



June 2010

GUIDELINES FOR THE SELECTION OF RETURNING OFFICERS

The following guidelines have been prepared by the Office of the Chief Electoral Officer. This will help to ensure that only personnel with the required attributes are selected for this key job in the electoral process.

A number of requirements are dictated by legislation. Two of the statutory requirements relate to residency and political neutrality. The *Election Act* requires that returning officers must be ordinarily resident in the electoral division for which they are appointed. The *Election Act* prohibits returning officers from engaging in political activity and from providing financial support to political entities.

1. Ability to plan and to organize

The first step in the electoral event is the preparation of electoral division maps and the preparation of the List of Electors. Map reading skills are essential. A returning officer must have thorough knowledge of the electoral division and be able to subdivide the electoral division into the appropriate number of subdivisions pursuant to Section 14 of the *Election Act*.

The managerial and operational capabilities to plan and to organize are two essential qualities that a returning officer must have. Prior to a writ of election being issued a returning officer must identify suitable polling places and office space, establish contact with personnel responsible for providing essential services, start election staff selection and prepare for training. Once the writ is issued returning officers must put their plans into operation quickly and efficiently.

The conduct of a successful electoral event requires a returning officer with the ability to select and train a large number of personnel and direct them in meeting their duties and responsibilities.

An integral part of planning is the ability to budget, whether it be human or monetary, resources necessary to accomplish the objective. Experience with managing public funds in a fiscally responsible manner is a definite asset, since returning officers are accountable for their expenditures.

2. Freedom from other commitments

Both during the period that an enumeration is being conducted and for the five plus weeks after the writ of election is issued, returning officers must be able to devote their full time and energy to those activities. A returning officer must open and maintain an election office following prescribed office hours during the campaign period. These offices must be accessible to the public on weekdays from 9 am to 6 pm, Saturdays from noon to 4 pm, and for extended hours throughout the Advance Poll and on Polling Day. Returning officers receive a fair remuneration and, in return, they are expected to be available to provide the required service to the electorate.

There are specified functions which can only be performed by the returning officer and may not be delegated.

3. Ability to communicate

Returning officers must be able to communicate with the public and candidates' campaigns, and they must be able to project an image of competence, reliability and impartiality. They are required to conduct training seminars for a variety of election officials. They may be required to deal with personnel from the media – press, radio and television. They must be able to answer questions on the *Election Act* and the electoral process accurately and articulately. Sufficient formal education to handle written correspondence in a professional manner is essential.

4. Possess tact, common sense and discretion

Tact, common sense and discretion are essential attributes for a returning officer to effectively meet their responsibilities. Returning officers must be able to handle any situation without causing embarrassment to themselves, the Office of the Chief Electoral Officer or the Legislative Assembly or putting the electoral process in jeopardy.

They must be prepared to be non-partisan and to treat all political entities equally. This would necessitate their withdrawal from all political activities throughout the period of their appointment.

5. Ability to solve problems and to make decisions

Throughout the electoral event process returning officers are faced with unique situations and deadlines in connection with meeting the requests and requirements of the electorate and candidates. Although they have the *Election Act*, guides and brochures, receive training and know that they can phone the Office of the Chief Electoral Officer for assistance at any time, final decisions are their responsibility. It is important that they are able to properly assess problems and that they make correct, supportable decisions.

6. Ability to manage within a team environment

The returning officer must be able to recruit, organize and manage staff members within a very busy environment. It is necessary that they develop a cohesive, motivated team from a diverse group of individuals, within a very constrained timeline. They must be able to manage personal stress and to support staff members through stressful periods.

Returning officers must support each other through conscientious hiring practices and information sharing. It is essential that they work cooperatively as part of the provincial election team to ensure that the election is conducted in a consistent manner throughout the province.

7. Interest in the electoral process

It is preferable to select an individual who has some background in the electoral process and who has shown interest in assuming the duties and responsibilities of a returning officer.

8. Knowledge of the electoral division

Returning officers provide front-line electoral services to a large and diverse clientele. It is essential that an individual is selected who is familiar with the various communities within the electoral division, so their specific needs may be anticipated and accommodated. Knowledge of the elector demographic in terms of ethnicity, travel patterns and communities of interest is necessary. Similarly, an awareness of areas of population growth and mobility is needed for effective planning and preparation. The task of recruiting a large staff complement, within tight time constraints, will be facilitated by returning officers' existing community contacts. A positive rapport with the various groups and centres within the electoral division is also necessary.

9. Good physical condition

There are periods of high activity that put considerable mental and physical strain on returning officers. It may be necessary to put in long hours at the office. The returning officer must handle in a polite and pleasant manner, both over the counter and on the telephone, all routine and unique queries, meet very strict deadlines, find and train election staff and travel throughout the electoral division. To meet these responsibilities a person who is in good physical condition is required.

10. Computer familiarity

Upcoming electoral events will be conducted in an increasingly computerized environment. The returning officer must be comfortable working in a Windows Microsoft environment, and using Internet-based applications. While the returning officer does not have to be a technical expert, sufficient knowledge is required to facilitate assigning technical responsibilities to appropriate individuals, and monitoring their progress.

11. General

The returning officer for an electoral division must be a resident elector of that electoral division. Knowledge of the communities within the electoral division is a definite asset.

A returning officer is a public official and must project an image of competence and ability.

As travel within the electoral division is required, the returning officer must have access to and be able to drive a vehicle.

These guidelines are certainly not all embracing when it comes to selecting someone for appointment as a returning officer, but they may be used as a framework within which nominees can be assessed.

Also, please note the requirements of sections 9, 10, 11, 12, and 46 of the *Election Act*, which are attached.

Should you have any questions please do not hesitate to contact the Office of the Chief Electoral Officer at (780) 427-7191.

O. Brian Fjeldheim
Chief Electoral Officer

**Sections 9, 10, 11, 12, and 46 of the *Election Act, RSA 2000,*
*as amended***

Appointment of returning officers

9(1) The Chief Electoral Officer may, 2 years after a general election, appoint a returning officer for each electoral division for the purposes of or in connection with elections, enumerations and plebiscites under this Act and elections under the *Senatorial Selection Act*.

(1.1) If a by-election or plebiscite under this Act or an election under the *Senatorial Selection Act* is to be conducted under this Act before returning officers are appointed under subsection (1), returning officers may be appointed for the purpose of the by-election or plebiscite or the election under the *Senatorial Selection Act*.

(2) The returning officer for an electoral division must be a resident elector of that electoral division and must not be ineligible under section 46 for appointment.

(2.1) Where, in the opinion of the Chief Electoral Officer, the Chief Electoral Officer is unable to appoint a qualified person resident within an electoral division as returning officer for that electoral division, the Chief Electoral Officer may appoint as returning officer an elector resident in any other electoral division as the Chief Electoral Officer considers appropriate.

(3) In addition to performing the duties specified in this or any other Act, a returning officer shall

- (a) from time to time review polling subdivision boundaries on the direction of the Chief Electoral Officer,
- (b) make all advance plans and preparations to enable an enumeration, election or plebiscite to be proceeded with expeditiously and efficiently when called in the returning officer's electoral division,
- (c) keep himself or herself informed and knowledgeable of the requirements of all relevant legislation, and
- (d) from time to time and when requested by the Chief Electoral Officer, investigate and study enumeration, election and plebiscite practices and procedures for the purpose of effecting increased economy, efficiency and service to electors and candidates.

(4) The Chief Electoral Officer shall publish in The Alberta Gazette the name and address of the returning officer appointed for each electoral division.

(5) Each returning officer shall, before assuming the returning officer's duties, take the prescribed oath of office and transmit it to the Chief Electoral Officer.

RSA 2000 cE-1 s9; 2004 c23 s7

Termination of appointment of returning officer

10 (1) A returning officer shall immediately notify the Chief Electoral Officer in writing if the returning officer is unable to act and, if the returning officer wishes to resign, shall submit the returning officer's written resignation to the Chief Electoral Officer.

(2) If a returning officer is for any reason unable or unwilling to act, or neglects the returning officer's duties, the Chief Electoral Officer

- (a) before a writ of election has been issued, or
- (b) after a writ of election has been issued and if there is no election clerk appointed for the relevant electoral division,

may appoint an acting returning officer who shall have all the rights and powers and shall perform all the duties of a returning officer for that electoral division until the returning officer resumes the returning officer's duties or a new returning officer is appointed.

(3) The appointment of a returning officer expires 4 months after polling day of the general election in which he was a returning officer unless it is sooner terminated.

(4) The Chief Electoral Officer shall confirm in writing to each returning officer the date of termination of his appointment.

RSA 1980 cE-2 s8

Remuneration of returning officers

11 All returning officers shall, on performance of their duties at the request of the Chief Electoral Officer, be paid

- (a) an honorarium of the same amount, and
- (b) fees and expenses at the same rate,

prescribed by the Lieutenant Governor in Council.

RSA 1980 cE-2 s9

Prohibition against political activity

12 No person who has been appointed or is acting as a returning officer or election clerk may

- (a) engage in political activity on behalf of any political party, candidate or constituency association or
- (b) make a contribution under the *Election Finances and Contributions Disclosure Act*,

while he is so appointed or acting.

RSA 1980 cE-2 s10

Persons ineligible to be election officers

46 The following persons shall not be appointed or act as returning officers, election clerks, administrative assistants, supervisory deputy returning officers, registration officers, deputy returning officers or poll clerks:

- (a) persons who are not electors;
- (b) (repealed);
- (c) members of the Parliament of Canada;
- (d) members of the Legislative Assembly;
- (e) candidates;
- (f) official agents;
- (g) judges of federal or provincial courts;
- (h) persons who have within the immediately preceding 10 years been convicted of an indictable offence where the penalty that may be imposed for that offence is greater than 2 years' imprisonment.

RSA 2000 cE-1 s46;2004 c23 s24