The City of Prince Rupert

**ELECTIONS VOTING PROCEDURE AND AUTOMATED VOTE COUNTING SYSTEM
AUTHORIZATION BYLAW NO. 3496, 2022**

*A bylaw to authorize various procedures for the conduct of elections voting and the use of an
automated vote counting system*

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

AND 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;

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

1.   CITATION

1.1   This Bylaw may be cited as "Elections Voting Procedure and Automated Vote Counting
System Authorization Bylaw No. 3496, 2022."

2.   DEFINITIONS

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

Acceptable mark means a completed arrow 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 two-
compartment **ballot** box, one compartment of which is for:

(i)   voted ballots; and
(ii)   returned ballots which have been reinserted using the ballot override
procedure;

and the other compartment is for the temporary storage of voted ballots during
such time as the **vote counting unit** is not functioning; and

(b)   a number of **storage ballot compartments** 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.

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 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 Jim Ciccone Civic Centre, 1000 McBride Street.

General voting day means the third Saturday in October in an election year.

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.

Portable ballot box means a ballot box, for use in the election, where a **vote counting unit** is not being used at the time of voting.

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.

Storage ballot compartment means a ballot box under each **vote counting unit** into which voted **ballots** are temporarily deposited in the event that the unit ceases to function.

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   As authorized under section 12 of the *Local Government Act*, 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 the **storage ballot compartment**, on the understanding that if the **vote counting unit**:

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

the **ballots** in the **storage ballot compartment** shall, as soon as reasonably possible, be removed by an election official and, under the supervision of the presiding election official, shall be inserted into the **vote counting unit** to be counted.

4.12 Any **ballots** which were temporarily stored in the **storage ballot compartment** 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 ensure that:

(a)   no additional **ballots** are inserted in the **vote counting unit**;
(b)   the **storage ballot compartment** is locked to prevent insertion of any **ballots**;
(c)   the **results tapes** in the **vote counting unit** are not generated; and
(d)   the **memory pack** of the **vote counting unit** is secured.

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

(a)   ensure that any remaining **ballots** in the **storage ballot compartment** are inserted into the **vote counting unit**;
(b)   secure the **vote counting unit** so that no more **ballots** can be inserted; and
(c)   deliver the **vote counting unit** together with the **memory pack** and all other materials used in the election to the chief election officer at **election headquarters**.

6.   SPECIAL VOTING OPPORTUNITY PROCEDURES

6.1   Unless the chief election officer determines it is practical to use a **vote counting unit**, a **portable 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 **portable 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 **portable 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, each presiding election official, except those responsible for advance and special voting opportunities, shall undertake all of the following, generally in the order stipulated:

(a)   ensure that any remaining **ballots** in the **storage ballot compartment** are inserted into the **vote counting unit**;
(b)   secure the **vote counting unit** so that no more **ballots** can be inserted;
(c)   generate three copies of the **results tape** from the **vote counting unit**;

(d)   communicate the result to **election** headquarters immediately;

(e)   account for the unused, spoiled and voted **ballots** and place them, packaged and sealed separately, together with the **memory pack** from the **vote counting** unit and one copy of the **results tape**, into the ballots and results box;

(f)   complete the ballot account and place the duplicate copy in the ballots and results box;

(g)   seal the ballots and results box;

(h)   place the voting books, list of electors, the original copy of the ballot account, one copy of the **results tape**, completed registration cards, keys and all completed forms into the election materials box; and

(i)   deliver, or have available for pick-up, the sealed ballots and results box, **vote counting unit** and the election materials box, to the chief election officer at **election headquarters**.

7.2   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 counting units** were used, to proceed in accordance with Section 7.1 of this Bylaw.

7.3   All **portable ballot boxes** used in the election will be opened, under the direction of the chief election officer, at the close of voting on general voting day and all ballots shall be removed and inserted into a **vote counting unit** to be counted, after which the provision of Sections 7.1 (a) to (h), so far as applicable, shall apply.

7.3   Upon the fulfilment of the provisions of Section 7.1 to 7.3 inclusive, the chief election officer shall, to obtain the election results, direct an election official to place the results in a spreadsheet, which may be used for display in the [location], indicating the total results.

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.   ELECTOR REGISTRATION

9.1   As authorized under section 76 of the *Local Government Act*, for all elections and assent voting (if applicable) 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 general voting day [or other time which is no later than 52 days prior to general voting day].

10.   ADVANCE VOTING OPPORTUNITIES

10.1   **Required Advance Voting**

Under section 107 of the *Local Government Act*, at least 2 advance voting opportunities must be held for an election by voting. Both days are defined as follows:

(a)   As required under section 107 of the *Local Government Act*, the required advance voting opportunity is held on the 10th day before the general voting day.

(b)   The second advance voting opportunity is to be held on the 3rd day before the general voting day.

10.2   **Additional Advance Voting**

(a)   As authorized under section 108 of the *Local Government Act*, the Council authorizes the chief election officer to establish dates for additional voting opportunities to be held in advance of general voting day and to designate the voting places and set the voting hours for these voting opportunities.

11.   SPECIAL VOTING OPPORTUNITIES

11.1   As authorized under section 109 of the *Local Government Act*, special voting opportunities will be provided, and the chief election officer is hereby authorized to establish the dates, locations, and voting hours within the limits set out in section 99 of the *Local Government Act*, for the special voting opportunities.

11.2   The following procedures for voting and for conducting the voting proceedings apply to the special voting opportunities:

(a) **Bedside voting**: a mobile poll, operated by City of Prince Rupert voting staff, shall travel in an orderly manner to each floor of the designated special voting location and visit residents or patients that are assigned a room or a hospital bed, to allow the said patient or resident an opportunity to vote.

(b) Staff of the designated special voting location will be eligible to vote at a stationary voting space within the special voting location.

11.3 The number of candidate representatives who may be present at a special voting opportunity is limited to one representative for each candidate.

12. ADDITIONAL GENERAL VOTING OPPORTUNITIES

12.1 As authorized under section 106 of the *Local Government Act*, additional voting opportunities for general voting day shall be held as follows:

(a) Electors, who for medical reasons (or because of infirmity) cannot leave their residence for **general voting day**, can request a mobile voting station operated by City of Prince Rupert voting staff to attend their place of residence to allow that person to vote. Requests to have a mobile voting station attend a residence on general voting day must be received by the Chief Election Officer or Deputy Chief Election Officer or a designate before 4:30 p.m. of the second day before the general voting day;

(b) The voting hours for the additional general voting opportunity as described in 12.1 (a) shall be between 8:00 a.m. and 8:00 p.m.

13. MAIL BALLOT VOTING

13.1 As authorized under section 110 of the *Local Government Act*, voting may be permitted by mail ballot subject to timelines and procedures in this section.

13.2 The chief election officer is authorized to establish time limits in relation to voting by mail ballot.

13.3 Once a mail ballot package has been accepted by the chief election officer, that voter may only vote by mail ballot.

13.4 Eligible mail ballot voters must have registered to vote 53 days prior to general voting day with Elections BC and be included on the Provincial list.

13.5   The following procedures for voting by mail ballot 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 126 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 4:30 p.m. two (2) days before general voting day.

(c)   In accordance with section 110 (9) of 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 or other voting.

(d)   Procedures for conduct of mail ballot voting shall be in accordance with those outlined in sections 110 (5), 110 (6), 110 (7), and 110 (8) of the *Local Government Act*.

14.   MINIMUM NUMBER OF NOMINATORS

14.1   As authorized under section 86 of the *Local Government Act,* the minimum number of qualified nominators required to make a nomination for office as a member of council shall be ten (10).

15.   NOMINATION DEPOSITS

15.1   As authorized under section 88 of the *Local Government Act,* nominations for Mayor and Councillor must be accompanied by a nomination deposit in the amount of one hundred dollars ($100) to be collected and returned in accordance with that section.

16.   ORDER OF NAMES ON BALLOT

16.1   The order of names of candidates on the ballot will be determined by lot in accordance with section 117 of the *Local Government Act*.

17.   NUMBER OF SCRUTINEERS AT VOTING PLACES

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

18.   RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

18.1   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 151 of the *Local Government Act*.

19.   GENERAL

19.1   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.

19.2   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, SECOND AND THIRD TIME on [insert date].

ADOPTED on [insert date].

| MAYOR [CHAIR] | [CORPORATE OFFICER] |