



CITY OF CAMPBELL RIVER
PROVINCE OF BRITISH COLUMBIA
BYLAW NO. 3356

A BYLAW TO PROVIDE FOR THE USE OF AN AUTOMATIC VOTING SYSTEM AND ESTABLISH VARIOUS PROCEDURES FOR THE CONDUCT OF LOCAL GOVERNMENT ELECTIONS AND OTHER VOTING.

WHEREAS under the *Local Government Act*, the Council may, by bylaw, determine various procedures and requirements to be applied in the conduct of local government elections and other voting; and

WHEREAS the Council may, by bylaw, provide for the use of automated voting machines, voting recorders or other devices for voting in an election; and

WHEREAS the Council of the City of Campbell River wishes to establish various procedures and requirements under that authority and use automated voting machines in local government elections;

NOW THEREFORE the Council of the City of Campbell River in open meeting assembled enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as the “Local Government Election Bylaw No. 3356, 2008.”

2. DEFINITIONS

In this Bylaw unless the context otherwise requires:

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ASSENT VOTING

means voting in accordance with Part 4 – Assent Voting, of the *Local Government Act*.

AUTOMATED VOTE COUNTING SYSTEM

means an automated system that records and counts votes and processes and stores election results. The system is housed in two components, the upper half being the vote tabulator and the lower half being the ballot box.

AUXILIARY BALLOT BOX BIN

means a separate ballot box for ballots that have been marked by electors, but not counted by the vote tabulator.

BALLOT

means a ballot card which may be a composite ballot for two or more elections to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes.

BALLOT ACCOUNT

means an account of ballots prepared in accordance with Section 141 of the *Local Government Act*.

BALLOT BOX

means the container for ballots that have been marked by electors.

CHIEF ELECTION OFFICER	means the election official appointed under Section 58 of the <i>Local Government Act</i> to conduct the election.
DEPUTY CHIEF ELECTION OFFICER	means the election official appointed under Section 58 of the <i>Local Government Act</i> to assist the Chief Election Officer in administering the conduct of the election.
ELECTOR	means a resident elector or property elector of the jurisdiction as defined under the <i>Local Government Act</i> .
ELECTION	means an election for the number of persons required to fill a local government office.
ELECTION OFFICE	means the location used for the preparation and operation of the election.
ELECTION OFFICIALS	means individuals appointed by the Chief Election Officer to assist the presiding election official at election proceedings and act as alternate presiding election official.

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GENERAL LOCAL ELECTION	means the elections held for the Mayor and all Councillors of the Municipality which must be held in the year 2014 and in every fourth year after that.
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GENERAL VOTING DAY	means: <ul style="list-style-type: none"> (a) for general local election, the 3rd Saturday of October in the year of the election; (b) for other elections, the date set under Sections 54(5), 55(1) or (3), or 152(5) of the <i>Local Government Act</i> ; and; (c) for assent voting, the date set under Section 174(2) of the <i>Local Government Act</i>.
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JURISDICTION	means, in relation to an election, the City of Campbell River.
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LEGIBLE MARK	means a mark in the space provided on the ballot opposite a candidate's name or a question that the vote tabulator is able to read and count.
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LOCAL GOVERNMENT ACT	means <i>Local Government Act, R.S.B.C., 2015, Chapter 1</i> .
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LOCAL GOVERNMENT	means, in relation to a Municipality, the Council.
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MEMORY CARD	means a cartridge unit that plugs into the vote tabulator that contains: <ul style="list-style-type: none"> (a) the names of the candidates or questions being voted on; (b) the alternative "yes" and "no" for each bylaw or other matter on which the assent of the electors is being sought; and
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- (c) a mechanism to recover and retain information on the number of acceptable marks made for each.

PORTABLE BALLOT BOX

means a ballot box which is used at a voting place where a vote tabulator is not being used at the time of voting.

PRESIDING ELECTION OFFICIAL

means the election official appointed by the Chief Election Officer to conduct election proceedings where the Chief Election Officer is not acting as presiding election official.

REGISTER TAPE

means the printed record generated from a vote tabulator which shows:

- (a) the number of ballots received;
- (b) the number of ballots accepted;
- (c) the number of ballots rejected; and
- (d) the number of votes for each candidate; and for and against each referendum question.

SECRECY SLEEVE

means an open ended folder or envelope used to cover ballots to conceal the elector's marks.

VOTE TABULATOR

means the part of an automated voting system into which the ballots are inserted scanned and the number of votes for each candidate and for each referendum question are recorded.

VOTING BOOK

means the book for recording the names of electors.

ASSENT VOTING

means voting in accordance with Part 4 – Assent Voting, of the *Local Government Act*.

3. USE OF PROVINCIAL LIST OF VOTERS AS THE REGISTER OF RESIDENT ELECTOR

For the purposes of all local elections and submissions to the electors under Part 3 and 4 of the *Local Government Act*, the most current available Provincial list of voters prepared under the *Election Act*, shall become the register of resident electors on the 52nd day prior to the general voting day for such elections and submissions to the electors.

4. USE OF AUTOMATED VOTING SYSTEM

- 4.1 The Chief Election Officer is hereby authorized to conduct any local government election using an automated voting system.
- 4.2 The Chief Election Officer must conduct a test of the automated voting system before each local government election and must be satisfied that it is in good working order.
- 4.3 As soon as the test of the automated voting system is completed, the Chief Election Officer must secure the memory cards and ensure that they will remain secured until the election, or other voting.

5. FORM OF BALLOT

- 5.1 The Chief Election Officer may provide for use of composite ballots on which an elector's votes on two or more elections may be indicated.
- 5.2 If a ballot is in the form of a composite ballot, each portion of the ballot that deals with a single election is to be considered a separate ballot.
- 5.3 Each ballot shall contain a space for a "legible mark" opposite each candidate's name, or opposite "yes" or "no" when the vote is on a bylaw or other matter on which the assent of the electors is sought.

6. VOTING PROCEDURES

- 6.1 The Chief Election Officer will select a presiding election official for each voting place whose duties are to ensure election officials demonstrate voting procedures, issue ballots and accept marked ballots at the vote tabulator and ballot box, in addition to other general responsibilities for the supervision and control of the voting place.
- 6.2 Each elector is entitled to a demonstration if requested of voting procedures from an election official assigned to perform such demonstrations.
- 6.3 Upon completion of the voting demonstration, if any, the elector shall proceed as instructed, to the election official responsible for issuing ballots, who, upon fulfillment of the requirements of the *Local Government Act*, shall then provide a ballot to the elector, a secrecy sleeve if requested by the elector, and any further instructions the elector requests.
- 6.4 Immediately after receiving the ballot, the elector must proceed to a voting compartment to vote. If the elector is unable to mark a ballot because of a physical disability or difficulties in reading or writing or is unable to enter the voting place because of physical disability or impaired mobility, he or she may vote in accordance with the procedures outlined in Sections 131 and 132 of the *Local Government Act*.
- 6.5 The elector shall vote by making a legible mark on each ballot beside the chosen candidate (or candidates, where there is more than one vacancy), or beside the "yes" or "no" when the vote is in relation to a bylaw or other matter on which the assent of the electors is sought. An elector may mark only up to the same number of spaces on the ballot as the number of vacancies in office and may not mark more than one space on a ballot in relation to a bylaw or other matter on which the assent of the electors is sought.
- 6.6 Once the elector has finished marking the ballot, the elector must either place the ballot into the secrecy sleeve, if one has been requested, or turn the ballot upside down and proceed to the vote tabulator.
- 6.7 Under the supervision of the election official in attendance, the elector must insert the ballot directly from the secrecy sleeve, if applicable, into the vote tabulator without the acceptable marks on the ballot being exposed.
- 6.8 If:
 - a) an elector has unintentionally spoiled a ballot or made a mistake before it is deposited in a ballot box; or
 - b) the vote tabulator will not accept the ballot;

the presiding election official must issue a new ballot to the elector and mark the returned ballot "spoiled". Spoiled ballots must be retained and kept separately from all other ballots and must not be counted in the election results.

- 6.9 If a ballot is rejected by the vote tabulator, the election official at the ballot box must advise the elector that he or she may request another ballot. If the elector refuses the opportunity to request another ballot, the election official will instruct the vote tabulator to accept the rejected ballot.
- 6.10 Any ballot counted by the vote tabulator is valid and will be counted in the election results, subject to any determination made by the Chief Election Officer on a recount.
- 6.11 Once the ballot has been inserted into the ballot box, the elector must immediately leave the voting place.
- 6.12 If the vote tabulator stops functioning, the election official at the ballot box must insert all ballots delivered by the electors while the vote tabulator is not working into the auxiliary ballot box bin for counting at a later time.

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- 6.13 Any ballots that were temporarily stored in the auxiliary ballot box bin and are returned by the vote tabulating unit when being counted shall, through the use of the ballot return override procedure and under the supervision of the presiding election official, be reinserted into the vote tabulating unit to ensure that any acceptable marks are counted.

7. ADVANCE VOTING OPPORTUNITIES AND PROCEDURES

- 7.1 As authorized under Section 107 of the *Local Government Act*, the following required advance voting opportunities are established to be held in advance of general voting day for each election:
 - a) one on the 10th day before general voting day from 8:00 a.m. to 8:00 p.m. and;
 - b) one on the 3rd day before general voting day from 8:00 a.m. to 8:00 p.m.
- 7.2 As authorized under Section 108 of the *Local Government Act*, the Chief Election Officer is hereby authorized to establish dates for additional voting opportunities in advance of general voting day and to designate the voting places and set the voting hours for these voting opportunities.

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- 7.3 Section deleted.
- 7.4 The vote tabulators and regular ballot boxes will be used to conduct advance voting opportunities unless the Chief Election Officer directs that portable boxes be used.
- 7.5 The voting procedures at the advance vote will follow, as closely as possible, the procedures described in Part 6 of this Bylaw.
- 7.6 At the close of the advance voting opportunity, the presiding election official must ensure that:
 - a) any portable ballot boxes are sealed;

- b) no additional ballots are inserted in the vote tabulator;
- c) the ballot boxes used are sealed to prevent insertion of additional ballots;
- d) the register tapes for the advance voting opportunity are not generated;
and
- e) the automated voting system, including the sealed memory cards and ballot boxes and any portable ballot boxes are delivered to the Chief Election Officer for securing until general voting day.

7.7 The Chief Election Officer must ensure that:

- a) the ballot boxes, complete with the memory cards and any portable ballot boxes used for the advance voting opportunity, remain sealed until 8:00 p.m. on general voting day;
- b) the memory cards remain secure until 8:00 p.m. on general voting day; and
- c) the register tapes for the advance voting opportunity are not generated until 8:00 p.m. on general voting day.

8. ADDITIONAL VOTING OPPORTUNITIES AND PROCEDURES

8.1 As authorized under Section 106 of the *Local Government Act*, the Chief Election Officer is hereby authorized to establish additional voting opportunities for general voting day to designate the voting places and set the voting hours for these voting opportunities for each election.

8.2 The vote tabulators and ballot boxes will be used to conduct additional voting opportunities unless the Chief Election Officer directs that portable ballot boxes be used.

8.3 The voting procedures at the additional voting opportunity will follow, as closely as possible; the procedures described in Part 6 and paragraphs 7.5 of this Bylaw.

8.4 The number of candidate representatives who may be present at the additional and special voting opportunities is limited to one, with the candidate representative chosen by agreement of the candidates for that election or, failing such agreement, by the Chief Election Officer.

9. SPECIAL VOTING OPPORTUNITIES AND PROCEDURES

9.1 Under authority of Section 109 of the *Local Government Act*, the Chief Election Officer is hereby authorized to establish special voting opportunities in order to give electors, who may otherwise be unable to vote, an opportunity to do so.

9.2 Special voting opportunities will be restricted to only residents and employees of the location where the special voting opportunity has been established by the Chief Election Officer.

9.3 A presiding election official may attend at pre-approved facilities to take the elector's vote.

9.4 The following procedures for voting and for conducting the voting proceeding apply to the special voting opportunity:

- (a) bedside voting will be permitted when required.

9.5 Portable ballot boxes will be used by the presiding election officials in which the

ballots containing the votes at the pre-approved special opportunity voting places will be placed.

- 9.6 The presiding election officials appointed to attend at the pre-appointed special opportunity voting places shall conduct the voting in accordance with the following and as close as possible to the procedures outlined in Part 6 & 7 of this Bylaw:
- a) explain and demonstrate the voting procedures;
 - b) sign the voting book;
 - c) provide a ballot to the elector, along with a secrecy sleeve, if requested and any further instructions the elector requests;
 - d) allow the elector to mark the ballot in private and place it into the secrecy sleeve if applicable; and
 - e) ensure that the ballot moves directly from the secrecy sleeve if applicable into the portable ballot box.
- 9.7 The presiding election official will ensure that the portable ballot box is secured. As soon as the presiding election official has attended all institutions as directed by the Chief Election Officer, the presiding election official must seal the portable ballot box and return it to the Chief Election Officer for safe keeping until general voting day.
- 9.8 The portable ballot box will be opened at a time determined by the Chief Election Officer and all ballots will be removed and inserted into the vote tabulator.

10. MAIL-IN BALLOTS

- 10.1 As authorized under section 110 of the *Local Government Act*, voting and registration may be done by mail for those electors who meet the criteria in paragraph (b) for each election or other voting.
- 10.2 The following electors are permitted to register to vote by mail and to vote by mail ballot:
- (a) those persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity;
 - (b) persons who expect to be absent from the jurisdiction on general voting day and at the times of all advance voting opportunities.
- 10.3 The following procedures for voting and registration must apply:
- (a) sufficient record will be kept by the Chief Election Officer so that challenges of the elector's right to vote may be made in accordance with the intent of section 110(b) of the *Local Government Act*;
 - (b) a person exercising the right to vote by mail under the provisions of Section 110 may be challenged in accordance with, and on the grounds specified in section 126 of the *Local Government Act*, until the close of voting on general voting day.
- 10.4 The time limits in relation to voting by mail ballot will be determined by the Chief Election Officer.
- 10.5 As provided in the *Local Government Act*, a mail ballot must be received by the Chief Election Officer before the close of voting on general voting day in order to be counted for an election.
- 10.6 The Chief Election Officer will insert the mail-in ballots into a portable ballot box and

at the close of voting, ensure that the portable ballot box is sealed.

11. POST-VOTE PROCEDURES

- 11.1 Immediately after the voting place is closed, the presiding election official must:
- a) insert the ballots from the auxiliary ballot box into the vote tabulator;
 - b) secure the vote tabulator so that no more ballots can be inserted;
 - c) generate two copies of the register tape from the vote tabulator;
 - d) complete the ballot account, attaching one copy of the register tape;
 - e) seal all voted ballots in the ballot box;
 - f) count the unused ballots, spoiled and rejected ballots and place them, packaged separately and sealed, in the ballot box along with the voting book, a copy of the register tape, a copy of the ballot account and all statements and voters lists;
 - g) seal and initial the ballot box and deliver it to the election office; and
 - h) deliver the vote tabulator, one copy of the register tape and the ballot account to the Chief Election Officer as soon as possible.
- 11.2 Presiding election officials must deliver the portable ballot boxes to the voting place designated by the Chief Election Officer. The portable ballot boxes will remain sealed until they are opened for counting by the automated voting system.
- 11.3 The register tapes from the vote tabulators used at the advance vote and special vote will be generated at the election office after 8:00 p.m. on the general voting day.
- 11.4 The portable ballot boxes will be opened, at the direction of the Chief Election Officer, by the designated election officials after 8:00 p.m. on general voting day, and all ballots will be removed and inserted into the vote tabulators for counting.

12. RECOUNT PROCEDURE

If a recount is required:

- a) the memory card of all vote tabulators will be cleared;
- b) vote tabulators will be designated for each voting place;
- c) all ballots will be removed from the sealed ballot boxes; and
- d) all ballots, except spoiled or rejected ballots, will be re-inserted in the appropriate vote tabulators under the supervision of the Chief Election Officer.

13. NUMBER OF SCRUTINEERS AT VOTING PLACES

As authorized under Section 120 of the *Local Government Act*, the number of scrutineers for each candidate that may attend at an election is a maximum of one scrutineer for each ballot box in use.

14. RESOLUTION OF TIE VOTES AFTER JUDICIAL RECOUNT

In the event of a tie vote after a judicial recount, the tie vote will be determined by lot in accordance with Section 151 of the *Local Government Act*.

15. Repeal

Local Government Election Bylaw No. 3178, 2005 is hereby repealed.

Read a first time on the	15 th	day of	July	, 2008
Read a second time on the	15 th	day of	July	, 2008.
Read a third time on the	15 th	day of	July	, 2008.
Adopted this	29 th	day of	July	, 2008.

Original signed by:

Roger McDonell

MAYOR

W.T. Halstead

CITY CLERK