

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

BYLAW NO. 8946

Automated Vote Counting System Authorization and Procedure Bylaw

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;

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

CITATION

1. This bylaw may be cited as “**Automated Vote Counting System Authorization and Procedure Bylaw, 2022, No. 8946**”.

DEFINITIONS

2. In this bylaw, all definitions shall be in accordance with Part 3 of the *Local Government Act*, except for the following:

“**Acceptable Mark**” means a filled oval or oval marked with an “x” that the vote counting unit is able to identify, and that 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, if applicable.

“**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 Return 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 and School Trustee; 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 Card” means a flash memory card that inserts into the vote counting unit and into which is programmed:

- (a) the names of all the candidates for each of the offices of Mayor, Councillor, and School Trustee, as applicable, and with written consent of the candidate, an elector organization endorsement for the candidate; and
- (b) the alternatives of “yes” and “no” for all of the choices on all of the referendum questions on which the opinion of, or consent from, the electors is sought,

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, and School Trustee, and the number of votes for and against each referendum question, if applicable.

“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.

“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.

AUTHORIZATION

3. Authorization is hereby given for the conducting of the General Local and School Board Election, using an Automated Vote Counting System.

AUTOMATED VOTING PROCEDURES

- 4.1 The presiding election official for each voting place and at each advance and special voting opportunity, may offer, or if requested, must 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.

- 4.2 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 the Ballot marking pen, and any further instructions the elector requests.
- 4.3 Upon being provided 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 of Mayor, Councillor and School Trustee, if applicable; and
 - (b) beside either “yes” or “no” in the case of each referendum question, if applicable.
- 4.5 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 if one is otherwise provided; 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.
- 4.6 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.
- 4.7 If a Ballot is returned by the vote counting unit, the election official shall state the reason for the rejection as shown on the vote counting unit and give the elector the option of:
- (a) completing a replacement Ballot; or
 - (b) reinserting the Returned Ballot into the vote counting unit using the Ballot return override procedure to count any marks that have been made correctly;
- and the election official shall proceed in accordance with the elector’s choice.
- 4.8 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.

- 4.9 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.
- 4.10 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.
- 4.11 Any Ballots that were temporarily 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.
- 4.12 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.

ADVANCE AND SPECIAL VOTING OPPORTUNITY PROCEDURES

- 5.1 Vote counting units shall be used at all advance and special voting opportunities, and voting procedures at the advance and special voting opportunities shall follow as closely as possible, those described in section 4.
- 5.2 At the close of voting at each advance and special voting opportunity, the presiding election official in each case shall ensure:
- (a) that any remaining Ballots in the Emergency Ballot Compartment are inserted into the vote counting unit;
 - (b) that no additional Ballots are inserted into or withdrawn from either the vote counting unit or into or from the Emergency Ballot Compartment;
 - (c) that the Results Tapes in the vote counting units are not generated; and
 - (d) that the Memory Cards in the vote counting unit are secured and remain sealed in such a manner that they cannot be accessed without breaking the seal.
- 5.3 During any period that a vote counting unit being used at an advance or special voting opportunity is not functioning, the provisions of sub-sections 4.12 and 4.13, so far as applicable, shall apply.
- 5.4 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 or withdrawn; and
- (c) deliver the vote counting unit, together with the memory cards and all other election materials, to the Chief Election Officer at Election Headquarters.

MAIL BALLOT VOTING OPPORTUNITY PROCEDURES

6.1 Voting by mail Ballot and elector registration by mail in conjunction with mail Ballot voting are authorized under the *Local Government Act*.

- (a) The Chief Election Officer is authorized to establish the application form, time limits in relation to mail Ballot voting, determine options for distributing the mail Ballot packages, request identification from electors as applicable, and designate the locations for the receipt of completed mail Ballot packages from electors.
- (b) An elector who wishes to vote by mail Ballot must submit a request to the Chief Election Officer using the application form and within the time limits established by the Chief Election Officer.
- (c) Upon receipt of a completed application form and commencing as soon as practical after the final printed Ballots are available, the Chief Election Officer must make available to the elector a mail Ballot package that complies with sections 110(7) and (8) of the *Local Government Act*, immediately record, and upon request in person by a candidate, representative or elector, make available for inspection by any such person, the name and address of the person to whom the Chief Election Officer issued the mail Ballot package.
- (d) In order to vote using a mail Ballot, the elector must mark the Ballot in accordance with this bylaw and all instructions contained in the mail Ballot package provided by the Chief Election Officer.
- (e) It is the elector's responsibility to mail or deliver the completed mail Ballot package to a location designated by the Chief Election Officer such that the Chief Election Officer receives it no later than the close of voting on general voting day.
- (f) If an elector unintentionally spoils a mail Ballot before returning it to the Chief Election Officer, the elector may request a replacement mail Ballot package in accordance with section 6.1(b) of the bylaw, and the election official must make available replacement mail Ballot package as soon as practical in accordance with section 6.1 (c) of the bylaw. The first mail Ballot received by the Chief Election Officer will be counted, and any other mail Ballots issued to the same elector will be marked as "rejected", the reason for rejection will be noted, and those Ballots will not be counted.
- (g) The Chief Election Officer, or designate, must process all mail Ballot packages returned by the close of voting on general voting day.
- (h) Upon receipt of a returned mail Ballot envelope, the Chief Election Officer, or designate, must immediately record the date of such receipt, open the return envelope

and remove and examine the certification envelope and completed elector registration application, if applicable, and if satisfied as to the identity and entitlement to vote of the elector named in the certification, the completeness of the certification, and if the person is registering as a new elector, fulfilment of the requirements of section 65 or 66 of the *Local Government Act*, mark the certification envelope as "accepted" and place it with other certification envelopes.

- (i) If the Chief Election Officer, or designate, is not satisfied as to the identity and entitlement to vote of the elector named in the certification, or the completeness of the certification; or is not satisfied that a person registering as a new elector has fulfilled the requirements of section 65 or 66 of the *Local Government Act*; or receives the return mail Ballot envelope after the close of voting on general voting day, the Chief Election Officer, or designate, must not open the certification envelope and must mark the certification envelope as "rejected", note the reason for rejection, and not count the mail Ballot contained in the certification envelope in the election.
- (j) Each certification envelope returned with a mail Ballot package must be securely stored by the Chief Election Officer in the event of any challenge made in accordance with section 126 of the *Local Government Act*.

6.2 Vote counting units shall be used at the mail Ballot voting opportunity and voting procedures shall follow as closely as possible, those described in section 4.

6.3 During any period that a vote counting unit being used at a mail Ballot voting opportunity is not functioning, the provisions of sub-sections 4.12 and 4.13, so far as applicable, shall apply.

6.4 The Chief Election Officer is authorized to designate one or more locations, days and times for the counting of mail Ballots before general voting day.

6.5 For the counting of mail Ballots at locations, days and times designated by the Chief Election Officer, the Chief Election Officer, or designate, in the presence of another election official, shall:

- (a) open certification envelopes accepted and maintained to date by the Chief Election Officer;
- (b) insert the secrecy Ballot from each certification envelope into a vote counting unit designated for counting mail Ballots;
- (c) after the insertion of all mail Ballots, ensure that no additional Ballots are inserted into or withdrawn from either the vote counting unit or the Emergency Ballot Compartment;
- (d) ensure the Results Tapes in the vote counting unit are not generated; and
- (e) ensure the Memory Cards in the vote counting unit are secured and remain sealed in such a manner that they cannot be accessed without breaking the seal.

6.6 The Chief Election Officer shall designate a location and an election official for the counting of mail Ballots on general voting day and the procedures in section 6.5 of this bylaw shall apply to the counting of such mail Ballots. After the close of voting on general voting day, the designated election official shall:

- (a) generate two copies of the Results Tape from the vote counting unit designated for counting of mail Ballots; and
- (b) deliver one copy of the Results Tape, along with the Memory Card from vote counting unit used for counting mail Ballots, to the Chief Election Officer.

PROCEDURES AFTER THE 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, 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 or withdrawn;
- (c) generate two copies of the Results Tape from the vote counting unit;
- (d) remove the memory card 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, one copy of the Results Tape, completed registration cards, keys and all completed administrative forms into the Chief Election Officer portfolio; and
- (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.

7.2 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 and special Ballot voting opportunities, so far as applicable.

7.3 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 spreadsheet, which may be used for display in the City Council Chamber, indicating the total election results.

RECOUNT PROCEDURE

8. If a recount is required, it shall be conducted using the Automated Vote Counting System, and generally in accordance with the provisions of Sections 148, 149 and 150 of the Local Government Act:

REPEAL

9. “Automated Vote Counting System Authorization and Procedure Bylaw, 1996, No. 6815” and all amendments are repealed on adoption of this bylaw.

READ a first time on the 20th day of June, 2022.

READ a second time on the 20th day of June, 2022.

READ a third time on the 20th day of June, 2022.

ADOPTED on the 27th day of June, 2022.

“Linda C. Buchanan”

MAYOR

“Karla D. Graham”

CORPORATE OFFICER

Schedule "A" Sample Ballot

Sample Ballot



City of North Vancouver
2022 General Local Election
Saturday, October 15, 2022

To vote, fill in the oval next to your choice(s), like this: Use only the marking pen provided.

Candidates for Mayor Vote for ONE (1) only	Candidates for Councillor Vote for not more than SIX (6)	Candidates for School Trustee Vote for not more than THREE (3)
<input type="radio"/> AMADOPOLIS, Aristotle	<input type="radio"/> BORTON, Wendell	<input type="radio"/> BEARDLY, Jasper <small>BFC - Banana First Coalition</small>
<input type="radio"/> BAILEY, Mary <small>ACA - Apple Citizens Association</small>	<input type="radio"/> BOUVIER, Patty <small>ACA - Apple Citizens Association</small>	<input type="radio"/> BOUVIER, Selma <small>ACA - Apple Citizens Association</small>
<input type="radio"/> BROCKMAN, Kent	<input type="radio"/> CARLSON, Carl <small>PFC - Pear First Coalition</small>	<input type="radio"/> FLANDERS, Ned <small>ACA - Apple Citizens Association</small>
<input type="radio"/> POWERS, Ruth	<input type="radio"/> CHALMERS, Gary <small>BFC - Banana First Coalition</small>	<input type="radio"/> HIBBERT, Julius <small>ACA - Apple Citizens Association</small>
	<input type="radio"/> FLANDERS, Todd <small>ACA - Apple Citizens Association</small>	<input type="radio"/> LOVEJOY, Helen
	<input type="radio"/> FRINK, John <small>PFC - Pear First Coalition</small>	<input type="radio"/> SIMPSON, Mona <small>PFC - Pear First Coalition</small>
	<input type="radio"/> GUMBLE, Barney <small>BFC - Banana First Coalition</small>	<input type="radio"/> SNYDER, Roy <small>ACA - Apple Citizens Association</small>
	<input type="radio"/> GUNDERSON, Gil <small>ACA - Apple Citizens Association</small>	<input type="radio"/> VAN HOUTEN, Luann <small>ACA - Apple Citizens Association</small>
	<input type="radio"/> HIBBERT, Bernice <small>ACA - Apple Citizens Association</small>	<input type="radio"/> WIGGUM, Ralph
	<input type="radio"/> HOOVER, Elizabeth <small>PFC - Pear First Coalition</small>	
	<input type="radio"/> HUTZ, Lionel <small>BFC - Banana First Coalition</small>	
	<input type="radio"/> JONES, Jimbo <small>BFC - Banana First Coalition</small>	
	<input type="radio"/> KRABAPPEL, Edna <small>ACA - Apple Citizens Association</small>	
	<input type="radio"/> LEONARD, Lenny <small>PFC - Pear First Coalition</small>	
	<input type="radio"/> LOVEJOY, Timothy <small>PFC - Pear First Coalition</small>	
	<input type="radio"/> MCCLURE, Troy <small>ACA - Apple Citizens Association</small>	
	<input type="radio"/> MUNTZ, Nelson	
	<input type="radio"/> PRINCE, Martin	
	<input type="radio"/> RIVERIA, Nick <small>PFC - Pear First Coalition</small>	
	<input type="radio"/> SIMPSON, Abraham <small>BFC - Banana First Coalition</small>	
	<input type="radio"/> SKINNER, Agnes <small>ACA - Apple Citizens Association</small>	
	<input type="radio"/> SMITHERS, Waylon <small>ACA - Apple Citizens Association</small>	