responsibilities

There are two different types of polls that will be used on election day:

- Polls that do not have technology
- Polls that have technology

In a poll without technology, all processes in the poll are manually conducted by the poll official. Poll officials use paper-based lists that include the name of the elector and their address. When an elector comes to the poll to vote, the poll official checks the elector's ID, then manually looks through the paper list to verify the elector's information and marks them as having voted. Ballots are counted manually for polls without technology.

In a poll with technology, poll officials use two pieces of technology to automate manual processes. The first is an electronic poll book (ePoll Book) which allows a poll official to quickly find an elector's information from an electronic list of electors and perform the necessary steps to issue a ballot. The second is a vote tabulator which automates the counting of ballots.

While there are some small differences in the processes between polls with and without technology, the basic procedures that a scrutineer should follow are the same.

What should a scrutineer do when they arrive at the voting location?

When a scrutineer arrives at the voting location, they should:

1. Sign in with the poll official; the Deputy Returning Officer (DRO) for each poll that they are scrutinizing for polls without technology, or the SDRO at a poll with technology.
2. Present their Appointment of Scrutineer (F0412) form.
3. Take the Oath of Secrecy.
4. Complete and wear the EO Scrutineer Identification Label (includes their name and candidate's number).

The EO Scrutineer Identification Label is the only identification a scrutineer can wear in the voting location.

Reminder on Advertising Rules - No Campaigning at Voting Locations

To maintain the integrity of the election, clothing or accessories that identify a party or candidate are not permitted in a voting location where electors are casting a ballot. Similarly, distributing pamphlets or campaign literature to voters as they enter a voting location is not allowed. Voting screens will also be checked regularly for markings and campaign literature.

What constitutes a voting location?

- **Public Property:** The entire property of the voting location, including parking lots, road allowances and all the boundaries associated with it are considered part of the voting location.
- **Private Property (such as an apartment or condominium):** Common elements (examples: lobby, party rooms, etc.) of those buildings are considered part of the voting location. However, individual units are not considered common elements. When campaigning inside such buildings while a poll is operating, candidates and volunteers can leave door hangers on the doors of residential units (provided they are not visible from the area where voting is taking place). Campaign material must not be left in common/shared areas where voting is being conducted.

The Deputy Returning Officer is the final arbiter and may take whatever action is necessary to preserve the secrecy of the ballot and maintain peace and order at the voting location, including removing signs from the voting location.

What can a Scrutineer do if acting at more than one voting location?

Scrutineers acting in multiple locations must sign in with the poll official each time they go to a new voting location. They must present their Appointment of Scrutineer (F0412) form at each new voting location, as well as re-take the Oath of Secrecy and complete and wear a new Scrutineer Identification Label.

If returning to a voting location where they have already signed in with a poll official and taken the Oath of Secrecy, they can simply check in again with the poll official.

Where does a scrutineer sit at the voting location?

Generally, a scrutineer is positioned slightly behind and to the side of the poll official. At polls without technology, the scrutineer sits behind a DRO or Poll Clerk. At polls with technology, they sit behind a DRO. This allows the scrutineer to see and hear the voting proceedings.

A scrutineer may be seated so they can view how the poll officials are processing electors, but they do not have a right to sit at the desk with officials.

How can a scrutineer challenge an elector at a voting location?

A scrutineer has the right to challenge electors if they are a qualified elector (i.e. 18 years of age or older, a resident of Ontario and a Canadian citizen). They may not challenge electors if they are not a qualified elector.

A scrutineer may choose to challenge an elector if:

- They do not believe the elector is qualified to vote (if they believe the elector is not 18 years of age or older, not a resident of Ontario, or not a Canadian citizen).
- They believe the elector has already voted.

If a scrutineer wants to challenge an elector, they must do so through the poll official they are sitting with. They are not allowed to speak directly to the elector. The poll official in charge of the voting location makes the final decision about a scrutineer's

challenge of an elector.

Scrutineers do not have the right to independently handle or inspect the documentation that electors provide. In addition, they may not ask poll officials to stop what they are doing, or request that poll officials show their documentation or review it with them.

Electors Who Voted on Polling Day (F0528)

The Electors Who Voted on Polling Day (F0528) sheet is a list of elector poll sequence numbers for electors who are on the Polling Day List of Electors (F0313) and who have voted on election day. It can be used in conjunction with the Polling Day List of Electors (F0313) to determine who has voted in the poll. It is provided to scrutineers by the DRO in a poll without technology and the SDRO in a poll with technology.

Note: Any electors who are added to the Polling Day List of Electors (F0313) prior to voting will not be on the Electors Who Voted on Polling Day (F0528) sheet as they do not have a poll sequence number at the time of voting.

In a poll without technology, poll officials fill out a legal-sized sheet as electors vote and put them into numbered folders that correspond to the candidate's number on the ballot. Poll officials update these sheets every 30 minutes and place them in the numbered folders for scrutineers to pick up.

In a poll with technology, the form is a regular-sized sheet that is printed by the SDRO on demand when asked for by a scrutineer.

A scrutineer who wants to contact their candidate to provide an update about how many electors have voted at a voting location, must step outside of the voting location to make the phone call.

A scrutineer is responsible for the safekeeping of their copies of the Electors Who Voted on Polling Day (F0528) sheet. All copies should be returned to the scrutineer's campaign office for proper disposal. Scrutineers cannot retain copies or leave copies in public places.

Advance Voting Processes and Scrutineer Rights and Responsibilities

Area Advance Polls

Area advance polls are similar to local election office advance polls, however, there are some important differences. Area advance polls are open for multiple days, and do not include assistive voting technology (AVT).

Ballots that have been processed by the vote tabulator that day are removed from the

ballot box and placed in an Accepted Ballot Envelope (F0001).

The Accepted Ballot Envelope is sealed and provided to the Advance Poll SDRO for delivery to the local election office. If a scrutineer is present at the end of the day, they can watch the procedure and can choose to initial the sealed envelope. All Accepted Ballot Envelopes are held in a safe and secure location at the local election office until polls have closed at 9:00 P.M. (EST) on election day, when all votes will be tabulated.

Local election office special ballot voting

A scrutineer may scrutinize in-person special ballot voting at local election offices from Day 7 to Day 1 of the election calendar. They cannot scrutinize special ballot voting at local election offices prior to Day 7.

When a scrutineer arrives at a local election office to scrutinize in-person special ballot voting, they must:

1. Sign-in with the Special Ballot Revision Officer (SBRO)
2. Present their Appointment of Scrutineer (F0412) form
3. Take the Oath of Secrecy
4. Complete and wear the EO Scrutineer Identification Label

During in-person special ballot voting at local election offices, a scrutineer may observe the casting of ballots. They may also challenge electors through the Special Ballot Revision Officer they are sitting with.

A scrutineer may choose to challenge an elector for two reasons:

- They do not believe the elector is qualified to vote (if they believe an elector is not 18 years of age or older, not a resident of Ontario, or not a Canadian citizen)
- They believe an elector has already voted

The Electors Who Voted on Polling Day (F0528) sheet is not available at local election office advance polls or during area advance polls. Local election offices are open for in-person special ballot voting (Day 7 to Day 1 of the election calendar) from: (all times are EST)

- 10:00 A.M. to 8:00 P.M. on Day 7.
- 12:00 P.M. to 5:00 P.M. on Day 4.
- 10:00 A.M. to 8:00 P.M. on Day 3 and Day 2.
- 10:00 A.M. to 6:00 P.M. on Day 1.

At the end of the day, after each day of voting, the vote tabulator is powered off. The vote tabulator is then put in a safe and secure location. It is used to tabulate the ballots that have been cast during the in-person special ballot voting after 9:00 P.M. on election day, when all polls have closed.

Part Four: Election Night

What happens when polls close on election day?

All polls in Ontario provincial elections and by-elections close at 9:00 P.M. (EST). At the end of the day, once all electors standing in line at the voting location by 9:00 P.M. (EST) have voted, poll officials will ensure that all electors have left the voting location and lock the doors.

Scrutineers must arrive at the voting location before 9:00 P.M. (EST) if they want to observe the closing of the poll. They may not enter or re-enter a voting location after the polls are closed and the count has started.

Once polls close on election night, ballots are counted. Results are generated either by a manual count by poll officials for voting locations that do not use technology or by vote tabulators in all polls where technology is used. All results are then called into the local election office by the poll officials. These unofficial results are immediately made available to scrutineers and candidates who are present for the count or tabulation and are posted on the EO website and shared with the public.

Results reported on polling night are unofficial and are provided as a public service. The date and time of the official tabulation is printed on the Notice to Voters (F0230). Candidates can share this information with their scrutineers. The candidate or their designate may be present at the official tabulation, which is held at the local election office. The ballot statement that recorded the totals for each candidate is used to compile the official poll results. If no one applies for a judicial recount, the Returning Officer submits the official return to the Chief Electoral Officer (CEO) at EOHQ seven days after the official tabulation.

What happens when ballots are counted in a poll without technology?

Ballots are counted by the DRO or SBO. The counting process is observed by candidates or their scrutineers. When counting the ballots, the DRO or SBO opens the ballot box in full view of everyone present, and then empty the contents of the ballot box onto a table for sorting and counting.

Ballots are sorted into three piles: accepted ballots, rejected ballots, and unmarked ballots. It is up to the DRO or SBO to determine under which category a ballot falls. A scrutineer may object to ballots at this point, and the DRO or SBO will make a note of any objections. The DRO or SBO has the final say on whether to accept or reject a ballot.

The DRO or SBO have separate envelopes for accepted, rejected, and unmarked ballots. Once the DRO or SBO has counted the piles of ballots, they are placed in the respective envelopes and the DRO or SBO writes the number of each type of ballot on the corresponding envelope.

The DRO then completes the Unofficial Ballot Count for Scrutineers (F0529) form, which includes the count for accepted ballots for all candidates, as well as the counts for rejected and unmarked ballots from that voting location.

A scrutineer may receive the Unofficial Ballot Count for Scrutineers (F0529) form for special ballot voting from the SBRO once all special ballot voting processes are complete.

What can a scrutineer do while ballots are counted in a poll without technology?

If present, a scrutineer may observe the entire counting process, from the unsealing of the ballot box to the final completion of the Unofficial Ballot Count for Scrutineers (F0529) form. They may also object to ballots as the DRO or SBO is counting them.

Common reasons to object to a ballot include:

- The ballot is unmarked
- The ballot has been marked in more than one circle corresponding to a candidate
- The ballot is marked **ONLY** on the black printed area (i.e., not in a circle corresponding to a candidate)
- The ballot is written on or marked in such a manner as to identify the voter

The DRO or SBO makes a note of any objections, however, the DRO or SBO has the final say on whether to accept or reject a ballot.

Once the scrutineer has received the unofficial count from the DRO, they may inform their candidate of the results. Scrutineers should return their copy of the unofficial count to their campaign office for proper disposal. They should not retain copies or leave copies in public places. Scrutineers should keep in mind that this is the unofficial count; the official count will not be released until the return of the writ.

What happens when ballots are tabulated in a poll with technology?

Ballot tabulation is performed by the vote tabulator and is overseen by the Tabulator Deputy Returning Officer (TDRO). The tabulation process is observed by poll officials, as well as candidates or their scrutineers.

When tabulating the ballots, the TDRO operates the tabulator which prints out the unofficial results for the voting location. The TDRO then tapes a copy of the unofficial results to the wall for scrutineers or candidates to view.

This process also applies to ballots cast at local election office advance polls, which are tabulated after 9:00 P.M. (EST) on election day at the local election office. Scrutineers may be present at the local election office for the tabulation of ballots cast during advance polls.

Note: For special ballot voting all vote tabulator tapes are given to the SBO.

What can a scrutineer do while ballots are tabulated in a poll with technology?

If present, a scrutineer may observe the entire tabulation process while the TDRO operates the vote tabulator and then posts the unofficial results. Since the vote tabulator processes the ballots, scrutineers are not permitted to object to a ballot or the count.

Once the TDRO has posted the unofficial count, scrutineers may inform their candidates of the results. Scrutineers should keep in mind that this is the unofficial count; the official count will not be released until the return of the writ.

Part Five: Appendices

Appendix A: Glossary

The following glossary provides a description of the key terms used in this guide. Scrutineers unsure of a term that is not explained in this glossary can contact their candidate or candidate's designate.

Advance Poll:

A voting location for electors who want to vote in person before election day. Electors may vote at any advance poll location in their electoral district.

Area Advance Poll:

A designated advance poll held under section 44 of the *Election Act*, other than the ones held at the local election office. .

By-Election:

An election called in one or more electoral districts between general elections to replace a Member of Provincial Parliament (MPP) who has vacated their seat in the Legislative Assembly Ontario (LAO).

Candidate's Designate:

A person appointed by a candidate to perform certain functions on their behalf, including to appoint scrutineers, be present at any place that a scrutineer may attend, and to observe the official tabulation of votes at the local election office.

Chief Electoral Officer:

An Officer of the Legislative Assembly of Ontario, appointed by the Lieutenant Governor in Council. The CEO has the overall responsibility for administering Ontario's provincial elections.

Election Calendar:

A calendar used during the election period that identifies important dates and activities from the day the writ is issued up until polling day.

Election Period:

The period that begins the day the writ is issued and ends on polling day.

Elector:

A person who is eligible to vote in an Ontario provincial election.

Electoral District:

A geographical area represented by a MPP in the LAO.

List of Electors:

A copy of elector information obtained from the Permanent Register of Electors of Ontario that includes elector names and address data. It is prepared by EO following the writ being issued for a general election or by-election. The List is updated throughout the writ period as people register, update or remove their information. As this gets updated at different points in the electoral process, the name may change slightly. Candidates will be able to receive from their local RO, copies of the following updated lists:

- Preliminary List of Electors (F0313)
- Advance Poll List of Electors (F0313)
- Polling Day List of Electors (F0313)

Mobile Poll:

A poll that is open for part of the day at one location and could move to another location later in the day on election day. Mobile polls are located in nursing homes and in small, long-term care facilities.

Official Tabulation:

The process during which the RO compiles the results for each candidate from the Ballot Statement of the Poll form. At the conclusion of official tabulation, each RO declares the candidate with the most votes to be elected. Candidates or scrutineers are invited to the official tabulation to observe the proceedings.

Poll Official:

An election official who is appointed to administer or support the administration of an election in an electoral district, polling division or voting location.

Recount:

A candidate or an elector in the electoral district may apply to a judge for a recount if they believe there has been an error in the counting of ballots or tabulation of the results. A RO must apply for a recount if the margin between the first and second place candidate is less than 25 votes.

The application for a recount may be granted by the judge if the errors could affect the outcome of the election.

Returning Officer (RO):

An election official who is appointed to administer an election in an electoral district by the Lieutenant Governor in Council upon recommendation from the CEO.

Special Ballot Voting:

A way to vote if a person is unable to vote on polling day or at advance polls may be able to vote by special ballot.

Appendix B: Summary of Materials

Form	Name	Description
F0411	A Guide for Scrutineers	Provides an overview of scrutineer activities. Describes roles and responsibilities of scrutineers while observing voting and counting ballots.
F0405	Candidate's Guide	Provides important information for candidates in an election and what is required of candidates.
F0412	Appointment of Scrutineer	Form used by the candidate or the candidate's designate to appoint a scrutineer.
F0528	Electors who Voted on Poling Day	A list of electors who have voted on election day that is provided to scrutineers by the DRO in a poll without technology or the SDRO in a poll with technology.
F0001	Accepted Ballot Envelope	The repository for the box that holds the ballots that have been processed by the vote tabulator in polls with technology and manually counted by DROs in polls without technology. Scrutineers can initial the sealed envelope.
F0230	Notice to Voters	Form indicates nominated candidates, date and time of official tabulation.
F0529	Unofficial Ballot Count for Scrutineers	The form that records the count for accepted ballots for all candidates in an electoral district, as well as the counts for rejected and unmarked ballots from that voting location.