

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

BYLAW NO. 9146

A Bylaw to establish an automated vote counting system and voting procedures

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

CITATION

- 1.1 This bylaw shall be known and cited for all purposes as “**Automated Vote Counting System Authorization and Procedure Bylaw, 2026, No. 9146**”.

DEFINITIONS

- 2.1 In this bylaw, all definitions shall be in accordance with Part 3 of the *Local Government Act*, as amended, 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 question on which the opinion or assent of the electors is sought;

“**Assent Voting**” has the meaning ascribed under “Local Election Bylaw, 2026, No. 9108”;

“**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 Override Procedure;

and the other being the Emergency Ballot Compartment; and

- (b) a number of Portable Ballot Boxes, which may be used in accordance with this Bylaw;

“**Ballot**” means a single composite 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 questions 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” means an election or by-election for the number of persons required to fill a local government or school board office in the City of North Vancouver;

“Election Headquarters” means North Vancouver City Hall, 141 West 14th Street, North Vancouver, B.C.;

“Election Materials Transfer Box” means a Portable Ballot Box designed for the transfer of election materials from a polling place to Election Headquarters;

“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 questions on which the opinion or assent of 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 question on which the opinion or assent of the electors is sought;

“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” or **“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 question on which the opinion or assent of the electors is sought.

AUTHORIZATION

- 3.1 Authorization is given for conducting Elections, School Board Elections, and Assent Voting opportunities using an Automated Vote Counting System.

USE OF AUTOMATED VOTE COUNTING SYSTEM

- 4.1 The Chief Election Officer may elect not to use an Automated Vote Counting System for a local government or school board by-election or Assent Voting opportunity if the Chief Election Officer determines that the use of an Automated Vote Counting System is not necessary or feasible. In making this determination, the Chief Election Officer shall consider:
- (a) whether the by-election is for the local government or the school board, or both;
 - (b) the number of elected positions to be filled through the by-election;
 - (c) whether the Assent Voting opportunity is in respect of a matter which failed to receive the assent of the electors under an Alternate Approval Process;
 - (d) the Chief Election Officer's estimate of the number of electors likely to vote based on empirical data regarding voter turnout for past local government and school board by-elections and Assent Voting opportunities;
 - (e) the estimated cost of obtaining an Automated Vote Counting System for the by-election or Assent Voting opportunity;
 - (f) the availability or lack thereof of an Automated Vote Counting System for the period required;
 - (g) the availability or lack thereof of election officials trained to use an Automated Vote Counting System or the amount of time available for such training; and
 - (h) any requests from the local government or the school board to dispense with the use of an Automated Vote Counting System for the by-election.
- 4.2 Where an Automated Vote Counting System is not used in a by-election, voting and counting procedures shall be in accordance with the *Local Government Act*.

AUTOMATED VOTING PROCEDURES

- 5.1 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.
- 5.2 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 subsection (a), shall then provide to the elector a Ballot, the Ballot marking pen, and any further instructions the elector requests.

- 5.3 Upon being provided a Ballot, the elector shall immediately proceed to a voting compartment to vote.
- 5.4 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 question on which the opinion or assent of the electors is sought.
- 5.5 Once the elector has finished marking the Ballot, the elector must either:
- (a) place the Ballot into the secrecy closure, 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, proceed to the Vote Counting Unit, and under the supervision of the election official in attendance, the elector must then insert the Ballot directly into the Vote Counting Unit without the Acceptable Marks on the Ballot being exposed.
- 5.6 If, before inserting the Ballot into the Vote Counting Unit, an elector determines that a mistake has been made when marking the Ballot, the elector may return to the voting compartment to correct the Ballot or request a replacement Ballot by informing the election official in attendance.
- 5.7 If a Ballot is returned by the Vote Counting Unit, the election official shall state the reason for the rejection and give the elector the option of:
- (a) completing a replacement Ballot, in which case the presiding election official shall issue a replacement Ballot to the elector and mark the original Ballot “spoiled” and shall retain all such spoiled Ballots separately from all other Ballots, and they shall not be counted; or
 - (b) reinserting the Returned Ballot into the Vote Counting Unit using the Ballot Return Override Procedure to record any Acceptable Marks;
- and the election official shall proceed in accordance with the elector’s choice, subject to the Ballot not being damaged to the extent that it cannot be reinserted into the Vote Counting Unit.
- 5.8 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.
- 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 direct electors to insert their Ballots into the Emergency Ballot Compartment, on the understanding that when 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.

5.11 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 Override 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.

ADVANCE AND SPECIAL VOTING OPPORTUNITY PROCEDURES

6.1 During the general local election, at:

- (a) advance voting opportunities, Vote Counting Units shall be used and voting procedures at the advance voting opportunities shall follow as closely as possible those described in section 5.3 through 5.5;
- (b) special voting opportunities:
 - (i) Vote Counting Units may be used and if so, voting procedures at the special voting opportunities shall follow as closely as possible those described in sections 5.3 through 5.5; or
 - (ii) a Portable Ballot Box may be used and if so, voting procedures shall be in accordance with section 5.10 and 5.11, to the extent applicable, and upon completion of the special voting opportunity, the presiding election official shall secure the Portable Ballot Box so that no more Ballots can be inserted or withdrawn and deliver it to the Chief Election Officer at Election Headquarters for processing of the special voting opportunity Ballots by 4:00 pm on General Voting Day and, to the extent applicable, for processing and counting in accordance with section 6.5.

6.2 During local government or school board by-elections or Assent Voting opportunities where the Chief Election Officer has determined, in accordance with section 4.1, not to use an Automated Vote Counting System, voting and counting procedures for advance and special voting opportunities shall be in accordance with the *Local Government Act*.

6.3 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.
- 6.4 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 5.10 and 5.11, so far as applicable, shall apply.
- 6.5 At the close of voting at both the final advance voting opportunity and the special voting opportunity, the presiding election official shall:
- (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 FOR AUTOMATED VOTE COUNTING SYSTEMS

- 7.1 Mail Ballot voting opportunity procedures not related to processing mail Ballots through a Vote Counting Unit shall be in accordance with “Local Election Bylaw, 2026, No. 9108”, as amended.
- 7.2 Vote Counting Units shall be used for the mail Ballot voting opportunity during general local elections, and for by-elections and Assent Voting opportunities where the Chief Election Officer determines that an Automated Vote Counting System will be used, and voting procedures shall follow as closely as possible, those described in section 5.8 and 5.9.
- 7.3 During any period that a Vote Counting Unit being used at a mail Ballot voting opportunity is not functioning, the provisions of subsections 5.10 and 5.11, so far as applicable, shall apply.
- 7.4 Mail Ballots shall be processed, in accordance with section 6.5, at Election Headquarters, on the following days and times:
- (a) on the day before general voting day at 9:00 am; and
 - (b) on general voting day at 4:00 pm and 8:00 pm.
- 7.5 For the processing of mail Ballots in accordance with section 6.4, the Chief Election Officer, or their designate, shall provide notice to the official agent or scrutineer of each candidate, who may be present for the proceedings set out in this section, and the Chief Election Officer, or their 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 mail 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 remains sealed in such a manner that they cannot be accessed without breaking the seal.
- 7.6 At the close of voting on general voting day, and upon completing the processing of all remaining mail Ballots, 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 the Vote Counting Unit used for counting mail Ballots to the Chief Election Officer at Election Headquarters.

PROCEDURES AFTER THE CLOSE OF VOTING ON GENERAL VOTING DAY

- 8.1 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) seal and secure the Vote Counting Unit Ballot box and 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.

- 8.2 Upon the fulfillment of the provisions of section 6.3 and 6.5 of this bylaw, the Chief Election Officer shall, to obtain the preliminary election results, direct an election official to place the results from the Results Tapes in a spreadsheet indicating the total preliminary election results, which may be used for display in the City Council Chamber and uploaded to the City website.

RECOUNT PROCEDURE

- 9.1 If a recount is required for an Election or Assent Voting opportunity where an Automated Vote Counting System was used, the recount must 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 reinserted into the designated Vote Counting Unit from which they came, to be cleared of all votes recorded;
 - (b) a Results Tape must be generated to ensure that no votes are recorded for any candidate in the election, or beside either “yes” or “no” in the case of any question;
 - (c) all voted Ballots must be removed from the sealed Ballot boxes 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 must, through the use of the Ballot Return Override Procedure, be reinserted into the Vote Counting Unit to ensure that any Acceptable Marks are counted; and
 - (e) to obtain the election results, the Results Tapes must be generated from each Vote Counting Unit and the aggregate number of votes determined for each candidate.
- 9.2 If a judicial recount is required for an Election or Assent Voting opportunity where an Automated Vote Counting System was used, the recount shall be conducted using the Automated Vote Counting System in accordance with subsections (a) through (e) of section 9.1.

REPEAL

10.1 “Automated Vote Counting System Authorization and Procedure Bylaw, 2022, No. 8946” and all amendments are repealed on adoption of this bylaw.

READ a first time on the 2nd day of February, 2026.

READ a second time on the 2nd day of February, 2026.

READ a third time on the 2nd day of February, 2026.

ADOPTED on the 23rd day of February, 2026.

“Linda C. Buchanan”

MAYOR

“Amelia Cifarelli”

CORPORATE OFFICER