

Elections and referendums

A Look at the Role of Returning Officer

In the world of municipal elections, returning officers are often overlooked by the general public, but their role is essential for the democratic process to run smoothly. Julien Merleau and Carmen McDuff, both of whom have held the position in the past, are categorical: it is a demanding and underestimated responsibility, but also an enriching professional and interpersonal experience. *Scribe* asked them to share their perspectives.

Julien Merleau, a lawyer specializing in municipal law at Dunton Rainville, was brought in by a municipality a few months before the 2021 elections, and was stunned by the magnitude of the tasks that awaited. "I knew the role was demanding, but I was struck by the complexity of the responsibilities and the amount of work that takes place before the election period even begins," he explains.

Everything needs to be anticipated right from the start: managing election officers, organizing polling stations, updating lists of electors, verifying candidates, and complying with the strict legal framework. Impeccable, even meticulous, preparation is essential.

"I had a team of around 100 employees and 32 polling stations to manage. Even with deputies and a well-established structure, unforeseen events are common. Bear in mind that any administrative error can have major legal and operational consequences. It can go as far as the vote being contested," says Carmen McDuff, a municipal management consultant with the ADMQ and former director general with extensive experience as a returning officer in a municipality of 13,000 residents.

Election tension and pressure from all sides

One of the major difficulties for returning officers is managing the tensions that arise throughout the electoral process and inevitably come to a head on voting day.

"Polling days are particularly trying. As the hours pass, candidates and their teams get more and more nervous. We often find ourselves arbitrating conflicts between political parties, responding to complaints about sign compliance, or dealing with accusations of bias," says Ms. McDuff.

At such times, it's best to take a deep breath, go for a walk, or have a cup of herbal tea and refocus on the role and respecting the electoral legal framework. "The trickiest thing is to stay completely neutral, despite suspicions or pressure from candidates. We sometimes have to contend with outgoing elected representatives we've worked with for years suddenly seeing us as arbiters of the democratic process. You have to remain impeccably professional," explains Mr. Merleau.

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Elections and referendums

- *“Behind every well-organized election, there are months*
- *of work and preparation. It’s a demanding role, but also*
- *a deeply rewarding one.”*



– **Mr. Julien Merleau**
Lawyer specializing in municipal law
at Dunton Rainville

That neutrality is tested by incessant requests for access to information, which is then sometimes exploited for strategic ends, adds Ms. McDuff. “I have had to manage situations where candidates tried to get around the rules by posting election materials outside authorized areas or using vehicles decorated in party colours around polling stations,” recounts the former director general.

Counting: A critical moment

Counting the votes is often the high point of the electoral process, but it can also be one of the trickiest to manage. “Candidates and their representatives scrutinize every move. They challenge certain ballots, monitor election officers, and watch for the slightest irregularity. We have to be extremely careful to avoid any disputes,” cautions Ms. McDuff.

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– **Ms. Carmen McDuff, DMA**
Municipal management consultant
with the ADMQ

In addition, returning officers need to remain alert for exceptional cases and not hesitate to refer to the Chief Electoral Officer’s staff when in doubt. Mr. Merleau recalls one striking case that illustrates the challenges of maintaining anonymity in voting.

During the advance polls, there was a polling station that only received one elector. When it was time to count the votes, the link between their vote and the result was obvious, and this led to unease. “This kind of situation, while rare, highlights the rigidity of the electoral framework and the importance of discretion.”

While he encountered a few challenges, the lawyer takes great pride in the role he played as returning officer.

“Nothing is more gratifying than seeing an election run smoothly and without a hitch. Behind every well-organized election, there are months of work and preparation. It’s a demanding role, but also a deeply rewarding one,” he concludes.

Checklist for municipal returning officers

Returning officers face many challenges, but there is a set of best practices they can draw on to ensure that the electoral process runs smoothly. Here is an overview:

1. Anticipation and preparation

- Check the conformity of candidate applications as soon as they are submitted.
- Make sure that the lists of electors are up to date and handle electors who cannot be cross-referenced.
- Plan room rentals and voting logistics well in advance.
- Hire enough staff, and have a replacement plan in place in case of absences.

2. Neutrality and tension management

- Take a strategic step back as early as possible in the months leading up to the election to avoid any perception of bias.
- Organize an information meeting with all candidates after applications close to standardize how rules will be communicated.
- Remain courteous and factual in the event of conflict or accusations of favouritism.

3. A strict framework for election rules

- Strictly enforce campaign finance and election signage rules.
- Monitor voting areas to prevent unauthorized political propaganda.
- Ensure that the electoral perimeter is respected, particularly with regard to election materials and candidate presence.

4. Effective management of election officers

- Make sure that staff are rigorously trained beforehand.
- Make sure support is available to answer questions from deputy returning officers and election officers on polling day.
- Be prepared for last-minute cancellations and have replacements available.

5. Counting: Rigour and control

- Prohibit the use of mobile phones in the room where the counting takes place to prevent results from being leaked prematurely.
- Ensure that authorized representatives are the only people in attendance and that they follow the instructions.
- Support the deputy returning officer if there are disputes about ballot validity.
- Announce the voting results with complete neutrality.

6. After the election: Effective closing

- Promptly report results to the appropriate authorities.
- Produce the required reports on the voting process and any incidents that occurred.
- Verify election workers’ payments and tax returns.
- Collect [feedback](#) to improve future processes.