

**DISTRICT OF LANTZVILLE
BYLAW NO. 90**

A BYLAW TO PROVIDE FOR THE VARIOUS PROCEDURES FOR THE CONDUCT OF LOCAL GOVERNMENT ELECTIONS AND OTHER VOTING OPPORTUNITIES INCLUDING THE USE OF AUTOMATED VOTING MACHINES.

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

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 an election;

AND WHEREAS under the *Local Government Act*, the Council may, by bylaw, permit voting by mail ballot and establish procedures therefore;

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

AND WHEREAS the Council of the District of Lantzville wishes to establish various procedures and requirements under these authorities;

NOW THEREFORE Council of the District of Lantzville in open meeting assembled, enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as "District of Lantzville Elections and Other Voting Opportunities Bylaw No. 70, 2008".

2. Definitions

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

"acceptable mark" means a completed oval that 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, records votes and processes and stores election 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 **portable 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;

"ballot" means a single automated 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 of Mayor, Councillor and School Trustee, if applicable; 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 District of Lantzville Office located at 7192 Lantzville Road, Lantzville, British Columbia, or other location designated by the chief election officer;

"list of electors" means the most current available Provincial list of voters as prepared under the *Election Act*;

"memory card" means a storage device 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 other voting 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 that is used at a voting place where a **vote counting unit** is not being used or is not functioning 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 office of Mayor, Councillor and School Trustee, if applicable, and the number of votes for and against each bylaw or other matter on which the assent of the electors is sought on the **ballot**.

"returned ballot" means a voted **ballot** which was inserted into the **vote counting unit** by the elector but which was not accepted and which was returned to the elector with an explanation of the **ballot** marking error that 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 other voting question.

3. Registration of Electors

- 3.1 The register of resident electors for elections and other voting opportunities is deemed to be the most current Provincial list of voters for the District prepared under the *Election Act* and which is available at the time an election or other voting is to be held.
- 3.2 The Provincial list of voters shall become the register of resident electors no later than 52 days before general voting day for any election or other voting held in the municipality.

4. Use Of Voting Machines

- 4.1 Council hereby authorizes the conducting of general local elections, other voting, and School Board Trustee Election in the District of Lantzville using an **automated vote counting system**.

5. Automated Voting Procedures

- 5.1 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 provide a **ballot** to the elector, a **secrecy sleeve** if requested by the elector, and any further instructions the elector requests.
- 5.2 Upon receiving a **ballot**, and **secrecy sleeve** if so requested, the elector shall immediately proceed to a voting booth to vote.
- 5.3 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 Mayor, Councillor and School Trustee, if applicable.
 - (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.

- 5.4 Once the elector has finished marking the **ballot**, the elector must either:
- (a) place the **ballot** into the **secrecy sleeve**, if one has been requested; or
 - (b) 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.

- 5.5 If, before inserting the **ballot** into the **vote counting unit**, an elector determines that a mistake has been made when marking a **ballot** or if the **ballot** is returned by the **vote counting unit**, the elector may request a replacement **ballot** by advising the election official in attendance.
- 5.6 Upon being advised of the replacement **ballot** request, the chief election officer or 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.
- 5.7 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.
- 5.8 Any **ballot** counted by the **vote counting 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.
- 5.9 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.
- 5.10 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 a **portable ballot box**, provided that if the **vote counting unit**:
- (a) becomes operational, or
 - (b) is replaced with another **vote counting unit**,

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

- 5.11 Any **ballots** which were temporarily stored in a **portable ballot box** which were temporarily stored in the **portable 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 chief election officer be reinserted into the **vote counting unit** to ensure that any **acceptable marks** are counted.
- 5.12 A sample **ballot** that may be used in an **automated vote counting system** is attached as Schedule "A" to this bylaw.

6. Advance Voting Opportunity Procedures

- 6.1 **Vote counting 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 5 of this bylaw.
- 6.2 In addition to the required advance voting opportunity on the 10th day before general voting day, an additional advance voting opportunity will be held on the 3rd day before general voting day; and both advance voting opportunities shall:
- (a) be available between the hours of 8:00 a.m. and 8:00 p.m.
 - (b) held at the District Office, 7192 Lantzville Road – 2nd Floor, Lantzville, BC
- 6.3 At the close of voting at each advance voting opportunity the chief election officer in each case shall ensure that:
- (a) no additional **ballots** are inserted in the **vote counting unit**;
 - (b) the **ballot box** is sealed to prevent insertion of any **ballots**;
 - (c) the **results tapes** in the **vote counting unit** are not generated; and
 - (d) the **memory card** of the **vote counting unit** is secured.
- 6.4 At the close of voting at the final advance voting opportunity the chief election officer shall:
- (a) ensure that any remaining **ballots** in the **portable ballot box** are inserted into the **vote counting unit**;
 - (b) secure the **vote counting unit** so that no more **ballots** can be inserted; and
 - (c) secure the **vote counting unit** together with the **memory card** and all other materials used in the election and return to election headquarters.

7. Mail Ballot Voting

- 7.1 As authorized under section 100 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.

- 7.2 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; and
 - (b) persons who expect to be absent from the District of Lantzville on general voting day and at the times of all advance voting opportunities.
- 7.3 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 116 of the *Local Government Act*;
 - (b) a person exercising the right to vote by mail under the provisions of section 100 may be challenged in accordance with, and on the grounds specified in section 116 of the *Local Government Act*, until 4:00 p.m. two days before general voting day.
- 7.4 The time limits in relation to voting by mail ballot will be determined by the chief election officer.
- 7.5 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.

8. Procedures After Close Of Voting On General Voting Day

- 8.1 After the close of voting on general voting day at voting opportunities where a **vote counting unit** was used in the election, but excluding advance opportunities the chief election officer shall:
- (a) ensure that any remaining **ballots** in the **portable ballot box** are inserted into the **vote counting unit**;
 - (b) ensure that any mail **ballots** received are inserted into the **vote counting unit**;
 - (c) secure the **vote counting unit** so that no more **ballots** can be inserted;
 - (d) generate three copies of the **results tape** from the **vote counting unit**; and
 - (e) account for the unused, spoiled and voted **ballots** and place them, packaged and sealed separately, together with the memory card from the **vote counting unit** along with one copy of the **results tape**, into the ballots and results box;
 - (f) complete the ballot account and place a copy in the election materials box;
 - (g) seal the election materials box; and
 - (h) place the voting books, the original copy of the ballot account, one copy of the **results tape**, all completed registration cards (if applicable), keys and all completed administrative forms into the chief election officer portfolio.

- 8.2 At the close of voting on general voting day, the chief election officer shall, for the advance voting opportunity where **vote counting units** were used, proceed in accordance with Section 8.1 of this bylaw so far as applicable.
- 8.3 At the close of voting on general voting day, the chief election officer shall, for the voting opportunity where **mail ballots** were used, proceed in accordance with Section 8.1 of this bylaw so far as applicable
- 8.4 At the close of voting on general voting day all **portable ballot boxes** used in the election will be opened by the chief election officer and all **ballots** shall be removed and inserted into a **vote counting unit** to be counted, after which the provisions of Sections 8.1, so far as applicable, shall apply.
- 8.5 If the **vote counting unit** is not functioning, **ballots** shall be counted manually.
- 8.6 The **memory cards** of all **vote counting units** shall not be cleared of the official election results, but shall be retained for the period of time required for retention of election materials.
- 8.7 Upon fulfilment of the provisions of Section 8, 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 at the District Office on the notice board and on the District's website, indicating the total preliminary election results.

9. Recount Procedure

- 9.1 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 cards** of all **vote counting units** will be cleared;
 - (b) **vote counting units** will be designated for each voting place;
 - (c) all voted **ballots** will be removed from the sealed **ballot** boxes, except spoiled **ballots**, and reinserted in the appropriate **vote counting unit** under the supervision of the chief election officer; and
 - (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** or, if the **vote counting unit** is not functioning, **ballots** shall be counted manually.

10. General

- 10.1 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.

10.2 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.

11. Repeal of Previous Bylaw


11.1 "District of Lantzville Elections and Other Voting Opportunities Bylaw No. 70, 2008" and amendments are hereby repealed.

READ A FIRST TIME this 30th day of May, 2011.

READ A SECOND TIME this 30th day of May, 2011.

READ A THIRD TIME this 30th day of May, 2011.

RECONSIDERED AND FINALLY ADOPTED this 13th day of June, 2011.



Mayor



Director of Corporate Administration

I hereby certify that the above is a true and correct copy of "District of Lantzville Elections and Other Voting Opportunities Bylaw No. 90, 2011" as adopted by Council of the District of Lantzville on the 13th day of June, 2011.

Director of Corporate Administration

SCHEDULE "A"

THE CITY OF

SATURDAY, NOVEMBER 16, 1996

Three year term

VOTE LIKE THIS > ●

IF YOU ACCIDENTALLY SPOIL THIS BALLOT, YOU MAY RETURN IT TO THE ELECTION STAFF AND OBTAIN ANOTHER BALLOT.

MAYOR

Do Not Vote for more than ONE (1)

- ADAMSON, John
- ATKINS, Leah
- BELANGER, Mike
- CORRIGAN, Harold
- DONOVAN, Arthur
- FOSTER, Brew

SCHOOL TRUSTEE

Do Not Vote for More Than FOUR (4)

- ATCHESON, Laura
- BOSNIAK, Allston
- CAMERON, Deborah
- COLCHESTER, Christopher
- DAVIDSON, Don
- FRIESEN, Ken
- HUDSON, Henry
- HUGHES, Howard
- LINES, Stella
- MacLEAN, David

COUNCILLOR

Do Not Vote for More Than EIGHT (8)

- ANDOVER, Lewis
- ARTHURS, Bill
- BAKER, Sam
- BUTLER, Jim
- CARLSON, Julie
- DONALDSON, Connie
- FRASER, Tim
- GALLOWAY, Mary
- HARRIS, Robert
- DUTKA, Marcel
- JOYCE, Ron
- KETCHINSON, Donald
- LINDSTROM, Jackie
- MORRISS, Sarah
- KELLEY, Red
- NORTON, Garth
- OLSON, Oille
- PARKINSON, Dean
- PLUMMER, Christopher
- RICHTER, Lori
- SWANSON, Gordon
- TUPPERWARE, Delores
- UNGER, Joseph
- VOISIN, Roch
- WATER, Lily
- YORKSHIRE, Brent
- ZAMBONI, Wayne

REFERENDUM

DO YOU BELIEVE THAT OGOPOGO REALLY EXISTS?

- YES
- NO

DEMONSTRATION BALLOT