

CORPORATION OF THE CITY OF NEW WESTMINSTER



AUTOMATED VOTING MACHINES AUTHORIZATION BYLAW NO. 6542, 1999

EFFECTIVE DATE: JULY 19, 1999

**CONSOLIDATED FOR CONVENIENCE ONLY
(June 22, 2018)**

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

**AMENDMENT BYLAW
7994, 2018**

**EFFECTIVE DATE
June 11, 2018**

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 6542, 1999. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the City Clerk's Office

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 6542, 1999

A Bylaw to provide for the use of automated voting machines for
General Local Elections and other voting.

BYLAW NO. 7994, 2018

WHEREAS under the *Local Government Act*, the 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 City Council of the Corporation of the City of New Westminster wishes to establish various procedures and requirements under that authority;

NOW THEREFORE, the City Council of the Corporation of the City of New Westminster, in open meeting assembled, enacts as follows:

1. CITATION

1.1 This Bylaw may be cited for all purposes as “Automated Voting Machines Authorization Bylaw No. 6542, 1999.”

2. DEFINITIONS

BYLAW NO. 7994, 2018

2.1 In this Bylaw all definitions shall be in accordance with the *Local Government Act*, except for the following:

BYLAW NO. 7994, 2018

Acceptable mark means a mark that:

- (a) an elector makes in the space provided on a ballot opposite the name of any candidate or opposite either “yes” or “no” on any question, and
- (b) the vote counting unit is able to identify;

Automated vote counting system means a system that counts and records votes and processes and stores election results and is comprised of the following:

- (a) a number of ballot scan vote counting units, each of which rests on a two compartment ballot box, one compartment of which is for:
 - (i) voted ballots, and
 - (ii) returned ballots that have been reinserted using the ballot override procedure;and the other for the temporary storing of voted ballots during such time as the vote counting unit is not functioning; and
- (b) a number of portable ballot boxes into which voted ballots are deposited where a vote counting unit is not being used, for counting after the close of voting on general voting day.

BYLAW NO. 7994, 2018

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, Councillor and School Trustee; 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; and
- (c) conforms to *Local Government Act* requirements.

Ballot return override procedure means the use, by an election official, of a device on a vote counting unit that causes the unit to accept a returned ballot.

Election headquarters means City Hall, City of New Westminster, 511 Royal Avenue, New Westminster, B.C., V3L 1H9.

Emergency ballot compartment means one of two separate compartments in the ballot box under each vote counting unit into which voted ballots are temporarily deposited in the event that the unit is not functioning.

BYLAW NO. 7994, 2018

Memory pack means a device that plugs into the vote counting unit and into which is programmed:

- (a) the names of all of the candidates for each of the offices of Mayor, Councillor and School Trustee; and
- (b) the alternatives of 'yes' or 'no' for each bylaw or other matter on which the assent or opinion of the electors is being sought;

and a mechanism to record and retain information on the number of acceptable marks made for each.

Portable ballot box means a ballot box that is used in a voting place 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 office of Mayor, Councillor and School Trustee, and the number of votes for and against each bylaw or other matter on which the assent or opinion of the electors is sought.

Returned ballot means a voted ballot that was inserted into the vote counting unit by the elector but was not accepted and 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 counting unit means the device into which voted ballots are inserted and that scans each ballot and records the number of votes for each candidate and for and against each bylaw or other matter on which the assent or opinion of the electors is sought.

3. USE OF VOTING MACHINES

- 3.1 City Council hereby authorizes the conducting of general local elections and other voting in the City of New Westminster 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, if requested by an elector and before a ballot is issued, direct an election official to provide a demonstration to an elector of how to vote using an automated vote counting system.

BYLAW NO. 7994, 2018

- 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 then 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, Councillor and School Trustee; 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 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.
- 4.6 If, before inserting the ballot into the vote counting unit, an elector determines that he has made a mistake when marking a ballot or if the ballot is returned by the vote counting 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 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 that have been made correctly.
- 4.9 Any ballot accepted 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.
- 4.10 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.
- 4.11 During any period that a vote counting unit is not functioning, the elector under the supervision of the election official shall insert the ballot directly into the emergency ballot compartment, provided that if the vote counting unit:
- (a) becomes operational, or
 - (b) is replaced with another vote counting unit,

the ballots in the emergency 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.

- 4.12 Any ballots that were temporarily stored in the emergency ballot compartment and 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.

BYLAW NO. 7994, 2018

- 4.13 Deleted

5. ADVANCE VOTING OPPORTUNITY PROCEDURES

- 5.1 Vote counting 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 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 emergency 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 pack of the vote counting unit is secured.

- 5.3 At the close of voting at the final advance voting opportunity the presiding election official shall:

- (a) ensure that any remaining ballots in the emergency 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 pack and all other materials used in the election to the chief election officer at election headquarters.

6. SPECIAL VOTING OPPORTUNITY PROCEDURES

- 6.1 A portable ballot box 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 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.

7. PROCEDURES AFTER THE CLOSE OF VOTING ON GENERAL VOTING DAY

- 7.1 After the close of voting on general voting day at voting opportunities where a vote counting unit was used in the election, but excluding advance and special voting opportunities,

(a) each presiding election official shall:

- (i) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote counting unit;
- (ii) secure the vote counting unit so that no more ballots can be inserted;
- (iii) generate two copies of the results tape from the vote counting unit and sign on the dotted line on the bottom of the tapes;
- (iv) have the designated election officer deliver one copy of the results tape along with the memory pack from the vote counting unit to the chief election officer at election headquarters;
- (v) 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 results tape;
- (vi) complete the ballot account and place the duplicate copy in the election materials transfer box;
- (vii) seal the election materials transfer box;
- (viii) place the voting books, the original copy of the ballot account, one copy of the results tape, completed registration cards (if applicable), keys and all completed administrative forms into the chief election officer portfolio; and
- (ix) 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 an election official to proceed in accordance with Section 7.1 of this Bylaw with respect to the ballots collected in the advance voting opportunity.

- 7.3 At the close of voting on general voting day all portable ballot boxes used in the election will be opened by an election official 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 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 packs 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 election materials transfer boxes; and
 - (d) all voted ballots, except spoiled ballots, will be reinserted in the appropriate vote counting 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.

Adopted July 19, 1999

BYLAW NO. 7994, 2018

SCHEDULE 'A' - DELETED