

**CITY OF PITT MEADOWS
GENERAL ELECTION AND OTHER VOTING BYLAW
BYLAW NO. 2386, 2008.**

A Bylaw of the City of Pitt Meadows to provide for the determination of various procedures for the conduct of local government elections and other voting.

WHEREAS, under the *Local Government Act*, Council may, by bylaw, determine various procedures and requirements to be applied to the conduct of local government elections and other voting;

AND WHEREAS, Council wishes to establish voting procedures and requirements under that authority.

NOW THEREFORE, the Council of the City of Pitt Meadows in open meeting assembled, ENACTS AS FOLLOWS:

PART I – INTERPRETATION

Citation/Title

1. This Bylaw may be cited as the **"City of Pitt Meadows General Election and Other Voting Bylaw No. 2386, 2008"**.

Definitions

In this bylaw:

2.
 - (a) **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 other voting question.
 - (b) **Automated vote counting system** means a system that counts and records votes and processes and stores election results which comprises:
 - i. a number of **ballot scan vote counting units**, each of which deposits voted ballots into a **ballot** box.
 - (c) **Ballot** means a single ballot card designed for use in an **automated vote counting system**, which shows:
 - i. the names of all of the candidates for each of the offices to be filled; and
 - ii. all of the choices on other matters on which the opinion or assent of the electors is sought.
 - (d) **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**.

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- (e) **Election headquarters** means the location determined by the chief election officer to be the main point of contact during an election.
- (f) **Elector** means a resident elector or property elector of the jurisdiction as defined under the *Local Government Act*.
- (g) **General voting day** means
 - i. for a general election, the date for Local Government Elections set under the *Local Government Act*; and
 - ii. for other voting, the date for other voting set under the *Local Government Act*
- (h) **Memory pack** means a computer software cartridge which is inserted into the **vote counting unit** and into which is pre-programmed the names of all the candidates for each of the offices to be filled, and the alternatives of “yes” or “no” for each question on the **ballot**, and which records and retains information on the number of acceptable marks made for each.
- (i) **Other voting** means voting on a matter referred to in Section 158 of the *Local Government Act*.
- (j) **Storage ballot box** means a ballot box, for use in the election, where a **vote counting unit** is not being used at the time of voting.
- (k) **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 to be filled, and the number of votes for and against each other matter on which the assent of the electors is sought.
- (l) **Returned ballot** means a voted **ballot** which was inserted into the **vote counting unit**, 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.
- (m) **Secrecy sleeve** means an open-ended folder or envelope used to cover **ballots** to conceal the choices made by each elector.
- (n) **Vote counting 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.

PART II – Regulations and Procedures

3. Minimum Number Of Nominators

As authorized under section 71 of the *Local Government Act*, the minimum number of qualified nominators required to make a nomination for office as a member of Council shall be ten (10).

4. Access To Nomination Documents

As authorized under Section 73 of the *Local Government Act*, public access to nomination documents for inspection will be provided in person at City Hall during normal business hours and will be posted to the City's Internet site during the period from the time of delivery and time required to electronically post, until 30 days after the declaration of the election results under Section 136.

5. Provincial Voters List

For the purposes of all local elections and submissions to the electors under Parts 3 and 4 of the *Local Government Act*, the most current available Provincial list of voters prepared under the *Election Act*, shall become the register of resident electors on the 52nd day prior to the general voting day for such elections and submissions to the **electors**.

6. Advance Voting

Under Section 97 of the *Local Government Act* one of the two required advance voting opportunities must be held on the 10th day before the general voting day.

As required under section 97 of the *Local Government Act*, the second additional advance voting opportunity is hereby established to be held on the 8th day before general voting day, except in the event of the 8th day before general voting day being a statutory holiday, in which case the second advance voting opportunity will be held on the day preceding or following the statutory holiday.

Advance voting opportunities will be available between the hours of 8:00 a.m. to 8:00 p.m. at locations to be established by the chief election officer.

7. Mail Ballot Voting

- (a) As authorized under section 100 of the *Local Government Act*, voting and registration may be done by mail for those electors who meet the criteria in paragraph (b) for each election or other voting.

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- (b) The following electors are permitted to register to vote by mail and to vote by mail ballot:
 - i. those persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity; and
 - ii. persons who expect to be absent from the municipality on **general voting day** and at the times of all advance voting opportunities.

- (c) The following procedures for voting and registration must apply:
 - i. sufficient record will be kept by the chief election officer so that challenges of the elector's right to vote may be made in accordance with the intent of Section 116 of the *Local Government Act*, and
 - ii. a person exercising the right to vote by mail under the provisions of Section 100 of the *Local Government Act* may be challenged in accordance with, and on the grounds specified in Section 116 of the *Local Government Act*, until 4:30 p.m. two days before **general voting day**.

- (d) The time limits in relation to voting by mail ballot will be determined by the chief election officer.

- (e) As provided in the *Local Government Act*, a mail ballot must be received by the chief election officer before the close of voting on general voting day in order to be counted for an election.

8. Use Of Voting Machines

Council hereby provides for the use of an **automated vote counting system** for the conduct of elections and other voting that may, from time to time, be required.

8.1 Automated Voting Procedures

- (a) The presiding election official for each voting place shall offer, and if requested, ensure that a demonstration of how to vote using a **vote counting unit** is provided to an **elector**, as soon as such **elector** enters the voting place and before a **ballot** is issued.

- (b) Upon completion of the voting demonstration, if any, the **elector** shall proceed as instructed, to the election official responsible for issuing **ballots**, who, upon fulfilment of the requirements of the *Local Government Act*, shall then provide a **ballot** to the **elector**, a **secrecy sleeve**, if requested by the **elector**, the ballot marking instrument, and any further instructions the **elector** requests.

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- (c) Upon receiving a **ballot**, the **elector** shall immediately proceed to a voting compartment to vote.
- (d) The **elector** may vote only by making an **acceptable mark** on the **ballot**:
 - i. beside the name of each candidate of choice, up to the maximum number of candidates to be elected for each of the offices to be filled; and/or
 - ii. 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.
- (e) Once the **elector** has finished marking the **ballot**, the **elector** must either place the **ballot** into the **secrecy sleeve**, if one has been requested, or turn the ballot upside down and proceed to the **vote counting unit**, and under the supervision of the election official in attendance, insert the **ballot** directly from the **secrecy sleeve**, if applicable, into the **vote counting unit** without the **acceptable marks** on the **ballot** being exposed.
- (f) If, before inserting the **ballot** into the **vote counting unit**, an **elector** determines that a mistake has been made when marking the **ballot**, or if the **ballot** is returned by the **vote counting unit**, the **elector** may return to the voting compartment to correct the ballot or request a replacement **ballot** by informing the election official in attendance.
- (g) Upon being informed 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.
- (h) 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 override procedure**, reinsert the **returned ballot** into the **vote counting unit** to count any **acceptable marks** which have been made correctly.
- (i) Any **ballot** counted 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.
- (j) 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.

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(k) During any period that a **vote counting unit** is not functioning, the election official supervising the unit shall insert all **ballots** delivered by the electors during this time, into the storage ballot box, on the understanding that if the **vote counting unit**:

- i. Becomes operational, or
- ii. is replaced with another **vote counting 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, shall be inserted into the **vote counting unit** to be counted.

(l) Any **ballots** which were temporarily stored in the storage ballot box 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.

8.2 Advance Voting Opportunity Procedures – Automated Voting

(a) **Vote counting units** shall be used at all advance voting opportunities and voting procedures at the advance voting opportunities shall follow, as closely as possible, those described in Section 8 of this Bylaw.

(b) At the close of voting at each advance voting opportunity, the presiding section official in each case shall ensure that:

- i. no additional **ballots** are inserted in the **vote counting unit**;
the ballot box is sealed to prevent insertion of any **ballots**;
- ii. the **results tapes** in the **vote counting unit** are not generated;
and
- iii. the **memory pack** of the **vote counting unit** is secured.

(c) At the close of voting at the final advance voting opportunity, the presiding election official shall:

- i. ensure that any remaining **ballots** in ballot storage boxes are inserted into the **vote counting unit**;
- ii. secure the **vote counting unit** so that no more **ballots** can be inserted; and

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- iii. deliver the **vote counting unit**, together with the **memory pack** and all other materials used in the election to the chief election officer at **election headquarters**.

8.3 Procedures After Close Of Voting On General Voting Day – Automated Voting

- (a) After the close of voting on **general voting day**, each presiding election official, except those responsible for advance voting opportunities, shall undertake all of the following, generally in the order stipulated:
 - i. ensure that any remaining **ballots** in the ballot storage boxes are inserted into the **vote counting unit**;
 - ii. secure the **vote counting unit** so that no more **ballots** can be inserted;
 - iii. generate three copies of the **results tape** from the **vote counting unit**;
 - iv. where the voting place is not the **election headquarters**, telephone the result to **election headquarters** immediately;
 - v. account for the unused, spoiled and voted **ballots** and place them, packaged and sealed separately, together with the **memory pack** from the **vote counting unit** and one copy of the **results tape**, into the ballots and results box;
 - vi. complete the **ballot** account and place the duplicate copy in the ballots and results box;
 - vii. seal the ballots and results box;
 - viii. 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 forms into the election materials box; and
 - ix. deliver, or have available for pick-up, the sealed ballots and results box, **vote counting unit** and the election materials box, to the chief election officer at **election headquarters**.
- (b) At the close of voting on **general voting day**, the chief election officer shall direct the presiding election official for the advance voting opportunity and any special voting opportunities where **vote counting units** were used, to proceed in accordance with Section 8.3 of this Bylaw.
- (c) 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 counting unit** to be counted, after which the provision of Sections 8.3 (a) i. to viii., so far as applicable, shall apply.

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- (d) Upon the fulfilment of the provisions of Section 8.3 (a) to 8.3 (c) 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 place designated by the chief election officer for results announcements indicating the total election results.

8.4 Recount Procedure – Automated Voting

- (a) If a recount is requested by a candidate after the preliminary election results are announced, 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:
- i. the **memory packs** of all **vote counting units** will be cleared;
 - ii. a **vote counting unit** will be designated for each voting place;
 - iii. all voted **ballots** will be removed from the sealed election materials boxes, except spoiled ballots, and reinserted in the appropriate **vote counting unit** under the supervision of the chief election officer;
 - iv. any **ballots** returned by the **vote counting unit** during the recount process shall, through the use of the **ballot return override procedure**, be reinserted in the **vote counting unit** to ensure that any **acceptable marks** are counted; and
 - v. 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.

9. Resolution Of Tie Vote 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 *Local Government Act*.

10. Access To Campaign Financing Documents

As authorized under Section 93 of the *Local Government Act*, public access to disclosure statements, signed declarations, and supplementary reports required under Sections 90 and 90.1 of the *Local Government Act* will be provided for inspection in person at City Hall during normal business hours and will be posted to the City's Internet site during the period from the time of filing and time required to electronically post, until 7 years after **general voting day** for the election to which they relate.

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11. Effective Date

This Bylaw shall come into force and effect as of the date of Final Adoption after three readings.

12. Severability

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

13. Repeal

Bylaw No. 1584, 1993 List of Voters Bylaw; Bylaw No. 1782, 1996 Voting Machine Bylaw; Bylaw No. 2071, 2002 Voting Procedure Bylaw; Bylaw No. 2231, 2005 Voting Procedure Amendment Bylaw, and any other amendments thereto are repealed.

READ a FIRST and SECOND time the 8th day of July, 2008.

READ a THIRD time the 8th day of July, 2008.

FINALLY CONSIDERED AND ADOPTED the 22nd day of July, 2008.

Mayor (Don MacLean)

Corporate Officer (Laurie Darcus)

CERTIFIED to be a true and correct copy of the " <i>City of Pitt General Election and Other Voting Bylaw No. 2386, 2008</i> ", Finally Considered and Adopted the 22 nd day of July, 2008.

Corporate Officer
