
Instructions of the Chief Electoral Officer

DATE: 31 October 2023

TO: ELECTION OFFICERS & CANDIDATES – ALL NWT ELECTORAL DISTRICTS

FROM: Chief Electoral Officer

RE: Candidate and Candidate's Polling Agent Participation

This instruction is issued pursuant to sections 8(2), 132, 136.1(3), 137, 144(2), 151.1(6) of the *Elections and Plebiscites Act* (the “Act”). This instruction serves to clarify the involvement of candidates and candidates’ polling agents with respect to:

- Examining the voting record
- Attending the polling station or other place where voting is conducted under the Act
- Observing the counting of votes

Observation and participation

A candidate or a candidate’s polling agent may, during polling hours, examine the voting record used for voting in the office of the returning officer or at an advance voting opportunity and may take any information from such voting record unless an elector would be delayed in casting his or her vote as a result of the examination or taking of information. Only one candidate’s polling agent per candidate at a time may remain in the office of the returning officer or at an advance voting opportunity during voting hours.

Candidates and candidates’ polling agents shall not attend the poll at a multi-district poll, at a mobile poll, or voting by absentee ballot, and they shall not observe the counting of the votes cast at those respective special voting opportunities. Given the relatively small number of votes cast at these special voting opportunities, this prohibition against participation with respect to absentee ballots, mobile polls, and multi-district polls is necessary to protect the impartial administration of elections, the privacy of electors, and the secrecy of the vote.

Consistent with section 126(2) of the *Act*, a candidates’ agent attending at the office of the returning officer or an advance voting opportunity must provide an election officer with their appointment form and take an oath or make an affirmation.

The table provides direction on the allowed and prohibited participation and observation for candidates and candidates’ polling agents:

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CANDIDATE AND CANDIDATE'S POLLING AGENT OBSERVATION AND PARTICIPATION GUIDE		
Poll Type	Attend the poll	Observe vote count
Absentee ballot	No	No
Multi-district poll	No	No
Mobile poll	No	No
Office of the returning officer	Yes	Yes
Advance voting opportunity	Yes	Yes
Polling station on polling day	Yes	Yes