

CITY OF PORT ALBERNI

BYLAW NO. 4963

A BYLAW TO AUTHORIZE AN AUTOMATED VOTE COUNTING SYSTEM AND PROCEDURE

WHEREAS under the *Local Government Act*, the Council may, by bylaw, provide for the use of automated voting machines, voting recorders or other devices for voting in elections or assent voting;

AND WHEREAS the Council of the City of Port Alberni wishes to establish various procedures and requirements under that authority;

NOW THEREFORE the Council of the City of Port Alberni, in open meeting assembled, enacts as follows:

1. CITATION

- 1.1 This Bylaw may be cited as “**Automated Vote Counting System Authorization and Procedure Bylaw No. 4963.**”

2. DEFINITIONS

- 2.1 In this Bylaw the following terms have the following meanings:

Acceptable mark means a completed oval which the **vote counting unit** is able to identify, which has been made by an elector in the space provided on the **ballot** opposite the name of any candidate or opposite either ‘yes’ or ‘no’ on any other voting question.

Automated vote counting system means a system that counts and records votes and processes and stores election or any voting results which comprises:

- (a) a number of **ballot scan vote counting units**, each of which rests on a **ballot** box; and
- (b) a number of **auxiliary ballot boxes** into which voted **ballots** are deposited where a **vote counting unit** is not functioning or being used which will therefore be counted after the close of voting on general voting day.

Auxiliary Ballot Box means the container for ballots that have been marked by an elector but not yet processed through the vote counting unit at the time of voting.

Ballot means a single ballot card designed for use in an **automated vote counting system**, which shows:

- (a) the names of all of the candidates for each of the offices to be filled; and
- (b) all of the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought.

Ballot Box means the container for storing ballots that have been marked by electors and have been processed through the **vote counting unit**.

Ballot return override procedure means the use, by an election official, of a device on a **vote counting unit**, which causes the unit to accept a **returned ballot**.

Election headquarters means Port Alberni City Hall, 4850 Argyle Street, Port Alberni.

Memory pack means a computer software cartridge which is inserted into the **vote counting unit** and into which is pre-programmed the names of all the candidates for each of the offices to be filled, and the alternatives of “yes” or “no” for each question on the **ballot**, and which records and retains information on the number of acceptable marks made for each.

Results tape means the printed record generated from a **vote counting unit** at the close of voting on general voting day, which shows the number of votes for each candidate for each of the offices to be filled, and the number of votes for and against each bylaw or other matters on which the opinion or assent of the electors is sought.

Returned ballot means a voted **ballot** which was inserted into the **vote counting unit**, but which was not accepted and which was returned to the elector with an explanation of the **ballot** marking error which caused the **ballot** not to be accepted.

Secrecy sleeve means an open-ended folder or envelope used to cover **ballots** to conceal the choices made by each elector.

Vote counting unit means the device into which voted **ballots** are inserted and which scans each **ballot** and records the number of votes for each candidate and for and against each question on which the opinion or assent of the electors is sought.

3. USE OF VOTING MACHINES

- 3.1 Council hereby provides for the use of an **automated vote counting system** for the conduct of elections and voting on bylaws or other matters on which the opinion or assent of the electors is sought.

4. AUTOMATED VOTING PROCEDURES

- 4.1 The presiding election official for each voting place shall offer, and if requested, ensure that a demonstration of how to vote using a **vote counting unit** is provided to an elector, as soon as such elector enters the voting place and before a **ballot** is issued.

- 4.2 Upon completion of the voting demonstration, if any, the elector shall proceed as instructed, to the election official responsible for issuing **ballots**, who, upon fulfilment of the requirements of the *Local Government Act*, shall then provide a **ballot** to the elector, a **secrecy sleeve** if requested by the elector, the ballot marking instrument, and any further instructions the elector requests.
- 4.3 Upon receiving a **ballot** the elector shall immediately proceed to a voting compartment to vote.
- 4.4 The elector may vote only by making an **acceptable mark** on the **ballot**:
 - (a) beside the name of each candidate of choice, up to the maximum number of candidates to be elected for each of the offices to be filled; and
 - (b) beside either 'yes' or 'no' in the case of each bylaw or other matter on which the assent or opinion of the electors is sought.
- 4.5 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 counting unit**, and under the supervision of the election official in attendance, insert the **ballot** directly from the **secrecy sleeve**, if applicable, into the **vote counting unit** without the **acceptable marks** on the **ballot** being exposed.
- 4.6 If, before inserting the **ballot** into the **vote counting unit**, an elector determines that a mistake has been made when marking the **ballot**, or if the **ballot** is returned by the **vote counting unit**, the elector may return to the voting compartment to correct the ballot or request a replacement **ballot** by informing the election official in attendance.
- 4.7 Upon being informed of the replacement **ballot** request, the presiding election official shall issue a replacement **ballot** to the elector and mark the **returned ballot** "spoiled" and shall retain all such spoiled **ballots** separately from all other **ballots**, and they shall not be counted.
- 4.8 If the elector declines the opportunity to obtain a replacement **ballot** and has not damaged the **ballot** to the extent that it cannot be reinserted into the **vote counting unit**, the election official shall, using the **ballot return override procedure**, reinsert the **returned ballot** into the **vote counting unit** to count any **acceptable marks** which have been made correctly.
- 4.9 Any **ballot** counted by the **vote counting unit** is valid and any acceptable marks contained on such **ballots** will be counted, subject to any determination made under a judicial recount.
- 4.10 Once the **ballot** has been inserted into the **vote counting unit** and the unit indicates that the **ballot** has been accepted, the elector must immediately leave the voting place.
- 4.11 During any period that a **vote counting unit** is not functioning, the election official supervising the unit shall insert all **ballots** delivered by the electors during

this time, into an **auxiliary ballot box**, provided that if the **vote counting unit** becomes operational or is replaced with another **vote counting unit**, the **ballots** in the **auxiliary ballot box** shall, as soon as reasonably possible, be removed by an election official and under the supervision of the presiding election official, be inserted into the **vote counting unit** to be counted.

- 4.12 Any **ballots** which were temporarily stored in an **auxiliary ballot box** during a period when the **vote counting unit** was not functioning, which are returned by the **vote counting 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 counting unit** to ensure that any **acceptable marks** are counted.

5. ADVANCE VOTING OPPORTUNITY PROCEDURES

- 5.1 **Vote counting units** shall be used at all advance voting opportunities and voting procedures at the advance voting opportunities shall follow, as closely as possible, those described in Section 4 of this Bylaw.
- 5.2 At the close of voting at each advance voting opportunity, the presiding election official in each case shall:
- (a) ensure that no additional **ballots** are inserted in the **vote counting unit**;
 - (b) seal all **ballot boxes** to prevent insertion of any **ballots**;
 - (c) ensure that the **results tapes** in the **vote counting unit** are not generated; and
 - (d) secure the **memory pack** of the **vote counting unit**.
 - (e) deliver the **vote counting unit** together with the **memory pack** and all other materials used in the advance voting opportunity to the chief election officer at the **election headquarters**.

6. SPECIAL VOTING OPPORTUNITY PROCEDURES

- 6.1 Unless the chief election officer determines it is practical to use a **vote counting unit**, an **auxiliary ballot box** as defined herein, shall be used for all special voting opportunities. The presiding election official appointed to attend at each special voting opportunity shall proceed in accordance with Sections 4.2, 4.3, 4.4 and 4.5 of this Bylaw so far as applicable, except that the voted **ballots** shall be deposited into the **auxiliary ballot box** supplied by the presiding election official.
- 6.2 The presiding election official at a special voting opportunity shall ensure that the **portable ballot box** is secured when not in use and at the close of voting at the final special voting opportunity, the presiding election official shall seal the **auxiliary ballot box** and return it together with all other election materials to the custody of the chief election officer.
- 6.3 If a **vote counting unit** is in use at a special voting opportunity, the presiding election official appointed to attend the special voting opportunity shall follow the procedures outlined in Section 5 of this Bylaw as if it were an advance voting opportunity.

7. PROCEDURES AFTER CLOSE OF VOTING ON GENERAL VOTING DAY

7.1 After the close of voting on general voting day at voting opportunities where a vote counting unit was used in the election:

- (a) the Presiding Election Official shall:
 - (i) direct that the **auxiliary ballot boxes** are opened;
 - (ii) ensure that any **ballots** in the **auxiliary ballot box** are inserted into the **vote counting unit**;
 - (iii) any **ballots** that were temporarily stored in the **auxiliary ballot box** and are returned by the **vote counting 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 counting unit to ensure that any acceptable marks are counted;
 - (iv) seal all voted **ballots** in the **ballot box**;
 - (v) secure the **vote counting unit** so that no more ballots can be inserted;
 - (vi) generate two copies of the **results tape** from the **vote counting unit**;
 - (vii) telephone the result to **election headquarters** immediately; and
 - (viii) deliver one copy of the **results tape** along with the **memory pack** from the **vote counting unit** to the Chief Election Officer at **election headquarters**;
- (b) each Alternate Presiding Election Official shall:
 - (i) account for the unused, spoiled and voted ballots and place them, packaged and sealed separately, into the election materials transfer box along with one copy of the **results tape**;
 - (ii) complete the ballot account and place the duplicate copy in the election materials transfer box;
 - (iii) seal the election materials transfer box;
 - (iv) place the voting books, the original copy of the ballot account, one copy of the **results tape**, completed registration cards (if applicable), keys and all completed administrative forms into the Chief Election Officer portfolio; and
 - (v) deliver all equipment and materials to Chief Election Officer.

8. RECOUNT PROCEDURE

8.1 If a recount is requested by a candidate after the preliminary election results are announced, it shall be conducted under the direction of the chief election officer using the **automated vote counting system** and generally in accordance with the following procedure:

- (a) the **memory packs** of all **vote counting units** will be cleared;
- (b) a **vote counting unit** will be designated for each voting place;

- (c) all voted **ballots** will be removed from the sealed election materials boxes, except spoiled ballots, and reinserted in the appropriate **vote counting unit** under the supervision of the chief election officer;
- (d) any **ballots** returned by the **vote counting unit** during the recount process shall, through the use of the **ballot return override procedure**, be reinserted in the **vote counting unit** to ensure that any **acceptable marks** are counted; and
- (e) to obtain election results, the chief or deputy chief election officer shall place the results of each voting place on spreadsheets so as to tally the total election results.

9. GENERAL


- 9.1 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.
- 9.2 If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

READ A FIRST TIME THIS 14TH DAY OF MAY, 2018.


READ A SECOND TIME THIS 14TH DAY OF MAY, 2018.

READ A THIRD TIME THIS 14TH DAY OF MAY, 2018.

FINALLY ADOPTED THIS 28th DAY OF MAY, 2018.



Mayor



Clerk