

**DISTRICT OF LANTZVILLE
BYLAW NO. 160**

**A BYLAW TO PROVIDE FOR THE DETERMINATION OF VARIOUS PROCEDURES FOR
THE CONDUCT OF LOCAL GOVERNMENT ELECTIONS AND ASSENT VOTING.**

WHEREAS pursuant to the *Local Government Act*, the Council of the District of Lantzville may, by bylaw, determine various procedures and requirements to be applied in the conduct of local government elections and assent voting;

AND WHEREAS the Council of the District of Lantzville wishes to establish various procedures and requirements under these authorities;

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

1. CITATION

- 1.1 This Bylaw may be cited as “District of Lantzville Election and Assent Voting Bylaw No. 160, 2018”.

2. DEFINITIONS

- 2.1 In this Bylaw the following terms have the following meanings:

“**acceptable mark**” means a mark that 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.

“**automated vote counting system**” means a system that counts, 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 **ballot** box; and
- (b) a number of **portable ballot boxes** into which voted **ballots** are deposited where a **vote counting 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 of the candidates for each of the offices to be filled; and,
- (b) all of the choices on all of the bylaws or other matters 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**.

“**District**” means the District of Lantzville.

“**election headquarters**” means District of Lantzville Municipal Hall located at 7192 Lantzville Road, Lantzville, British Columbia, or other location designated by the Chief Election Officer.

“**election sign**” means any sign installed to support the election of a candidate or political party at a municipal, provincial or federal level or public authority office, or providing information related to an election, political initiative, or referendum.

“**memory card**” means a computer software device 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.

“**portable ballot box**” means a ballot box that is used at a voting place to store and transfer voted ballots where a **vote counting unit** is not being used.

“**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 bylaw or other matters 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 to the elector with an explanation of the **ballot** marking error that caused the **ballot** not to be accepted.

“**secrecy sleeve**” means an open-ended folder or envelope available which may be used to cover **ballots** to conceal the choices made by each elector.

“**storage ballot compartment**” means a ballot box under each **vote counting unit** into which voted **ballots** are temporarily deposited in the event that the unit ceases to function.

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

3. ELECTOR REGISTRATION

- 3.1 As authorized under section 76 of the *Local Government Act* for all elections and opinion or assent voting, 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 general voting day.

4. USE OF VOTING MACHINES

- 4.1 Council hereby provides for the use of an **automated vote counting system** for the conduct of elections and voting on bylaws or other matters on which the opinion or assent of the electors is sought.

5. AUTOMATED VOTING PROCEDURES

- 5.1 The presiding election official for each voting place will 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.
- 5.2 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, and any further instructions the elector requests.
- 5.3 Upon receiving a **ballot**, and **secrecy sleeve** if so requested, the elector shall immediately proceed to a voting booth 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 to be filled; and
 - (b) 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.
- 5.5 Once the elector has finished marking the **ballot**, the elector must either:
 - (a) place the **ballot** into the **secrecy sleeve**, if one has been requested; or
 - (b) 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.
- 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** 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.
- 5.7 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.
- 5.8 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 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.
- 5.9 Any **ballot** counted by the **vote counting unit** is valid and any acceptable marks contained on such **ballots** will be counted, subject to any determination made under a judicial recount.
- 5.10 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.

- 5.11 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 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 **storage ballot compartment** 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 counting unit** to be counted.
- 5.12 Any **ballots** which were temporarily stored in a **storage 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.
- 5.13 A **ballot** used in an automated **vote counting unit** may be in the form set out by the Chief Election Officer.

6. ADVANCE VOTING OPPORTUNITY PROCEDURES

- 6.1 **Required Advance Voting Opportunities**
- (a) As required under section 107 of the *Local Government Act*, in addition to the required advance voting opportunity on the 10th day before general voting day, the 3rd day before general voting day is hereby established as an advance voting opportunity for elections and voting on bylaws or other matters on which the opinion or assent of the electors is sought.
 - (b) Voting hours for advance voting opportunities shall be from 8:00 am to 8:00 pm at locations designated by the Chief Election Officer.
- 6.2 **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 5 of this Bylaw.
- 6.3 At the close of voting at each advance voting opportunity the presiding election official in each case shall ensure that:
- (a) no additional **ballots** are inserted in the **vote counting unit**;
 - (b) the **storage ballot compartment** is sealed to prevent insertion of any **ballots**;
 - (c) the **results tapes** in the **vote counting unit** are not generated; and
 - (d) the **memory card** of the **vote counting unit** is secured.
- 6.4 At the close of voting at the final advance voting opportunity the presiding election official shall:
- (a) ensure that any remaining **ballots** in the **storage ballot compartment** are inserted into the **vote counting unit**;
 - (b) secure the **vote counting unit** so that no more **ballots** can be inserted; and

- (c) deliver the **vote counting unit** together with the **memory card** and all other materials used in the election and return to the Chief Election Officer at **election headquarters**.

7. MAIL BALLOT VOTING

- 7.1 As authorized under section 100 of the *Local Government Act*, voting and elector registration may be done by mail for those electors who meet the criteria in paragraph (b).
- 7.2 The following electors are permitted to vote by mail ballot and to register to vote by mail:
 - (a) those persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity; and
 - (b) persons who expect to be absent from the District of Lantzville on general voting day and at the times of all advance voting opportunities.
- 7.3 The following procedures for voting and elector registration must apply:
 - (a) 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 126 of the *Local Government Act*;
 - (b) a person exercising the right to vote by mail under the provisions of section 110 may be challenged in accordance with, and on the grounds specified in section 126 of the *Local Government Act*, until 4:00 p.m. two days before general voting day.
- 7.4 The time limits in relation to voting by mail ballot will be determined by the Chief Election Officer.
- 7.5 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. election.

8. PROCEDURES AFTER 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 voting opportunities, shall undertake all of the following, generally in the order stipulated:
 - (a) ensure that any remaining **ballots** in the **storage ballot compartment** are inserted into the **vote counting unit**;
 - (b) ensure that any mail **ballots** received are inserted into the **vote counting unit**;
 - (c) secure the **vote counting unit** so that no more **ballots** can be inserted;
 - (d) generate three copies of the **results tape** from the **vote counting unit**;
 - (e) account for the unused, spoiled and voted **ballots** and place them, packaged and sealed separately, together with the **memory card** from the **vote counting unit** and one copy of the **results tape**, into the ballots and results box;
 - (f) complete the ballot account and place a copy in the ballots and results box;
 - (g) seal the ballots and results 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 forms into the election materials box; and

- (i) 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**.
- 8.2 At the close of voting on general voting day, the Chief Election Officer shall, for the advance voting opportunity where **vote counting units** were used, proceed in accordance with Section 8.1 of this bylaw so far as applicable.
- 8.3 At the close of voting on general voting day, the Chief Election Officer shall, for the voting opportunity where **mail ballots** were used, proceed in accordance with Section 8.1 of this bylaw so far as applicable
- 8.4 At the close of voting on general voting day, all **portable ballot boxes** used in the election will be opened, under the direction of the Chief Election Officer, and all **ballots** shall be removed and inserted into a **vote counting unit** to be counted, after which the provisions of Sections 8.1, so far as applicable, shall apply.
- 8.5 If the **vote counting unit** is not functioning, **ballots** shall be counted manually.
- 8.6 The **memory cards** of all **vote counting units** shall not be cleared of the official election results, but shall be retained for the period of time required for retention of election materials.
- 8.7 Upon fulfilment of the provisions of Section 8, 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 at the Municipal Hall notice board and on the District’s website, indicating the total preliminary election results.

9. RECOUNT PROCEDURE

- 9.1 If a recount is required 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:
 - (a) the **memory cards** of all **vote counting units** will be cleared;
 - (b) **vote counting units** will be designated for each voting place;
 - (c) all voted **ballots** will be removed from the sealed **ballot** boxes, except spoiled **ballots**, and reinserted in the appropriate **vote counting unit** under the supervision of the chief election officer; and
 - (d) 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 or, if the **vote counting unit** is not functioning, **ballots** shall be counted manually
 - (e) 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.
- 9.2 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 151 of the *Local Government Act*.

10. SIGNS, POSTERS, PLACARDS & HANDBILLS

- 10.1 No **election sign**, poster, placard or handbill shall be erected or placed on property owned or under the control of the **District** excluding road right of way, unless:
- a) the road right of way is adjacent to a municipal facility, park or trail
 - b) the election sign creates a traffic or sightline hazard as determined by the Director of Public Works.
- 10.2 A person shall not place, or permit to be placed, an **election sign** on public or private property, except in relation to local government and school elections and by-elections, until the start of the Campaign Period defined as in the *Local Elections Campaign Financing Act* and shall remove such **election sign**, posters or handbills within seven days after General Voting Day.

11. GENERAL

- 11.1 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.
- 11.2 If any part, section, sentence, clause, phrase or word of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the bylaw had been adopted without the invalid portion.

12. REPEAL OF PREVIOUS BYLAW

- 12.1 “District of Lantzville Elections and Other Voting Opportunities Bylaw No. 90, 2011” and amendments are hereby repealed.

READ A FIRST TIME this 25th day of June, 2018.

READ A SECOND TIME this 25th day of June, 2018.

READ A THIRD TIME this 25th day of June, 2018.

ADOPTED this 9th day of July, 2018.

ORIGINAL SIGNED

Mayor

ORIGINAL SIGNED

Director of Corporate Administration