Elections Manitoba
2025 Transcona Byelection
Vote Counting Machine Directive

FROM THE CHIEF ELECTORAL OFFICER OF MANITOBA

Elections Manitoba

Acknowledging Territory

Manitoba is situated on the Treaty Territories and ancestral lands of the Anishinaabeg, Anishininewuk, Dakota Oyate, Denesuline and Nehethowuk Nations, on the Homeland of the Red River Métis and the ancestral lands of the Inuit in parts of Northern Manitoba.

Elections Manitoba is committed to building and strengthening respectful relationships with Indigenous communities to support their participation in the democratic process.

Table of Contents

Elections Manitoba Transcona Byelection Vote Counting Machine Directive from the Chief Electoral Officer of Manitoba

Elections Manitoba (EM) will be using vote counting machines (VCMs), also known as tabulators, in the Transcona byelection on March 18, 2025.

The following information forms the directive for use of vote counting machines as required by *The Elections Act*, s. 101.1(3)

Legislative Authority

The use of vote counting machines is set in legislation in the following sections:

CEO may direct use of vote counting machines
101.1(1)

The chief electoral officer may direct the use of vote counting machines.

Requirements
101.1(2)   The following requirements apply to the use of vote counting machines:

1. A vote counting machine must not be a part of or connected to an electronic network during voting. However, at the discretion of the chief electoral officer, the machine may be securely connected to an electronic network to transmit information to the chief electoral officer or to a returning officer if authorized by the chief electoral officer.
2. A vote counting machine must be successfully tested before it is first used for an election. Testing must include, but is not limited to, logic and accuracy testing.
3. With respect to the marking of ballots, a vote counting machine must be programmed so that it detects the following and provides a notification:
    (a) when there is no mark on the ballot or the mark made cannot be read by the machine;

(b) when there is more than one mark on the ballot.

4. A vote counting machine must not be used in a way that allows a voter's choice to be made known to an election official or to a candidate or scrutineer.

5. A vote counting machine must not be used to generate, print or report election results until after the close of voting on election day.

Procedures established by the CEO

101.1(3)   The chief electoral officer must establish and publish procedures for vote counting machines, including the following:

(a) the use of vote counting machines by the chief electoral officer and election officials;

(b) the testing of vote counting machines as described in item 2 of subsection (2);

(c) the steps to be taken when a vote counting machine provides a notification described in item 3 of subsection (2);

(d) the circumstances in which a voting officer may transcribe a voter's candidate choice onto a replacement ballot, if the voter's intent is clear and the vote counting machine has rejected the ballot or cannot read it;

(e) the security of vote counting machines while they are being used in voting and at other times;

(f) anything else the chief electoral officer considers necessary for conducting voting and maintaining the integrity of voting when vote counting machines are used.

When vote counting machines are used

101.1(4)   When the chief electoral officer directs the use of vote counting machines,

(a) it is not necessary to equip every voting station with a vote counting machine; and

(b) the fact that a vote counting machine returns a marked ballot, or gives a notification that a ballot is not marked correctly, does not violate the secrecy of voting as required by this Act.

If vote counting machine used

114(3)   To protect the secrecy of the vote when ballots are being inserted into a vote counting machine, neither a candidate nor a scrutineer may examine or object to a ballot or to the counting of ballots by the machine.

Usage

Ballots will be issued to voters that will be counted by vote counting machines at the following times:
- during advance voting from March 8 - 15, 2025 at locations determined by the CEO.
- during advance voting from March 8 - 17, 2025 at the local election office.
- on election day on March 11, 2025 at the local election office and other locations determined by the CEO.

For advance voting, VCMs will be used at each polling place.

On election day, VCMs and manual count will be will be used at the polling places.

Elections Manitoba may deploy machines in other locations as required to deliver the election efficiently and effectively.

Testing

Initial testing of the vote counting machines will take place in early February 2025.

Prior to the election, the vote counting machines will be checked and tested. This will include loading the basic operating system (OS, ensuring screens, plugs, tapes and machine basics are all functioning. This pre-work will support post-nomination logic and accuracy testing.

More intensive logic and accuracy testing starts with the close of nominations. Machines will be loaded with information on candidates and poll locations. Test deck ballots will be run to ensure the machines are fully functional and accurately reading each ballot.

Beginning with the close of nominations until the start of advance voting, machines will be programmed, tested, packed and shipped. Machines serving at both advance voting locations and election day polls will be set for advance voting. The materials and memory cards for election day will be shipped for each machine. Local election offices will ensure advance voting machines are reset for election day voting.

The VCMs and hardware will be securely tracked as each machine is checked, programmed, tested, packed and shipped.

Logic and Accuracy Testing

All VCMs used for the Transcona byelection will be tested. The following process will be followed:

1. Each VCM will be set with basic firmware, verified by printout from the machine's tape printout.
2. Spare machines will be set up.
3. PINs will be set for each machine – each machine will have a code to start, pause, resume and close voting, and to generate results.
4. Separate PINs will be set to run election results.
5. Each machine's bar code/asset number and the cards for advance voting (2) and election day (2) will be recorded and tracked.
6. When nominations close, the cards for each advance voting machine will be programmed to include: ED, polling place where the machine is located and confirmed candidates.
7. The cards for each election day machine will be programmed to include: ED, polling place, voting area and candidates.
8. Test ballots will be printed commercially and through designated ballot on demand printers.
9. Test ballots will be marked and run through each VCM.
10. The results from each test deck will be checked on the printed tape against expected results for that test deck.
11. When the printed tape and results report from the card are verified, the cards are secured, and the machine will be reset, signed off and prepped for shipping.
12. Each VCM will have a record of the signed logic and accuracy checklist, which test deck was used and the tape and printed report that verified results.
13. Machines that do not meet the testing requirements will be removed from the testing process and checked, updated and/or repaired.
14. All VCMs will be clearly labelled with the name of the polling place, VCM ID and advance or election day to denote it's programming.

VCMs being used for both advance voting and election day voting will be packed with two sets of verified cards - one set for advance voting and one set for election day. The remaining VCMs will have one set of cards for election day. Cards will either be set in the machine and secured using an official plastic seal, or placed in special packing for secure handling and lockup.

Each tabulator test deck will check for:

- Accurately reading each marked candidate.
- Accurately reading a declined ballot (blank circles).
- Accurately reading a ballot with too many marks (overvoted) and providing a prompt on the screen.
- Accurately reading the presence of the ED, voting officer initials, and on election day, the voting area.
- Accurately reading QR code and timing marks matched to ballot layout.
- Ensuring the screen on the tabulator notes 'plus 1' when a ballot is processed or shows a screen with a prompting message regarding the issue.

Notifications

The prompting messages will be:

- **Overvoted ballot detected**: Prompt the voter to confirm or return.
  - If the voter confirms, the ballot is cast, and no vote will be counted for any candidate. The ballot will be counted as rejected.
  - If the voter selects the return option, the ballot will be returned to the voter and brought to the voting officer who issued the ballot. The ballot will be marked and kept as spoiled. A new ballot will be issued to the voter.

- **Ballot without valid VA selected in VA area**:
  - The ballot will be returned with a warning that the VA information is not present.   The voting officer at the ballot box will fill in the VA if the ballot is legitimate, or the voting officer at the poll will spoil the ballot and issue a new one to the voter. The voter returns to the privacy screen, marks their ballot and proceeds to the VCM.

- **Ballot without information on the Voting Officer (VO) initials area**:
  - The ballot will be returned with a warning that the VO has not signed the ballot.   The voting officer at the ballot box will fill in the initials if the ballot is legitimate, or the voting officer at the poll will spoil the ballot and issue a new one to the voter. The voter returns to the privacy screen, marks their ballot and proceeds to the VCM.

- **Ballot without information on the Polling Place area:**
  - The ballot will be returned with a warning that the polling place information is missing.   The voting officer at the ballot box will fill in the polling place if the ballot is legitimate, or the voting officer at the poll will spoil the ballot and issue a new one to the voter. The voter returns to the privacy screen, marks their ballot and proceeds to the VCM.

Transcribe

There is no expectation that a voting officer may transcribe a voter's candidate choice onto a replacement ballot for the Transcona byelection.

Security of VCM

Before machines go to a poll, Elections Manitoba rigorously tests them to ensure they are working properly and can accurately read ballots. This logic and accuracy testing is applied to every machine before it is used. The way the machines are stored, programmed, shipped, and deployed is tracked. In addition, only authorized officials will be able to operate the machines and perform functions such as open and close the polls, and print results.

When the machines are set up, they will have numbered seals to attach to the ballot box and seals to prevent the memory cards from being removed until authorized.

Definitions

Declined ballot in relation to a ballot, means a ballot that a voter has not marked for any candidate.

Electoral division (ED) is a division with boundaries as set by *The Electoral Divisions Act* also known as a riding or constituency.

Voting area (VA) is a section or area within an electoral division.

Vote counting machine (VCM) means any equipment attached to a ballot box that scans a ballot to record the vote of a voter and tabulate the results of the election.

Voting officer at the ballot box (VO-B) is responsible for proper administration of the voting process at the ballot box. The VO-B supervises the ballot box, operates the VCM, conducts the count and completes the results book including the statement of ballots cast at the polling place.

Voting officer at the poll (VO-P) is responsible for the proper administration of the voting process at the polling station. The VO-P confirms voter eligibility, issues ballots, maintains the voting book and assists with the counting process as required.

Memory card is a type of removable memory card used to read and write large quantities of data in a wide variety of electronic devices.

Overvote means a ballot that a voter has marked for more than one candidate.

CONTACTING ELECTIONS MANITOBA

GENERAL INQUIRIES:

Elections Manitoba
120 – 200 Vaughan Street Winnipeg MB R3C 1T5

Telephone: 204-945-3225
Toll Free in Manitoba: 1-866-628-6837 Fax: 204-945-6011

GENERAL EMAIL ADDRESS:

election@elections.mb.ca

WEBSITE:

 www.electionsmanitoba.ca