

TOWN OF OSOYOOS
BYLAW NO. 1239

A Bylaw to provide for the use of automated voting machines for general local elections and other voting.
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WHEREAS under the *Local Government Act*, Council may, by bylaw, provide for the use of automated voting machines, voting recorders or other devices for voting in an election;

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

NOW THEREFORE, the Council of the Town of Osoyoos, in open meeting assembled, enacts as follows:

1. CITATION

1.1 This bylaw may be cited for all purposes as "Automated Voting Machine Bylaw 1239."

2. DEFINITIONS

2.1 In this Bylaw all definitions shall be in accordance with the *Local Government 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 other voting 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 of the candidates for each of the offices of Mayor and Councillor, or **Water Councillor**; 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 tabulating unit**, which causes the unit to accept a **returned ballot**.

Election headquarters means the Town of Osoyoos Office located at 8707 Main Street, Osoyoos, B.C.

Memory card means the storage device which stores all the permanent results for the **vote tabulating unit**.

Portable ballot box means a ballot box which is used as a voting place 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 office of Mayor, Councillor, or **Water Councillor**, and the number of votes for and against each bylaw or other matter on which the assent of the electors is sought.

Returned ballot means a voted **ballot** which was inserted into the **vote tabulating unit** by the elector 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.

Secrecy sleeve means an open-ended folder or envelope used to cover **ballots** to conceal the choices made by each elector.

Systems 8 and 9 shall mean the area formerly serviced by the Southern Okanagan Lands Irrigation District as dissolved by Order-In-Council No. 1870 dated December 15, 1989 and for which two **Water Councillors** are to be elected.

Water Councillor shall mean a representative (as provided for in Order-in-Council No. 1870) to be elected to Council to serve the waterworks systems known as **systems 8 and 9** but excluding those portions thereof lying within the boundaries of Osoyoos, and having all rights and responsibilities of a Councillor except that those rights and responsibilities are limited to water matters that are within the jurisdiction of Osoyoos.

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 other voting question.

3. USE OF VOTING MACHINES

- 3.1 Council hereby authorizes the conducting of general local elections and other voting in the Town of Osoyoos and **Systems 8 and 9** using an **automated vote counting system**.

4. AUTOMATED VOTING PROCEDURES

- 4.1 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**.
- 4.2 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 as required by the *Local Government Act*; and
 - (b) upon fulfilment of the requirements of subsection (a), shall provide a **ballot** to the elector, a **secrecy sleeve** if requested by the elector, and any further instructions the elector requests.
- 4.3 Upon receiving a **ballot**, and **secrecy sleeve** if so requested, the elector shall immediately proceed to a voting compartment to vote.
- 4.4 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 and Councillor, or **Water Councillor**; 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.
- 4.5 Once the elector has finished marking the **ballot**, the elector must place the **ballot** into the **secrecy sleeve**, if applicable, proceed to the **vote tabulating unit** 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.
- 4.6 If, before inserting the **ballot** into the **vote tabulating 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.
- 4.7 Upon being advised of the replacement **ballot** request, the presiding election official [or alternate 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.

- 4.8 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.
- 4.9 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.
- 4.10 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.
- 4.11 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.
- 4.12 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.
- 4.13 A sample **ballot** that may be used in an **automated vote counting system** is attached as Schedule "A" to this Bylaw.

5. ADVANCE VOTING OPPORTUNITY PROCEDURES

- 5.1 **Vote tabulating units** shall 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 4 of this Bylaw.
- 5.2 At the close of voting at the advance voting opportunity the 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) ensure the **register tapes** in the **vote tabulating unit** are not generated;
- (d) ensure the **memory card** of the **vote tabulating unit** is secured.
- (e) 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**.

6. SPECIAL VOTING OPPORTUNITY PROCEDURES

- 6.1 Unless the chief election officer determines it is practical to use a **vote tabulating unit**, a **portable ballot box** as defined herein, shall be used for all special voting opportunities. The presiding election official appointed to attend at each special voting opportunity shall proceed in accordance with Sections 4.2, 4.3, 4.4 and 4.5 of this Bylaw so far as applicable, except that the voted **ballots** shall be deposited into the **portable ballot box** supplied by the presiding election official.
- 6.2 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.
- 6.3 If a **vote tabulating unit** is in use at a special voting opportunity, the presiding election official appointed to attend the special voting opportunity shall follow the procedures outlined in Section 5 of this Bylaw as if it were an advance voting opportunity.

7. PROCEDURES AFTER CLOSE OF VOTING ON GENERAL VOTING DAY

- 7.1 After the close of voting on general voting day at voting opportunities where a **vote tabulating unit** was used in the election, but excluding advance and special voting opportunities, each presiding election official shall:
 - (i) ensure that any remaining **ballots** in the **portable ballot box** are inserted into the **vote tabulating unit**;
 - (ii) secure the **vote tabulating unit** so that no more **ballots** can be inserted;
 - (iii) generate three copies of the **register tape** from the **vote tabulating unit**;
 - (iv) account for the unused, spoiled and voted **ballots** and place them, packaged and sealed separately, into the election materials transfer box along with one copy of the **register tape**;
 - (v) complete the ballot account and place the duplicate copy in the election materials transfer box;
 - (vi) seal the election materials transfer box;
 - (vii) place the voting books, the original copy of the ballot account, one copy of the **register tape**, completed registration cards (if applicable), keys and all completed administrative forms into the chief election officer portfolio; and
 - (viii) transport all equipment and materials to **election headquarters**.

- 7.2 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 tabulating units** were used, to proceed in accordance with Section 7.1 of this Bylaw.
- 7.3 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 tabulating unit** to be counted, after which the provisions of Sections 7.1, so far as applicable, shall apply.

8. RECOUNT PROCEDURE

- 8.1 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 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.

9. GENERAL

- 9.1 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.
- 9.2 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.

Read a first, second and third time on the 21st day of January, 2008.

Adopted on the 4th day of February, 2008.

[original signed by Mayor Slater]

Mayor

[original signed by Janette Van Vianen]

Corporate Administration Officer

Schedule "A"

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CITY OF NORTH RIVER
Municipal Election - November 13, 2000

To Vote:

Completely fill in the oval beside the candidate(s) of your choice.

Ballot for the office of:

MAYORYou may vote for ONE (1)
candidate for this office.Alice BAKER ☐Marvin FOSTER ☐Charlie GRAY ☐

Ballot for the office of:

COUNCILLORYou may vote for SIX (6)
candidates for this office.Harold ARTHURS ☐Dorothy BAXTER ☐Bill CONNOLLY ☐Steve DEXTER ☐Mary EARLINGTON ☐Michael FENN ☐John GODFREY ☐Robert HARRIS ☐Stuart IRWIN ☐Richard JOHNSON ☐Bill KENNEDY ☐Walter LOWE ☐Louise MORRISSON ☐Barbara NORMAN ☐Patrick OLIVER ☐

Ballot for the office of:

SCHOOL TRUSTEEYou may vote for THREE (3)
candidate for this office.June PETERS ☐Bill ROBERTSON ☐Gerry SAWYER ☐Arthur THOMPSON ☐Lois TIVERTON ☐Mario VALENTI ☐Tim WINTERS ☐Gail YOUNG ☐

Do you believe
Municipalities should be
responsible for voter
registration?

YES ☐NO ☐

Do you believe Ballot
Accounting adds
integrity to the election?

YES ☐NO ☐