

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 815

Being a bylaw to provide for the use of automated voting machines

WHEREAS pursuant to the provisions of Section 102 of the *Municipal Act*, R.S.B.C., 1996, c. 323 and amendments thereto, a local government may, by bylaw, provide for the use of automated voting machines, voting recorders or other devices for voting in an election with the approval of the Minister of Municipal Affairs;

AND WHEREAS the Regional Board of the Regional District of Central Okanagan deems it advisable to provide for the possible use of automated voting machines;

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in open meeting assembled, enacts as follows:

1. DEFINITIONS

In this bylaw, all definitions will be in accordance with Section 33 of the *Municipal 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 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 tabulating units, each of which rests on a ballot box; and
- b) a number of portable ballot boxes 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;

“Ballot” means a single automated ballot card designed for use in an automated vote counting system, which shows:

- a) the names of all the candidates for each of the offices of Director and School Trustee; and/or

- 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 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 offices of the Regional District of Central Okanagan, 1450 K.L.O. Road, Kelowna, B.C., or other place designated for the local general election;

“Elector” means a resident elector or non-resident property elector of the Regional District of Central Okanagan as defined in the *Municipal Act*;

“General local election” means the elections held for the Directors and School Trustees of the Regional District of Central Okanagan, and includes other voting;

“Local government” means the Board of the Regional District of Central Okanagan;

“Memory card” means the storage device which stores all the permanent results for the vote tabulating unit;

“Other voting” means voting on a matter referred to in Section 158 of the *Municipal Act* and includes voting on a referendum under Section 245 of that Act;

“Portable ballot box” means a ballot box which is used at a voting place in the election, where a vote tabulating unit is not being used or is not functioning;

“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 offices of Director and School Trustee, and the number of votes for and against each referendum question;

“Returned ballot” means a voted ballot which was inserted into the vote tabulating unit by the elector, which was not accepted, but 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;

“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 referendum question.

2. USE OF VOTING MACHINES

Pursuant to Section 102 of the *Municipal Act*, and with the approval of the Minister, an automated vote counting system may be used to conduct general local elections.

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; and
 - ii) completes the voting book information as required by the *Municipal Act*; and
 - b) upon fulfilment of the requirements of Subsection (a), shall then provide a ballot to the elector, along with a secrecy sleeve if requested by the elector, and any further instructions the elector requests.
- 3.3 Upon being given a ballot, and secrecy sleeve if so requested, 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 Director and School Trustee, and
 - b) beside either “yes” or “no” in the case of each of the referendum questions.
- 3.5 Once the elector has finished marking the ballot, the elector must place the ballot into the secrecy sleeve 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 tabulation 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 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 portable 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 portable 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 portable 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.
- 3.13 A sample ballot that may be used in an automated voting counting system is attached hereto as Schedule "A".

4. ADVANCE VOTING OPPORTUNITY PROCEDURES

- 4.1 Vote tabulating units may 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 3 of this bylaw.
- 4.2 At the close of voting at each advance voting opportunity the presiding election official in each case shall ensure:
- a) that no additional ballots are inserted in the vote tabulating unit;
 - b) that the portable ballot box is locked to prevent insertion of any ballots;
 - c) that the register tapes in the vote tabulating unit are not generated; and
 - d) that the memory card of the vote tabulating unit is secured.
- 4.3 The presiding election official shall, at the close of voting at the final advance voting opportunity:
- a) ensure that any remaining ballots in the portable 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. SPECIAL VOTING OPPORTUNITY PROCEDURES

- 5.1 A portable ballot box, as defined herein, shall be used for all special voting opportunities, and the presiding election official appointed to attend at each special voting opportunity shall proceed in accordance with Sections 3.2, 3.3, 3.4 and 3.5 so far as applicable, except that the voted ballots shall be deposited into the portable ballot box supplied by the presiding election official.
- 5.2 The presiding election official at a special voting opportunity shall ensure that the portable ballot box is secured when not in use and at the close of voting at the final special voting opportunity the presiding election official shall seal the portable ballot box and return it, together with all other election materials to the custody of the chief election officer.

6. PROCEDURE AFTER THE CLOSE OF VOTING ON GENERAL VOTING DAY

6.1 After the close of voting on general voting day at voting opportunities where a voting tabulating unit was used in the election, but excluding advance and special voting opportunities, each presiding election official shall:

- a) ensure that any remaining ballots in the portable ballot box are inserted 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; and
- d) deliver one copy of the register tape, along with the vote tabulating unit, to the chief election officer at election headquarters;

and each alternate presiding election official shall:

- e) account for the unused, spoiled and voted ballots, and place them, packed and sealed separately, into the election materials transfer box along with one copy of the register tape;
- 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, the original copy of the ballot account, one copy of the register tape, keys and all completed administrative forms into the chief election officer portfolio; and
- i) make arrangements to transport all equipment and materials to election headquarters as directed by the chief election officer.

6.2 At the close of voting on general voting day, the chief election officer shall direct an election official to proceed with the count of ballots for the advance voting opportunity in accordance with Section 6.1(a) to (f) of this bylaw.

6.3 All portable ballot boxes used in the election will be opened, under the direction of the chief election officer at the close of voting on general voting day and all ballots shall be removed and inserted into a vote tabulating unit to be counted, after which the provisions of Section 6.1(a) to (f), so far as applicable, shall apply.

7. RECOUNT PROCEDURE

7.1 If a recount is required, it shall be conducted under the direction of the chief election officer, and using the automated vote counting system and generally in accordance with the following procedure:

- a) the memory packs of all vote tabulating units will be cleared;
- b) vote tabulating units will be designated for each voting place;
- c) all ballots will be removed from the sealed ballot boxes; and
- d) all ballots, except spoiled ballots, will be reinserted in the appropriate vote tabulating units under the supervision of the chief election officer.

8. RESOLUTION OF TIE VOTES AFTER 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 with Section 141 of the *Municipal Act*.

9. CITATION

This bylaw may be cited for all purposes as "Regional District of Central Okanagan Automated Voting Machines Authorization and Procedures Bylaw No. 815, 1999".

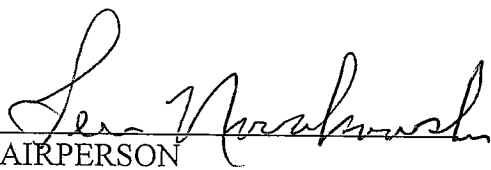
READ A FIRST TIME THIS 11th DAY OF January, 1999.

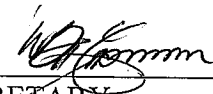
READ A SECOND TIME THIS 11th DAY OF January, 1999.

READ A THIRD TIME THIS 11th DAY OF January, 1999.

Approved by the Minister of Municipal Affairs this 2nd day of February, 1999.


RECONSIDERED AND ADOPTED THIS 22nd DAY OF February, 1999.


 CHAIRPERSON


 SECRETARY

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 815 cited as the "Regional District of Central Okanagan Automated Voting Machines Authorization and Procedures Bylaw No. 815, 1999 as read a third time by the Regional Board on the 11th day of January, 1999.


Dated at Kelowna, B.C. this
13th day of January, 1999.



SECRETARY

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 815 cited as the "Regional District of Central Okanagan Automated Voting Machines Authorization and Procedures Bylaw No. 815, 1999 as adopted by the Regional Board on the 22nd day of February, 1999.

Dated at Kelowna, B.C. this
23rd day of February, 1999.



SECRETARY