



TOWN OF VIEW ROYAL

BYLAW NO. 480

As Amended by Bylaw No. 719 and 990

A BYLAW TO PROVIDE FOR AUTOMATED VOTING AND CONDUCT OF LOCAL GOVERNMENT ELECTIONS

CONSOLIDATED FOR CONVENIENCE ONLY

WHEREAS under the *Local Government Act*, Council of the Town of View Royal may, by bylaw, provide for the use of automated voting machines, voting recorders or other devices for voting in an election.

AND WHEREAS Council Town of View Royal wishes to establish various voting procedures and requirements under that authority;

NOW THEREFORE, the Council of the Town of View Royal, in open meeting assembled, enacts as follows:

1. DEFINITIONS

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

Acceptable mark means a completed oval which the **vote tabulating 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 and any voting results which comprises:

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

(Amendment Bylaw No. 990, 2018)

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; 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 Account means an account of ballots prepared in accordance with Section 141 of the *Local Government Act*.

Ballot box means the container for voted ballots.

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

Election headquarters means the Town Hall of View Royal, 45 View Royal Avenue, Victoria, BC.

Election Materials Box means the container(s) which contain election materials that are transported to and from voting places.

Memory card means the storage device which stores all the permanent results for the **vote tabulating unit**.

Presiding Election Official an election official appointed by the Chief Election Officer to conduct election proceedings where the Chief Election Officer is not acting as presiding election official.

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 Mayor, Councillor and School Trustee and 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 into the **vote tabulating unit** by the elector 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 box means a **ballot box** that is used to temporarily deposit voted ballots in the event that the **vote tabulating unit** ceases to function or is not being used.

Vote tabulating 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.

Voting Book means the book for recording the names of electors.

2. USE OF VOTING MACHINES

2.1 Council hereby authorizes the conducting of general local elections and other voting in the Town of View Royal using an **automated vote counting system**.

2.2 The Chief Election Officer must conduct a test of the automated **vote tabulating unit** before each local government election and must be satisfied that it is in good working order.

(Amendment Bylaw No. 990, 2018)

2.3 As soon as the test of the automated **vote tabulating unit** is completed, the Chief Election Officer must secure the **memory cards** and ensure that they will remain secured until the local government election.

(Amendment Bylaw No. 990, 2018)

3. AUTOMATED VOTING PROCEDURES

3.1 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**.
- 3.2 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 by viewing at least two documents that identify the elector as the person requesting a vote; and
 - (ii) completes the **voting book** as required by the *Local Government Act*; and
 - (b) upon fulfillment 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.
- 3.3 Upon receiving a **ballot**, and **secrecy sleeve** if so requested, the elector shall immediately proceed to a voting compartment to vote, or if the elector is unable to mark a **ballot** because of a physical disability or difficulties in reading or writing or is unable to enter the voting place because of a physical disability of impaired mobility, the elector may vote in accordance with the procedures outlined in sections 131 and 132 of the *Local Government Act*.
- (Amendment Bylaw No. 990, 2018)**
- 3.4 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 Mayor, Councillor 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.
- 3.5 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.
- 3.6 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.
- 3.7 Upon being advised 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 in the election.
- 3.8 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** which have been made correctly.

- 3.9 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 that may be made under a judicial recount.
- 3.10 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.
- 3.11 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 a **storage ballot box** , provided that if the **vote tabulating unit**:
- (a) becomes operational, or
 - (b) is replaced with another **vote tabulating unit**,
- the **ballots** in the **storage 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 tabulating unit** to be counted.
- 3.12 Any **ballots** which were temporarily stored in a **storage ballot box** which 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.

4. ADVANCE VOTING OPPORTUNITY PROCEDURES

- 4.1 **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.
- 4.2 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 **storage ballot box** is sealed to prevent insertion of any additional ballots;
 - (c) the **register tapes** in the **vote tabulating unit** are not generated until 8:00 p.m. on general voting day; and
 - (d) the **memory card** of the **vote tabulating unit** is secured.
- (Amendment Bylaw No. 990, 2018)*
- 4.3 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 box** 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 **election headquarters**.

5. PROCEDURES AFTER CLOSE OF VOTING ON GENERAL VOTING DAY

- 5.1 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 voting opportunities, the **presiding election official** must:

- a) insert the ballots from the **storage ballot box** into the **vote tabulating unit**;
 - b) secure the **vote tabulating unit** so that no more ballots can be inserted;
 - c) generate three copies of the **register tape** from the **vote tabulating unit**;
 - d) telephone the results to the Chief Election Officer immediately;
 - e) prepare two copies of a **ballot** account for unused, spoiled and voted ballots;
 - f) place spoiled ballots into an envelope and seal the envelope;
 - g) remove the **memory card** from the **vote tabulating unit** and place one copy of the results tape and one copy of the **ballot account** into the **ballot box** ;
 - h) seal the **ballot box** (es);
 - i) place the **voting books**, one copy of the **ballot account**, two copies of the results tape, spoiled **ballot** envelope(s), unused ballots, **memory card**, and all completed forms into the **election materials box**; and
 - j) deliver the sealed **ballot box** (es), the **vote tabulating unit** and the **election materials box(es)** to the Chief Election Officer at **election headquarters**.
- 5.2 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 tabulating units** were used, to proceed in accordance with Section 5.1 of this Bylaw, so far as applicable.
- 5.3 Should all **vote tabulating units** not be in working order, under the direction of the Chief Election Officer, all ballots will be manually counted at the close of general voting day in accordance with Section 138 of the *Local Government Act*.”

(Amendment Bylaw No. 990, 2018)

6. RECOUNT PROCEDURE

- 6.1 If a recount is required it will 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 tabulating 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 box** (es);
 - d) all voted ballots, except for spoiled ballots, will be re-inserted in the appropriate **vote tabulating units** under the supervision of the Chief Election Officer;
 - e) any ballots returned by the **vote tabulating unit** during the recount process will, through the use of the **ballot** return over-ride procedure, be re-inserted into the **vote tabulating unit** to ensure that any **acceptable marks** are counted; and
 - f) 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.
- 6.2 If at the completion of a recount the results of the election cannot be declared because there is an equality of valid votes for two or more candidates, the results will be determined by lot in accordance with Section 151 of the *Local Government Act*.”

(Amendment Bylaw No. 990, 2018)

7. GENERAL

- 7.1 The “Automated Vote Counting System Authorization and Procedure Bylaw No. 360, 1999” is hereby repealed.
- 7.2 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.
- 7.3 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

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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.

8. CITATION

8.1 This Bylaw may be cited for all purposes as “Automated Vote Counting System Authorization and Procedure Bylaw No. 480, 2002.”

READ A FIRST TIME THIS 04 DAY OF JUNE, 2002

READ A SECOND TIME THIS 04 DAY OF JUNE, 2002

READ A THIRD TIME THIS 04 DAY OF JUNE, 2002

ADOPTED BY COUNCIL, SIGNED BY THE MAYOR AND THE CLERK AND SEALED WITH THE SEAL OF THE TOWN OF VIEW ROYAL THIS 8th DAY OF JUNE, 2002.

MAYOR

CLERK & CAO