

CITY OF SALMON ARM

BYLAW NO. 3673

A bylaw to provide for the determination of various procedures and the use of automated voting machines for the conduct of general local government elections and other voting

WHEREAS under the Local Government Act, RS, 1996, Chapter 323, Council may, by bylaw, determine various procedures and requirements to be applied in the conduct of local government elections and other voting, and 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 City of Salmon Arm wishes to establish various procedures and requirements under that authority;

NOW THEREFORE, the Council of the City of Salmon Arm, in open meeting assembled, enacts as follows:

1. APPLICATION

The provisions of this bylaw apply to general local elections and other voting.

2. DEFINITIONS

In this bylaw, all definitions shall be in accordance with the Local Government Act, RS, 1996, Chapter 323, except as set out in this bylaw.

“Acceptable Mark” means a completed oval that the Vote Tabulating Unit is able to identify, and that 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 and is comprised of the following:

A number of Ballot scan Vote Tabulating Units, each of which rests on a Ballot box, for voted Ballots, and Returned Ballots that have been reinserted using the Ballot Override Procedure; and

A number of Portable Ballot Boxes into which voted Ballots are deposited, where a Vote Tabulating Unit is not functioning or being used, for counting 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:

The names of all of the candidates for each of the offices of Mayor, Councillors or School Trustee; and

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 that causes the unit to accept a returned Ballot.

“Election Headquarters” means the Salmon Arm Savings and Credit Union Recreation Centre, 2550 Trans Canada Highway NE, or other place designated for the local general election.

“Emergency Ballot Compartment” means one of two separate compartments in the Ballot box under each Vote Tabulating Unit into which voted Ballots are temporarily deposited in the event that the Vote Tabulating Unit ceases to function.

“Memory Card” means the card which is inserted into the Vote Tabulating Unit and into which is programmed:

The names of all the candidates for each of the offices of Mayor, Councillor or School Trustee; and

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 as a voting place where a Vote Tabulating Unit is not being used.

“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 offices of Mayor, Councillor or 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 Tabulating 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 Tabulating 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 voting question on which the assent or opinion of the electors is sought.

3. ELECTOR REGISTRATION

3.1 For the purposes of all elections and other voting under Part 3 and 4 of the Local Government Act, RS, 1996, Chapter 323, a person may register as an elector only at the time of voting.

3.2 Registration as an elector under Section 3.1 of this bylaw is effective only for the voting or other matters on which the opinion of the electors is being sought at the time of voting.

4. REQUIRED ADVANCE VOTING OPPORTUNITIES

4.1 In accordance with Section 97 of the Local Government Act, RS, 1996, Chapter 323, at least two advance voting opportunities must be held for an election by voting, as follows:

- (a) one on the tenth day before general voting day; and
- (b) one on the fourth day before general voting day.

4.2 Pursuant to Section 97(4) of the Local Government Act, RS, 1996, Chapter 323, advance voting opportunities on the dates specified in Section 4.1 of this bylaw shall be available between the hours of 8:00 a.m. and 8:00 p.m. at:

City of Salmon Arm Council Chamber
500 - 2 Avenue NE
Salmon Arm, BC

5. ADDITIONAL ADVANCE VOTING OPPORTUNITIES

5.1 Pursuant to Section 98 of the Local Government Act, RS, 1996, Chapter 323, Council authorizes the Chief Election Officer to establish additional advance voting opportunities for each election to be held in advance of general voting day, to designate the voting places and to establish the date and voting hours for these voting opportunities.

6. ADDITIONAL GENERAL VOTING OPPORTUNITIES

6.1 Pursuant to Section 96 of the Local Government Act, RS, 1996, Chapter 323, Council authorizes the Chief Election Officer to establish additional general voting opportunities for general voting day for each election and to designate the voting places and voting hours, within the limits set out in Section 96(2) of the Local Government Act, RS, 1996, Chapter 323, for such voting opportunities.

7. SPECIAL VOTING OPPORTUNITIES

7.1 To give electors who may otherwise be unable to vote an opportunity to do so, the Council will provide a special voting opportunity as authorized under Section 99 of the Local Government Act, RS, 1996, Chapter 323, for each election, and authorizes the Chief Election Officer to establish a special voting opportunity for each election, and to designate the location, the date and the voting hours within the limits set out in Section 99 of the Local Government Act, RS, 1996, Chapter 323, for the special voting opportunity.

7.2 The following procedures for voting and for conducting the voting proceedings apply to the special voting opportunities:

- (a) The special voting opportunities provided by the mobile election units shall be delivered on the basis of such units moving from area to area within the locations established by the Chief Election Officer;
- (b) Notwithstanding the provisions of 7.2(a) of this bylaw, resident electors or non-resident property electors who are employed at, or provide services to, or who are in attendance for the purpose of visiting persons who reside at or who are registered as in-patients or out-patients at the locations established by the Chief Election Officer may vote at such locations; however, such locations shall not be available for general voting purposes;
- (c) Insofar as practical, voting shall be conducted in a manner that enfranchise as many electors as possible, while ensuring the secrecy of the voting; and
- (d) Council authorizes the Chief Election Officer to limit the number of candidates' representatives who may be present at the special voting opportunity.

8. ORDER OF NAMES ON BALLOT

8.1 Pursuant to Section 107 of the Local Government Act, RS, 1996, Chapter 323, the order of names of candidates on the Ballot will be determined by lot.

9. NUMBER OF CANDIDATE REPRESENTATIVES AND SCRUTINEERS AT VOTING PLACES

9.1 Pursuant to Section 110(2)(d) of the Local Government Act, RS, 1996, Chapter 323, the official agent of a candidate in the election may be present, and the number of scrutineers for each candidate that may attend at an election is one (1) scrutineer for each Ballot box in use.

10. RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

10.1 Pursuant to Sections 141(1) & (2) of the Local Government Act, RS, 1996, Chapter 323, in the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot.

11. USE OF VOTING MACHINES

11.1 Council hereby authorizes the conducting of general local elections and other voting in the City of Salmon Arm using an Automated Vote Counting System.

12. AUTOMATED VOTING PROCEDURES

12.1 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.

12.2 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;
 - (ii) is voting in the correct voting division [if applicable]; and
 - (iii) completes the voting book as required by the Local Government Act, RS, 1996, Chapter 323; and
- (b) upon fulfilment of the requirements of subsection 12.2(a) of this bylaw, shall then provide a Ballot to the elector, a Secrecy Sleeve if requested by the elector, and any further instructions the elector requests.

12.3 Upon receiving a Ballot, and Secrecy Sleeve, if so requested, the elector shall immediately proceed to a voting compartment to vote.

- 12.4 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 or 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.
- 12.5 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.
- 12.6 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.
- 12.7 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.
- 12.8 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.
- 12.9 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.
- 12.10 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.
- 12.11 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 the Emergency Ballot Compartment, provided that if the Vote Tabulating Unit:

- a) becomes operational, or
- b) is replaced with another Vote Tabulating 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 Tabulating Unit to be counted.

12.12 Any Ballots which were temporarily stored in an Emergency Ballot Compartment 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.

12.13 A sample Ballot that may be used in an Automated Vote Counting System is attached as Schedule "A" to this bylaw.

13. ADVANCE VOTING OPPORTUNITY PROCEDURES

13.1 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 12 of this bylaw.

13.2 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 Tabulating Unit;
- (b) the Emergency Ballot Compartment is sealed to prevent insertion of any Ballots;
- (c) the Register Tapes in the Vote Tabulating Unit are not generated; and
- (d) the Memory Card of the Vote Tabulating Unit is secured.

13.3 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 Tabulating Unit;
- (b) secure the Vote Tabulating Unit so that no more Ballots can be inserted; and

- (c) 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.

14. SPECIAL VOTING OPPORTUNITY PROCEDURES

- 14.1 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 12.2, 12.3, 12.4 and 12.5 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.
- 14.2 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.

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

- 15.1 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:
 - (a) each Presiding Election Official shall:
 - (i) ensure that any remaining Ballots in the Emergency Ballot Compartment 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; and
 - (iv) deliver one copy of the Register Tape along with the Memory Card from the Vote Tabulating Unit to the Chief Election Officer at Election Headquarters.
 - (b) each alternate Presiding Election Official shall:
 - (i) 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;

- (ii) complete the Ballot account and place the duplicate copy in the election materials transfer box;
- (iii) seal the election materials transfer box;
- (iv) 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
- (v) transport all equipment and materials to Election Headquarters.

15.2 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 15.1 of this bylaw.

15.3 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 Section 15.1 of this bylaw, so far as applicable, shall apply.

16. RECOUNT PROCEDURE

16.1 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 Unit 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 Unit under the supervision of the Chief Election Officer.

17. REPEAL

17.1 Upon adoption of this bylaw:

- (a) The City of Salmon Arm General Local Government Election Bylaw No. 3473 and all amendments thereto is hereby repealed; and

(b) The City of Salmon Arm Automated Voting Machines Authorization Bylaw No. 3472 and all amendments thereto is hereby repealed.

18. SEVERABILITY

18.1 If any part, section, sub-section, clause, or sub-clause of this bylaw for any reason is held to be invalid by the decision of a 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.

19. ENACTMENT

19.1 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.

20. EFFECTIVE DATE

20.1 This bylaw shall come into full force and effect upon adoption of same.

21. CITATION

21.1 This bylaw may be cited as the "City of Salmon Arm General Local Government Election and Automated Voting Machines Authorization Bylaw No. 3673".

READ A FIRST TIME THIS	28th	DAY OF	January	2008
READ A SECOND TIME THIS	28th	DAY OF	January	2008
READ A THIRD TIME THIS	28th	DAY OF	January	2008
ADOPTED BY COUNCIL THIS	11th	DAY OF	February	2008

"M. BOOTSMA"

MAYOR

"C. BANNISTER"

CORPORATE OFFICER

BYLAW NO. 3673

SCHEDULE "A"

FAMOUS NAMES DEMONSTRATION BALLOT

GLOBAL ELECTION SYSTEMS

1-800-133-VOTE

Completely fill in the Oval opposite the name of each candidate you wish to vote for as shown. ●

PRESIDENT (Vote for ONE)		POET LAUREATE (Vote for ONE)		BOARD OF COMMISSIONERS FOR NATIONAL PASTIMES (Vote for TWO)	
THOMAS JEFFERSON	<input type="radio"/>	MARIANNE MOORE	<input type="radio"/>	JIM THORPE	<input type="radio"/>
ABRAHAM LINCOLN	<input type="radio"/>	ROBERT FROST	<input type="radio"/>	BILL RUSSELL	<input type="radio"/>
JOHN F. KENNEDY	<input type="radio"/>	CARL SANDBURG	<input type="radio"/>	JOE DIMAGGIO	<input type="radio"/>
DWIGHT D. EISENHOWER	<input type="radio"/>	T.S. ELIOT	<input type="radio"/>	PEGGY FLEMING	<input type="radio"/>
FRANKLIN D. ROOSEVELT	<input type="radio"/>	EZRA POUND	<input type="radio"/>		

COMMISSIONER OF AMERICAN LITERATURE (Vote for ONE)		MINISTER OF TRANSPORTATION (Vote for ONE)		MINISTER OF COMIC RELIEF (Vote for TWO)	
ERNEST HEMINGWAY	<input type="radio"/>	AMELIA EARHART	<input type="radio"/>	LUCILLE BALL	<input type="radio"/>
WILLIAM FAULKNER	<input type="radio"/>	CHUCK YEAGER	<input type="radio"/>	BOB HOPE	<input type="radio"/>
JOHN STEINBECK	<input type="radio"/>	ORVILLE WRIGHT	<input type="radio"/>	CAROL BURNETT	<input type="radio"/>
SINCLAIR LEWIS	<input type="radio"/>	NEIL ARMSTRONG	<input type="radio"/>	LILY TOMLIN	<input type="radio"/>

TURN BALLOT OVER TO CONTINUE VOTING
 FRONT CARD #10000 G07/04/95 PRECINCT # 0.00