

Chief Electoral Officer Policy

Subject: Use of Communication Devices within Polling Places

Effective Date: August 5, 2016

Authority

The authority for this policy is derived from the following sections of the *Elections Act*.

S. 222.01 (1) In this section, “communication device” includes any electronic device that is capable of communicating messages, whether in the form of text, images, voice, or other sound or any other form.

(2) The chief electoral officer may, with the prior approval of the Members Services Board, establish rules in respect of the use of communication devices within polling places, and shall publish the rules on the internet website of the office of the chief electoral officer and post them at each polling place.

(3) A rule under this section is, for greater certainty, a regulation under this Act and may

(a) prohibit a person or class of persons from doing any thing in relation to a communication device; and

(b) distinguish among communication devices, persons and classes of persons, places and times.

S. 222.02 No person may record images within a polling place without prior approval of the chief electoral officer.

Policy

General

Use of a communication device that may cause disruption to the normal and orderly proceeding of the polling place is prohibited.

Notice will be posted on Elections Yukon’s website and in polling places as guidance to those present.

Electors

Electors may use the text messaging and email functions of their communication devices within a polling place.

Electors may use a communication device (e.g. cell phone, tablet, personal digital assistant, etc.) within a polling place for the retrieval of digital data for the purpose of fulfilling the requirement to establish identity.

Election Officers

Election officers may use communication devices for text and e-mail messaging and to place and receive phone calls required to perform their duties.

Scrutineers (and candidates) may use the text messaging and email functions of their communication devices within a polling place. The *Elections Act* expressly permits them to convey information obtained from the poll book to scrutineers outside of the polling station. [s. 217(2)]

Scrutineers (and candidates) must leave the polling place to place or receive phone calls.

The *Elections Act* specifically prohibits any person from publishing or broadcasting a result or purported result of the polling in any polling division or electoral district, before the hour set by or pursuant to the *Elections Act* for the closing of the polls or before the expiry of any extension, by any medium whatsoever. [s. 347]

Recording Images

Recording images in a polling place is restricted to media representatives, with prior permission of the Chief Electoral Officer or Returning Officer. [s. 222.02, 227(1)]

Other persons authorized to be present at a polling place are not permitted to use cell phones or other communication devices within a polling place for the purpose of recording images. This general prohibition includes taking a photograph or video of a marked ballot, which is expressly prohibited by sections 240.01(1)(b) and 341(2)(c) and (e) of the *Elections Act*.

For additional information, contact:

Chief Electoral Officer
Elections Yukon
Box 2703
Yukon Government Building
2071 Second Avenue
Whitehorse, YT Y1A 3C6

Phone: 867-667-8683 or 1-866-668-8683
E-mail: info@electionsyukon.ca