

**CITY OF PRINCE RUPERT ELECTIONS AND OTHER VOTING  
PROCEDURES BYLAW NO. 3352, 2014**

A BYLAW TO PROVIDE FOR THE DETERMINATION OF VARIOUS PROCEDURES FOR THE CONDUCT OF LOCAL GOVERNMENT ELECTIONS AND OTHER VOTING.

---

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 an election;

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

NOW THEREFORE, the Council of the City of Prince Rupert, in open meeting assembled, enacts as follows:

1. **CITATION**

This Bylaw may be cited as “**City of Prince Rupert Elections And Other Voting Procedure Bylaw No. 3352, 2014**”.

2. **DEFINITIONS**

In this Bylaw all definitions shall be in accordance with the *Local Government Act*, except for the following:

**Acceptable mark** means a completed oval or other mark that the vote **tabulating unit** is able to identify, and that 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 results and is comprised of the following:

- (a) a number of **ballot scan vote tabulating units**, each of which rests on a two compartment **ballot** box, one compartment of which is for:
  - (i) voted ballots, and
  - (ii) returned ballots that have been reinserted using the **ballot override procedure**;

and the other for the temporary storing of voted ballots during such time as the **vote tabulating unit** is not functioning; and

- (b) a number of **portable ballot boxes** into which voted **ballots** are deposited where a **vote tabulating unit** is not being used, for counting after the close of voting on general voting day.

**Ballot** means a single automated ballot card designed for use in an automated vote counting system and may also be counted manually, which:

- (a) conforms with Section 105 of the Local Government Act; and
- (b) shows all of the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought.

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

**Elector** means a resident elector or property elector of the jurisdiction as defined under the Local Government Act.

**Election** means an election for the number of persons required to fill a Local Government Office;

**Emergency ballot compartment** means one of two separate compartments in the ballot box under each **vote tabulating unit** into which voted **ballots** are temporarily deposited in the event that the unit ceases to function.

**General Local Election** means the elections held for the Mayor and all Councillors of the City of Prince Rupert which must be held in the year 2014 and in every 3rd year after that;

**General Voting Day** means,

- (a) for a general local election, the 3rd Saturday of November in the year of the election or the date established by Legislation;
- (b) for other elections, the date set under Sections 37(5), 38(1) or (3) or 142(5) of the Local Government Act;
- (c) for other voting, the date set under Section 162 of the Local Government Act;

**Jurisdiction** means, in relation to an election, the City of Prince Rupert, for which it is held;

**Local Government** means in relation to the City of Prince Rupert, and the Council of City of Prince Rupert;

**Local Government Act** means the Local Government Act RSBC 1996, Chapter 323;

**Memory Card or Memory Pack** means a removable electronic storage device which is inserted into the **vote counting unit** into which is pre-programmed the names of all the candidates for each of the office to be filled, and the alternatives of “yes” or “no” for each question on the **ballot** to record ballot results and to store polling location information such as:

- (a) the names of all of the candidates for each of the offices of City Councillor, City Mayor, and School Trustee; and
- (b) the alternatives of ‘yes’ or ‘no’ for each bylaw or other matter on which the assent or opinion of the electors is being sought;

and as a mechanism to record and retain information on the number of **acceptable marks** made for each.

**Other Voting** means voting on a matter referred to in Section 158 of the Local Government Act.

**Portable ballot box** means a ballot box that is used at a voting place where a **vote tabulating unit** is not being used.

**Register tape** means the printed record generated from a **vote tabulating unit** at the close of voting on general voting day which shows the number of votes for each candidate for each of the office of City Councillor, City Mayor and School Trustee, and the number of votes for and against each bylaw or other matter on which the assent or opinion of the electors is sought.

**Returned ballot** means a voted **ballot** that was inserted into the **vote tabulating unit** by the elector but was not accepted and 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 tabulating unit** means the device into which voted **ballots** are inserted and that scans each ballot and records the number of votes for each candidate and for and against each bylaw or other matter on which the assent or opinion of the electors is sought.

### 3. **USE OF PROVINCIAL LIST OF VOTERS AS THE REGISTER OF RESIDENT ELECTORS**

- (a) As authorized under Section 59 of the Local Government Act, the most current list of voters prepared under the Election Act RSBC 1996, Chapter

106, existing at the time an election or other voting is to be held, is deemed to be the register of resident electors for the City of Prince Rupert;

- (b) The Provincial List of voters becomes the register of resident electors no later than 52 days before General Voting Day for each election or other voting of the City of Prince Rupert;

**4. ADDITIONAL GENERAL VOTING OPPORTUNITIES**

- (a) As authorized under Section 96 of the Local Government Act, the following additional general voting opportunities are established for General Voting Day for each election, and for other voting as required pursuant to the Local Government Act:

- (i) that additional voting opportunities will be held for electors, who for medical reasons or because of infirmity cannot leave their residence on a General Voting Day, by having a mobile poll operated by the City of Prince Rupert voting staff attend the residence of the said elector to allow that person to vote. Requests to have a mobile poll attend a residence on a General Voting Day or for other voting must be received by the Chief Election Officer or a deputy Chief Election Officer or a designate, before 4:30 p.m. of the 2nd day before a General Voting Day or for other voting;
- (ii) the voting hours for these additional opportunities will be from 8:00 a.m. to 8:00 p.m. on the day specified under 4.(a)(i) of this Bylaw;

**5. ADDITIONAL ADVANCE VOTING OPPORTUNITIES**

- (a) As required under Section 97 and authorized under Section 98 of the Local Government Act, the following additional advance voting opportunities are established for each election or other voting:

- (i) Additional advance voting opportunities will be available at:
  - (a) City of Prince Rupert, Council Chambers, City Hall, 424 West 3rd Avenue;
  - (b) Prince Rupert Regional Hospital, 1305 Summit Avenue;
  - (c) Acropolis Manor, 1325 Summit Avenue;
- (ii) Additional Advance voting opportunities will be held on the following dates:

- (a) at the location specified under 5.(a)(i)(a) of this Bylaw, on the 5th day of November, 2014 and subsequently on the 10th day before a General Voting Day or other voting, then on the 7th day of November, 2014 and subsequently on the 8th day before a General Voting Day or other voting, and on the 12th day of November, 2014 and subsequently on the 3rd day before a General Voting Day or other voting;
  - (b) at the location specified under 5.(a)(i)(b) of this Bylaw, on the 13th day of November, 2014 and subsequently on the 2nd day before a General Voting Day or other voting; and
  - (c) at the location specified under 5.(a)(i)(c) of this Bylaw, on the 13th day of November, 2014 and subsequently on the 2nd day before a General Voting Day or other voting;
- (iii) The voting hours at these additional advance voting opportunities will be:
- (a) at the location specified under 5.(a)(i)(a) and on the dates and subsequent days as specified under 5.(a)(ii)(a) of this Bylaw from the hours of 8:00 a.m. to 8:00 p.m.;
  - (b) at the location specified under 5.(a)(i)(b) and on the date and subsequent days as specified under 5.(a)(ii)(b) of this Bylaw from the hours of 1:00 p.m. to 5:00 p.m.; and
  - (c) at the location specified under 5.(a)(i)(c) and on the date and subsequent days as specified under 5.(a)(ii)(c) of this Bylaw from the hours of 2:30 p.m. to 5:00 p.m.

## 6. **SPECIAL VOTING OPPORTUNITIES**

- (a) In order to give electors who may otherwise be unable to vote an opportunity to do so, the Council of City of Prince Rupert will provide a special voting opportunity as authorized under Section 99 of the Local Government Act, for each election or other voting:
  - (i) at Prince Rupert Regional Hospital, 1305 Summit Avenue; and,
  - (ii) Acropolis Manor, 1325 Summit Avenue;
  - (iii) on the 13th day of November, 2014 and subsequently on the 2nd day before a General Voting Day or other voting;
  - (iv) during the follow hours from:

- (a) from 1:00 p.m. to 2:30 p.m. for the location specified under 6.(a)(i); and,
  - (b) from 2:30 p.m. to 5:00 p.m. for the location specified under 6.(a)(ii);
- (b) The following restrictions apply to persons who may vote at this special voting opportunity:
  - (i) The only electors who may vote are electors who, on the date on which the special voting opportunity is held and before the end of the voting hours for that special voting opportunity, have been admitted as patients to the Prince Rupert Regional Hospital;
- (c) The following procedures apply at this special voting opportunity:
  - (i) a mobile poll operated by City of Prince Rupert voting staff, shall travel in an orderly manner to each floor of the Prince Rupert Regional Hospital on which hospital patients are each at an assigned hospital bed, to allow the said patients an opportunity to vote;
  - (ii) a mobile poll operated by the City of Prince Rupert voting staff, shall travel in an orderly manner to each floor of Acropolis Manor on which hospital patients are each at an assigned hospital bed, to allow the said patients an opportunity to vote;
- (d) The number of candidate representatives who may be present at the special voting opportunity is limited to one representative for each candidate.

## **7. ORDER OF NAMES ON BALLOT**

The order of names on candidates on the ballot will be determined in accordance with section 107 of the Local Government Act, pursuant to which:

- (a) The Chief Election Officer will notify all candidates as to the date, time and place when the determination is to be made;
- (b) The only persons who may be present at the determination are the candidates, or their official agents, and any other persons permitted to be present by the Chief Election Officer; and,
- (c) The procedure for the determination will be as follows:

- (i) the name of each candidate will be written on a separate piece of paper, as similar as possible to all other pieces of paper prepared for the determination;
  - (ii) the Chief Election Officer or a person directed by the Chief Election Officer will:
    - (a) fold the pieces of paper in a uniform manner by in such a way that the names of the candidates are not visible;
    - (b) place the folded pieces of paper in a container; and,
    - (c) shake the container for the purpose of randomly distributing the pieces of paper;
  - (iii) the Chief Election Officer will direct a person who is not a candidate or candidate representative to withdraw the papers one at a time; and,
  - (iv) the name on the first paper drawn is to be the first name on the ballot under the Office of Mayor or Councillor, as the case may be, the name on the second paper drawn is to be the second, and so on until the placing of all candidates' names on the ballot has been determined;
- (d) The procedure under 7(c) will be carried out separately for candidates for the Office of the Mayor and candidates for the Office of the Councillor.

## 8. USE OF VOTING MACHINES

- 8.1 Council hereby authorizes the conducting of general local elections and other voting in the City of Prince Rupert using an **automated vote counting system**.

## 9. AUTOMATED VOTING PROCEDURES

- 9.1 The presiding election official for each voting place and at each advance voting opportunity shall, as soon as the elector enters the voting place and before a **ballot** is issued, offer and if requested, direct an election official to provide a demonstration to an elector of how to vote using an **automated vote counting system**.
- 9.2 Upon completion of the voting demonstration, if any, the elector shall proceed as instructed, to the election official responsible for issuing **ballots**, who:
- (a) shall ensure that the elector:

- (i) is qualified to vote in the election; and
    - (ii) completes the voting book as required by the Local Government Act; and
  - (b) upon fulfilment of the requirements of subsection (a), shall then provide a **ballot** to the elector, a **secrecy sleeve** if requested by the elector, and any further instructions the elector requests.
- 9.3 Upon receiving a **ballot** and **secrecy sleeve** if so requested, the elector shall immediately proceed to a voting compartment to vote.
- 9.4 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 of City Councillor, City Mayor and School Trustee; 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.
- 9.5 Once the elector has finished marking the **ballot**, the elector must place the **ballot** into the **secrecy sleeve**, if applicable, proceed to the **vote tabulating unit** and under the supervision of the election official in attendance, insert the **ballot** directly from the **secrecy sleeve**, if applicable, into the **vote tabulating unit** without the **acceptable marks** on the **ballot** being exposed.
- 9.6 If, before inserting the **ballot** into the **vote tabulating unit**, an elector determines that he has made a mistake when marking a **ballot** or if the **ballot** is returned by the **vote tabulating unit**, the elector may request a replacement **ballot** by advising the election official in attendance.
- 9.7 Upon being advised of the replacement **ballot** request, the presiding election official [or alternate 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 in the election.
- 9.8 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 tabulating unit**, the election official shall, using the **ballot return override procedure**, reinsert the **returned ballot** into the **vote tabulating unit** to count any **acceptable marks** that have been made correctly.
- 9.9 Any **ballot** counted by the **vote tabulating unit** is valid and any acceptable marks contained on such **ballots** will be counted in the election subject to any determination made under a judicial recount.



9.10 Once the **ballot** has been inserted into the **vote tabulating unit** and the unit indicates that the **ballot** has been accepted, the elector must immediately leave the voting place.

9.11 During any period that a **vote tabulating unit** is not functioning, the election official supervising the unit shall insert all **ballots** delivered by the electors during this time, into the **emergency ballot compartment**, provided that if the **vote tabulating unit**:

- (a) becomes operational, or
- (b) is replaced with another **vote tabulating unit**,

the **ballots** in the **emergency ballot compartment** 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 tabulating unit** to be counted.

9.12 Any **ballots** that are temporarily stored in the **emergency ballot** compartment 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.

## 10. **ADVANCE VOTING OPPORTUNITY PROCEDURES**

10.1 **Vote tabulating units** shall be used to conduct the vote 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.

10.2 At the close of voting at each advance voting opportunity the presiding election official in each case shall ensure that:

- (a) no additional **ballots** are inserted in the **vote tabulating unit**;
- (b) the **emergency ballot compartment** is sealed to prevent insertion of any **ballots**;
- (c) the **register tapes** in the **vote tabulating unit** are not generated; and
- (d) the **memory card** of the **vote tabulating unit** is secured.

10.3 At the close of voting at the final advance voting opportunity the presiding election official shall:

- (a) ensure that any remaining **ballots** in the **emergency ballot compartment** are inserted into the **vote tabulating unit**;
- (b) secure the **vote tabulating unit** so that no more **ballots** can be inserted; and

- (c) deliver the **vote tabulating unit** together with the **memory card** and all other materials used in the election to the Chief Election Officer at such location that he or she may designate.

## 11. SPECIAL VOTING OPPORTUNITY PROCEDURES

- 11.1 A **portable ballot box** shall be used for all special voting opportunities and 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 **portable ballot box** supplied by the presiding election official.
- 11.2 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 **portable ballot box** and return it together with all other election materials to the custody of the chief election officer.

## 12. PROCEDURES AFTER THE CLOSE OF VOTING ON GENERAL VOTING DAY

- 12.1 After the close of voting on general voting day at voting opportunities where a **vote tabulating unit** was used in the election, but excluding advance and special voting opportunities,
  - (a) each presiding election official shall:
    - (i) ensure that any remaining **ballots** in the **emergency ballot compartment** are inserted into the **vote tabulating unit**;
    - (ii) secure the **vote tabulating unit** so that no more **ballots** can be inserted;
    - (iii) generate three copies of the **register tape** from the **vote tabulating unit**; and
    - (iv) deliver one copy of the **register tape** along with the **memory pack** from the **vote tabulating unit** to the Chief Election Officer at such location that he or she may designate;
    - (v) 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 **register tape**;
    - (vi) complete the ballot account and place the duplicate copy in the election materials transfer box;
    - (vii) seal the election materials transfer box;
    - (viii) place the voting books, the original copy of the ballot account, one copy of the **register tape**, completed registration cards (if

applicable), keys and all completed administrative forms into the chief election officer portfolio; and

- (ix) transport all equipment and materials to the Chief Elections Officer at such location that he or she may designate.

12.2 At the close of voting on general voting day the chief election officer shall direct the presiding election official for the advance voting opportunity and any special voting opportunities where **vote tabulating units** were used, to proceed in accordance with Section 12.1 of this Bylaw.

12.3 At the close of voting on general voting day all **portable ballot boxes** used in the election will be opened under the direction of the chief election officer and all **ballots** shall be removed and inserted into a **vote tabulating unit** to be counted, after which the provisions of Sections 12.1, so far as applicable, shall apply.

### 13. **RECOUNT PROCEDURE**

13.1 If a recount is required 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) **vote tabulating units** will be designated for each voting place;
- (c) all **voted ballots** will be removed from the sealed ballot boxes; and
- (d) all **ballots**, except spoiled **ballots**, will be reinserted in the appropriate **vote tabulating unit** under the supervision of the Chief Election Officer.
- (e) 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.

### 14. **RESOLUTION OF TIE VOTES AFTER JUDICIAL RECOUNT**

14.1 In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with Section 141 of the Local Government Act.

### 15. **SEVERABILITY**

15.1 If a court of competent jurisdiction holds that any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid, then that section, subsection, sentence, clause or phrase as the case shall be severed and the remainder of this Bylaw shall be deemed to have been enacted without the invalid section, subsection, sentence, clause or phrase.

16. **GENERAL**

16.1 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.

16.2 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.

17. **REPEAL**

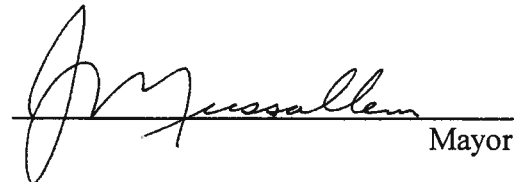
17.1 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.

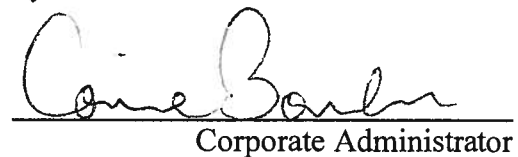
READ A FIRST TIME this 7<sup>th</sup> day of July, 2014.

READ A SECOND TIME this 7<sup>th</sup> day of July, 2014.

READ A THIRD TIME this 7<sup>th</sup> day of July, 2014.

FINALLY CONSIDERED AND ADOPTED this 30<sup>th</sup> day of July, 2014

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Corporate Administrator