BYLAW NO. 1948

A BYLAW TO PROVIDE FOR AUTOMATED VOTING AND THE DETERMINATION OF VARIOUS PROCEDURES FOR THE CONDUCT OF GENERAL LOCAL ELECTIONS AND ASSENT VOTING

The Council of the City of Colwood, in open meeting assembled, enacts as follows:

1.   Citation

This bylaw may be cited as **"Election and Voting Procedure Bylaw No. 1948, 2022."**

2.   Definitions

In this bylaw:

"Acceptable mark" means a completed mark which the vote counting unit is able to identify and 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 assent voting question.

"Automated vote counting system" means a system that counts and records votes, and processes and stores election results. The system is housed in two hardware components, the upper half being the vote counting unit and the lower half being the ballot box.

"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 the office of Mayor and for each office of Councillor, and School Trustee; 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 that causes the unit to accept a returned ballot.

"City" means the City of Colwood.

"Election Headquarters" means the City of Colwood Municipal Hall, 3300 Wishart Road, Colwood, British Columbia.

"Memory card" means the storage device that stores all the permanent results for the vote counting unit.

"Results tape" means the printed record generated from a vote counting unit at the close of voting on general voting day, that shows the number of votes:
  (a) for each candidate for the office of Mayor and each office of Councillor, and each office of School Trustee, if applicable; and

(b) for the number of votes for and against each bylaw or other matter on which the assent of the electors is sought.

"Returned ballot" means a voted ballot which was inserted by an elector into the vote counting unit that is not accepted and is returned by the unit to the elector with an explanation of the ballot marking error that caused the ballot to be unacceptable.

"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 that scans each ballot and records the number of votes for each candidate and for and against each assent voting question.

3.   Access to Nomination Documents

As authorized by of the *Local Government Act*, to the Chief Election Officer must give public access to nomination documents will be made available in paper form or via the internet or other electronic means from the time of delivery of the Nomination Documents until 30 days after the declaration of the election results.

4.   Register of Electors

The most current available Provincial List of Voters prepared under the *Elections Act* shall form the register of resident electors for the city no later than 52 days before general voting day for any election or assent voting of the city to which this bylaw applies.

5.   Required Advance Voting Opportunities

An advance voting opportunity must be held:
   (a) on the 10th day before general voting day, and
   (b) on the 3rd day before general voting day.

6.   Additional Advance Voting Opportunities

The Chief Election Officer may:
   (a) establish additional advance voting opportunities in advance of general voting day, and
   (b) designate the voting places and set the voting hours for these opportunities.

7.   Order of Names on Ballot

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

8.   Minimum Number of Nominators

The minimum number of qualified nominators required to make a nomination for office as a member of Council shall be ten (10).

9.   Determination of Results if Tie Vote in Judicial Recount

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

10.   Use of Voting Machines

The Chief Election Officer may use an automated vote counting system for the conduct of elections and voting on bylaws or other matters on which the opinion of assent of the electors is sought.

11.   Automated Voting Procedures

11.1.   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 the ballot is issued.

11.2.   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 applicable, the ballot making instrument, and any further instructions the elector requests.

11.3.   Upon receiving a ballot, and secrecy sleeve if so requested, the elector must immediately proceed to a voting compartment to vote.

11.4.   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 the office of Mayor, for each office of Councillor, and each office of School Trustee, if applicable; 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.

11.5.   Once the elector has finished marking the ballot, the elector must 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 exposing the marks on the ballot.

11.6.   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 request a replacement ballot by advising the election official in.

11.7. Upon being informed of the replacement ballot request, the presiding election official shall issue a replacement ballot to the elector and mark as "spoiled" and retain all spoiled ballots separately from all other ballots, and they shall not be counted.

11.8. 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 overage procedure, reinsert the returned ballot into the vote counting until to count any acceptable marks which have been made correctly.

11.9. Any ballot counted by the vote counting unit is valid and all acceptable marks contained on such ballots will be counted in the election subject to any determination made under a judicial recount.

11.10. 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.

11.11. During any period that a vote counting 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 the election official and, under the supervision of the presiding election official, shall be inserted into the vote counting unit to be counted.

11.12. Any ballots which were temporarily stored in the storage ballot compartment during the 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 reinterested into the vote counting unit to ensure that any acceptable marks are counted.

12. Advance Voting Opportunity Procedures

12.1. Vote counting units shall be used at all advance voting opportunities and voting procedures at advance voting opportunities must follow, as closely as possible, those described in this Bylaw.

12.2. At the close of voting at each advance voting opportunity the presiding election official in each case must 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 card of the vote counting unit is secured.

12.3. At the close of voting at the final advance voting opportunity the presiding election official must:

(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 card and all other materials used in the election to the Chief Election Officer.

13. Procedures After Close of Voting on General Voting Day

13.1. After the close of voting on general voting day, each presiding election official, except those responsible for advanced voting opportunities, shall undertake all of the following:

(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 two copies of the results tape from the vote counting unit;

(d) 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 and one copy of the results tape, into the ballots and results box;

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

(f) seal the ballots and results box; and

(g) place the voting books, list of electors, 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 election materials box.

13.2. At the close of voting on general voting day, the Chief Election Officer shall direct the presiding election official for the advance voting opportunity where vote counting units were used, to proceed in accordance with this Bylaw.

13.3. All portable ballot boxes used in the election will be opened, under the direction of the Chief Election Officer, at the close of general voting day and all ballots shall be removed and inserted into a vote counting unit to be counted.

13.4. Upon the fulfillment of the procedures at the close of voting on general voting day, the Chief Election Officer shall, to obtain the election results, direct an election official to use the results tapes produced from the vote counting machine for each advance voting day and general voting day and place the results into a spreadsheet, which may be used for display at the election headquarters, indicating the total results.

14.   **Recount Procedure**

    14.1. Any recount after the preliminary election results are announced 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 must be cleared;

        (b) vote counting units will be designated for each recount voting place;

        (c) all voted ballots for the applicable vote counting units will be removed from the sealed election materials boxes, except spoiled ballots, and reinserted in the 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.

15. **Repeal of Bylaws**

Bylaw No. 1546, cited as " Election and Voting Procedure Bylaw No. 1546, 2014", is hereby repealed.

READ A FIRST TIME on the   13th   day of   June,   2022

READ A SECOND TIME on the   13th   day of   June,   2022

READ A THIRD TIME on the   13th   day of   June,   2022

ADOPTED on the   27th   day of   June,   2022

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Mayor

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Corporate Officer