



THE CORPORATION OF THE CITY OF NORTH VANCOUVER

"Automated Vote Counting System Authorization and Procedure Bylaw No. 6815"

CONSOLIDATED FOR CONVENIENCE – JULY 8, 2008

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| Amendment Bylaw, 2008, No. 7948 | "Automated Vote Counting System Authorization and Procedure Bylaw, 1996, No. 6815, Amendment Bylaw, 2008, No. 7948" (Mail Ballot Voting). |
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THE CORPORATION OF THE CITY OF NORTH VANCOUVER

BYLAW NO. 6815

Automated Vote Counting System Authorization And Procedure Bylaw

WHEREAS pursuant to Section 102 of the *Local Government Act*, the Council of The Corporation of the City of North Vancouver is empowered to provide, by bylaw, for the use of automated voting machines, voting recorders or other devices for voting in an election;

NOW THEREFORE the Council of The Corporation of the City of North Vancouver. in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited as "**Automated Vote Counting System Authorization and Procedure Bylaw, 1996, No. 6815**".

2. DEFINITIONS

In this bylaw, all definitions shall be in accordance with Part 33 of the *Local Government Act*, except for the following:

"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 referendum question.

"Automated Vote Counting System" - means a system that counts and 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 two compartment ballot box, one compartment of which is for:
 - i) voted ballots; and
 - ii) returned ballots which have been reinserted using the ballot over-ride procedure,

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

- b) a portable ballot box into which voted mail ballots are deposited, to 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 of Mayor, Councillor, School Trustee, and Regional Health Board member, if applicable; and
- b) all of the choices on all of the referendum questions on which the opinion of, or consent from, the electors is sought.

"Ballot Return Over-ride 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 North Vancouver City Hall, 141 West 14th Street, North Vancouver, B.C.

"Emergency Ballot Compartment" - means a designated compartment in the ballot box under each vote counting unit into which voted ballots are temporarily deposited in the event that the unit ceases to function.

"Memory Pack" - means a computer software cartridge which is inserted into the vote counting unit and into which is preprogrammed:

- a) the names of all of the candidates for each of the offices of Mayor, Councillor, School Trustee, and Regional Health Board member, if applicable; and
- b) the alternatives of "yes" and "no" for each referendum question,

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

"Portable Ballot Box" - means a ballot box which is used 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 of Mayor, Councillor, School Trustee, and Regional Health Board member, if applicable, and the number of votes for and against each referendum question.

"Returned Ballot" - means a voted ballot which was inserted into the vote counting unit but which was not accepted, and which was returned 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 Counting Unit**" - means the device into which voted ballots are inserted and which scans each ballot and counts and records the number of votes for each candidate and for and against each referendum question.

2. AUTHORIZATION

2.1 Authorization is hereby given for the conducting of the General Local, School and Regional Health Board Election, using an automated vote counting system.

3. AUTOMATED VOTING PROCEDURES

3.1 The presiding election official for each voting place and at each advance and special voting opportunity, shall offer, and, if requested, ensure that a demonstration of how to vote using an automated vote counting system is provided to an elector, as soon as such elector enters the voting place and before a ballot is issued.

3.2 Upon completion of any voting demonstration, 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;
 - ii) completes the voting book as required by the *Local Government Act*; and
- b) upon fulfillment of the requirements of sub-section (a), shall then provide a ballot to the elector, along with a secrecy sleeve if applicable, the ballot marking pen, and any further instructions the elector requests.

3.3 Upon being given a ballot, the elector shall immediately proceed to a voting compartment to vote.

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, School Trustee, and Regional Health Board member, if applicable; and
- b) beside either "yes" or "no" in the case of each referendum question.

- 3.5 Once the elector has finished marking the ballot, the elector must either:
- a) place the ballot into the secrecy sleeve in the case of a two-sided ballot; or
 - b) turn the ballot upside down in the case of a single-sided ballot, and proceed to the Vote counting unit, and under the supervision of the election official in attendance, insert the ballot directly into the vote counting unit without the acceptable marks on the ballot being exposed.
- 3.6 If:
- a) before inserting the ballot into the vote counting unit, an elector determines that a mistake has been made when marking the ballot, or
 - b) the ballot is inserted into the vote counting unit and returned,
- 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 counting unit, the election official shall, using the ballot return over-ride procedure, reinsert the returned ballot into the vote counting unit to count any acceptable marks.
- 3.9 Any ballot accepted 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.
- 3.10 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.
- 3.11 During any period that a vote counting unit is not functioning, the election official supervising the unit shall direct electors to insert their ballots into the emergency 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 emergency 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.

- 3.12 Any ballots which were temporally stored in the emergency 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 over-ride 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.
- 3.13 A sample ballot that may be used in an election conducted under an automated vote counting system is attached as Schedule "A" to this bylaw.

4. ADVANCE, SPECIAL AND MAIL BALLOT VOTING OPPORTUNITY PROCEDURES

- 4.1 Vote counting units shall be used at all advance, special and mail ballot voting opportunities, and voting procedures at both the advance, special and mail ballot voting opportunities shall follow as closely as possible, those described in section 3.
- 4.2 At the close of voting at each advance and special voting opportunity, the presiding election official in each case shall ensure:
- (a) that no additional ballots are inserted into either the vote counting unit or into the emergency ballot compartment; and
 - (b) that the results tapes in the vote counting units are not generated.
- 4.3 During any period that a vote counting unit being used at an advance, special or mail ballot voting opportunity is not functioning, the provisions of sub-sections 3.11 and 3.12, so far as applicable, shall apply.
- 4.4 The presiding election official shall, at the close of voting at both the final advance voting opportunity and the special voting opportunity:
- (a) ensure that any remaining ballots in the emergency 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 election materials, to the Chief Election Officer at election headquarters.

4.5 At the close of voting for the mail ballot voting opportunity the portable ballot box containing the secrecy envelopes must be opened by an election official as directed by the Chief Election Officer, and in the presence of one other person and any scrutineers present, the mail ballots contained therein must be inserted into the vote counting unit to be counted.”

5. PROCEDURES AFTER THE CLOSE OF VOTING ON GENERAL VOTING DAY

5.1 After the close of voting on general voting day, each presiding election official, except those responsible for advance, special and mail ballot voting opportunities shall undertake all of the following, generally in the order stipulated:

- a) ensure that any remaining ballots in the emergency 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 2 copies of the results tape from the vote counting unit;
- d) remove the memory pack from the vote counting unit and deliver it, along with one copy of the results tape, to the Chief Election Officer at election headquarters;
- e) account for the unused, spoiled and voted ballots, and place them, packaged and sealed separately, into the election materials transfer box;
- f) complete the ballot account and place the duplicate copy in the election materials transfer box;
- g) seal the election materials transfer box;
- h) place the voting books/list of electors, the original copy of the ballot account, 1 copy of the results tape, completed registration cards, keys and all completed administrative forms into the Chief Election Officer portfolio;
- i) deliver the sealed election materials transfer box, vote counting unit and the Chief Election Officer portfolio to the Chief Election Officer at Election Headquarters.

5.2 After the close of voting on general voting day, the Chief Election Officer shall direct an election official to proceed in accordance with clauses (c) to (i) inclusive of sub-section 5.1, for the advance, special and mail ballot voting opportunities, so far as applicable.

5.3 Upon the fulfillment of the provisions of sub-sections 5.1 and 5.2 inclusive, the Chief Election Officer shall, to obtain the election results, direct an election official

to place the results in a spread sheet, which may be used for display in the City Council Chamber, indicating the total election results.

6. RECOUNT PROCEDURE

- 6.1 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 counting units will be designated for each voting place;
 - c) all voted ballots will be removed from the sealed election materials transfer boxes, except spoiled ballots, and reinserted in the appropriate vote counting units 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 over-ride procedure, be reinserted into the vote counting unit to ensure that any acceptable marks are counted; and
 - e) to obtain the election results, the Chief or Deputy Election Officer shall place the results of each voting place on a spread sheet so as to tally the total election results.

READ a first time by the Council on the 8th day of July, 1996.

READ a second time by the Council on the 8th day of July, 1996.

READ a third time and passed by the Council on the 8th day of July, 1996.

Approved by the Minister of Municipal Affairs and Housing on the 22nd day of July, 1996.

RECONSIDERED and finally adopted by the Council, signed by the Mayor and City Clerk and sealed with the Corporate Seal on the 22nd day of July, 1996.

Signed by: Mayor John E. Loucks

Signed by: Bruce Hawkshaw, City Clerk

**Schedule "A" To Bylaw No. 6815
Sample Ballot**

Schedule A to Bylaw No. 6815

CIVIC ELECTION CITY OF CANADA

To Vote, completely fill in the arrow(s) ← →
Point to your choice(s) like this: ← → →
Use the Special Marking Pen Provided

| MAYOR (Vote for One Only) | OFFICE OF COUNCILLOR (Vote for not more than Eight) | OFFICE OF SCHOOL TRUSTEE (Vote for not more than Seven) |
|---|---|---|
| BROADBENT, ED ← → | ACKROYD, DAN ← → | BENNETT, W.A.C. ← → |
| CLARK, JOE ← → | ADAMS, BRYAN ← → | CAMERON, DON ← → |
| DIEFENBAKER, JOHN ← → | ATWOOD, MARGARET ← → | DAVIS, BILL ← → |
| MULRONEY, BRIAN ← → | CANDY, JOHN ← → | DEVINE, GRANT ← → |
| TRUDEAU, PIERRE ← → | FOX, MICHAEL J. ← → | DOUGLAS, TOMMY ← → |
| TURNER, JOHN ← → | GOULET, ROBERT ← → | DUPLESSIS, MAURICE ← → |
| QUESTION NO. 1 | GREENE, LORNE ← → | GETTY, DON ← → |
| | GRETZKY, WAYNE ← → | LEVESQUE, RENE ← → |
| | KIDDER, MARGOT ← → | LOUGHEED, PETER ← → |
| | LITTLE, RICH ← → | LYON, STERLING ← → |
| | LOMBARDO, GUY ← → | MANNING, ERNEST ← → |
| | LLOYD, CHRISTOPHER ← → | SCHREYER, ED ← → |
| | MCNEIL, RITA ← → | SMALLWOOD, JOEY ← → |
| | MITCHELL, JONI ← → | VANDER ZALM, BILL ← → |
| | MURRAY, ANN ← → | |
| | NELLIGAN, KATE ← → | |
| PLUMMER, CHRISTOPHER ← → | | |
| SHATNER, WILLIAM ← → | | |
| SHORT, MARTIN ← → | | |
| YOUNG, NEIL ← → | | |
| <p>Would you be in favour of an increase in the G.S.T. if it was accompanied by a legislative requirement that all the proceeds would be used to reduce the national debt?</p> <p align="center">YES ← →</p> <p align="center">NO ← →</p> | | |