

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9435

AUTOMATED VOTE COUNTING SYSTEM AUTHORIZATION AND PROCEDURES BYLAW

WHEREAS under the *Local Government Act*, the Council of the Corporation of the District of Saanich may, by bylaw provide for the use of automated voting machines, voting recorders or other devices for voting in an election (and other voting);

AND WHEREAS the Council wishes to establish various procedures and requirements under that authority;

NOW THEREFORE the Council of the Corporation of the District of Saanich, in open meeting assembled, enacts as follows:

1 DEFINITIONS

1.1 The following words and phrases shall be defined as:

"Acceptable Mark" - A mark in the space provided on the ballot opposite a candidate's name or a question that the vote tabulator is able to read and count.

"Automated Vote Counting System" - An automated system that records and counts votes and processes and stores election results. The system is housed in two hardware components, the upper half being the vote tabulator and the lower half being the ballot box.

"Auxiliary Ballot Box Bin" - A separate compartment in the ballot box for ballots that have been marked by electors but not counted by the vote tabulator.

"Ballot" - A ballot card which may be a composite ballot for two or more elections to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes.

"Ballot Account" - An account of ballots prepared in accordance with Section 141 of the *Local Government Act*.

"Ballot Box" - The container for ballots that have been marked by electors.

"Election Headquarters" - The Saanich Municipal Hall, 770 Vernon Avenue, or other location within the boundary of the District of Saanich designated by the Chief Election Officer and used for the preparation and operation of the election.

"Election Officials" - Election officials appointed by the Chief Election Officer to assist the presiding election official at election proceedings and act as alternate presiding election official.

"Memory Pack" - A device that plugs into the vote tabulator that contains:

- a) the names of the candidates or questions being voted on;
- b) the alternative "yes" and "no" for each referendum question; and
- c) a mechanism to count votes for each election or referendum or opinion question being conducted.

"Portable Ballot Box" - A ballot box which is used in the election where a vote tabulator is not being used at the time of voting.

"Presiding Election Official" - Election official appointed by the Chief Election Officer to conduct election proceedings where the Chief Election Officer is not acting as presiding election official.

"Register Tape" - The printed record generated from a vote tabulator which shows:

- a) the number of ballots received;
- b) the number of ballots accepted;
- c) the number of ballots rejected; and
- d) the number of votes for each candidate; and for and against each question on which the opinion or assent from the electors is sought

"Secrecy Sleeve" - An open-ended envelope which may be used by an elector to cover the ballot to conceal the elector's marks.

"Vote Tabulator" - The part of the automated vote counting system into which the ballots are inserted and which scans each ballot 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.

"Voting Book" - The book for recording the names of electors.

2 ELECTION PROCEDURES

- 2.1 The Chief Election Officer may decide to conduct any local government election or other voting using an automated vote counting system as authorized under this Bylaw.
- 2.2 If automated vote counting machines are to be used, the Chief Election Officer must conduct a test of the automated vote counting system before each local government election and must be satisfied that it is in good working order.
- 2.3 As soon as the test of the automated vote counting system is completed, the Chief Election Officer must secure the memory packs and ensure that they will remain secured until the local government election.

3 FORM OF BALLOT

- 3.1 The Chief Election Officer may provide for use of composite ballots on which an elector's votes on two or more elections may be indicated. If a ballot is in the form of a composite ballot each portion of the ballot that deals with a single election is to be considered a separate ballot.
- 3.2 Each ballot shall contain a space for an acceptable mark opposite each candidate's name, or opposite "yes" or "no" on a voting question.

- 3.3 The form of ballots shall be in accordance with the *Local Government Act*, unless a bylaw under section 117 of the Local Government Act has been passed and in such case the form of ballot shall be in accordance with section 117.

4 VOTING PROCEDURES

- 4.1 The Chief Election Officer will select a presiding election official for each voting place whose duties are to ensure election officials demonstrate voting procedures, issue ballots and accept marked ballots at the vote tabular and ballot box, in addition to other general responsibilities for the supervision and control of the voting place.
- 4.2 Each elector is entitled to a demonstration of voting procedures from an election official assigned to perform demonstrations as soon as they enter the voting place. The elector will proceed from the demonstration area to the registration area.
- 4.3 An election official responsible for issuing ballots will:
- a) ensure that the elector is voting in the correct voting division, where required;
 - b) ensure the elector signs the voting book; and
 - c) provide a ballot to the elector, along with a secrecy sleeve if the elector so chooses, and the ballot marking pen.
- 4.4 Immediately after receiving the ballot, the elector must proceed to a voting compartment to vote, or if the elector is unable to mark a ballot because of a physical disability or difficulties in reading or writing or is unable to enter the voting place because of physical disability or impaired mobility, the elector may vote in accordance with the procedures outlined in Sections 131 and 132 of the *Local Government Act*.
- 4.5 The elector shall vote by making an acceptable mark on each ballot beside the chosen candidate (or candidates, where there is more than one vacancy), or beside the "yes" or "no" when the vote is on question. An elector may mark only up to the same number of spaces on the ballot as the number of vacancies in office and may not mark more than one space on a ballot for each ballot question.
- 4.6 Once the elector has finished marking the ballot, the elector must proceed to the vote tabulator, and under the supervision of the election official in attendance, insert the ballot into the vote tabulator without, so far as possible, the acceptable marks on the ballot being exposed.
- 4.7 If an elector has:
- a) unintentionally spoiled a ballot or made a mistake before it is deposited in a ballot box; or
 - b) if the vote tabulator will not accept the ballot
- the presiding election official must issue a new ballot to the elector and mark the returned ballot "spoiled". Spoiled ballots must be retained and kept separately from all other ballots and must not be counted in the election results.
- 4.8 If a ballot is rejected by the vote tabulator, the election official must advise the elector of the reason for the rejection as shown on the vote tabulator and give the elector the option of:
- a) completing a replacement ballot; or

- b) reinserting the returned ballot into the vote tabulator unit using the ballot return over-ride function to count the votes that have been completed correctly.
- 4.9 Any ballot counted by the vote tabulator is valid and will be counted in the election results, subject to any determination made by the Chief Election Officer on a recount
- 4.10 Once the ballot has been inserted into the ballot box, the elector must immediately leave the voting place.
- 4.11 If the vote tabulator stops functioning, the election official at the ballot box must insert all ballots delivered by the electors while the vote tabulator is not working into the auxiliary ballot box bin for counting at a later time.

5 ADVANCE VOTING OPPORTUNITIES PROCEDURES

- 5.1 The vote tabulators and regular ballot boxes will be used to conduct advance voting opportunities unless the Chief Election Officer directs that portable boxes be used.
- 5.2 The voting procedures at the advance vote will follow the procedures described in Section 4 of this bylaw, as closely as possible.
- 5.3 At the close of the advance voting opportunity, the presiding election official must ensure:
- a) that no additional ballots are inserted in the vote tabulator;
 - b) that the ballot boxes used are sealed to prevent insertion of additional ballots;
 - c) that the register tapes for the advance voting opportunity are not generated;
 - d) that the automated vote counting system including sealed memory packs are delivered locked to the Chief Election Officer for securing until general voting day.
- 5.4 The Chief Election Officer must ensure:
- a) that the ballot boxes, complete with the memory packs used for the advance voting opportunity, remain sealed;
 - b) that the memory packs remain secure; and
 - c) that the register tapes for the advance voting opportunity are not generated, until 8:00 p.m. on general voting day.

6 SPECIAL VOTING OPPORTUNITIES (MOBILE POLLS)

- 6.1 Pursuant to Section 109 of the *Local Government Act* Council may, by bylaw, establish special voting opportunities in order to give electors who may otherwise be unable to vote, an opportunity to do so.
- 6.2 A presiding election official may attend at pre-approved facilities to take the elector's vote.
- 6.3 Unless the Chief Election Officer determines it is practical to use an automated vote counting system, a portable ballot box shall be used for all special voting opportunities.

- 6.4 The presiding election officials appointed to attend at the pre-appointed special opportunities voting places shall conduct the voting in accordance with Section 4 of this bylaw, mutatis mutandis, but not limited to:
- a) explain and demonstrate the voting procedures;
 - b) fill out the voting book;
 - c) provide a ballot to the elector, along with a secrecy sleeve if the elector so chooses, and the ballot marking pen;
 - d) allow the elector to mark the ballot in private; and
 - e) ensure that the ballot is placed in the portable ballot box without, so far as possible, the acceptable marks on the ballot being exposed.
- 6.5 The presiding election official will ensure that the portable ballot box is secured. As soon as the presiding election official has attended all institutions as directed by the Chief Election Officer, the presiding election official must seal the portable ballot box and return it to the Chief Election Officer for safe keeping until general voting day.

7 POST-VOTE PROCEDURES

- 7.1 Immediately after the voting place is closed, the presiding election official must:
- a) insert the ballots from the auxiliary ballot box into the vote tabulator;
 - b) secure the vote tabulator so that no more ballots can be inserted;
 - c) generate three copies of the register tape from the vote tabulator;
 - d) remove the memory pack from the vote tabulator and deliver it, along with one copy of the register tape, to the Chief Election Officer at election headquarters;
 - e) complete the ballot account to account for the voted ballots, unused ballots, spoiled ballots and unaccounted for ballots, attach one copy of the register tape and place the ballot account in the election materials transfer box;
 - f) place the voted ballots into the election materials transfer box;
 - g) place the spoiled ballots in a sealed envelope and place the envelope into the election materials transfer box;
 - h) seal the election materials transfer box;
 - i) place the lists of electors, the voting books, one copy of the register tape, a copy of the ballot account, completed elector registration cards, and all administrative forms into the Chief Election Officer envelopes; and
 - j) deliver the sealed election materials transfer box, the vote tabulator, and the Chief Election Officer envelopes to the Chief Election Officer at election headquarters.
- 7.2 The register tapes from the vote tabulators used at the advance vote will be generated at the election office after 8:00 p.m. on general voting day.
- 7.3 The portable ballot boxes will be opened, at the direction of the Chief Election Officer, by the designated election officials at the election office after 8:00 p.m. on general voting day, and all ballots will be removed and inserted into the vote tabulators for counting.

8 RECOUNT PROCEDURE

- 8.1 If a recount is required:
- a) the memory packs of all vote tabulators will be cleared;

- b) vote tabulators will be designated for each voting place;
- c) all voted ballots will be removed from the sealed election materials transfer boxes;
- d) all voted ballots, except for spoiled ballots, will be re-inserted in the appropriate vote tabulators under the supervision of the Chief Election Officer;
- e) any ballots returned by the vote tabulator during the recount process shall, through the use of the ballot return over-ride procedure, be reinserted into the vote tabulator to ensure that any acceptable marks are counted

9 REPEAL

Automated Voting Machines General Local Elections Authorization and Procedure Bylaw, 1993, No. 7155, and all amendments thereto are hereby repealed.

10 TITLE

This Bylaw may be cited for all purposes as “Automated Vote Counting System Authorization and Procedures Bylaw, 2017, No. 9435”.

Read a first time this 8th day of May, 2017.

Read a second time this 8th day of May, 2017.

Read a third time this 8th day of May, 2017.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the 15th day of May, 2017.

“DONNA DUPAS”

Municipal Clerk

“RICHARD ATWELL”

Mayor