THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BYLAW NUMBER 2000-112

A BYLAW TO AUTHORIZE THE USE OF AUTOMATED VOTING MACHINES

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 District of Summerland wishes to establish various procedures and requirements under that authority;

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

1. CITATION

1.1 This Bylaw may be cited as "Automated Voting Machines Authorization Bylaw No. 2000-112."

2. DEFINITIONS

2.1 In this Bylaw all definitions shall have the meaning 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:
  (4) the names of all of the candidates for each of the offices of Mayor, Councillor and School Trustee and
  (4) 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 Municipal Hall, 13211 Henry Avenue, Summerland.

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 and School Trustee, 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.

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 District of Summerland using an **automated vote counting system**.

4.   AUTOMATED VOTING PROCEDURES

4.1   The presiding election official for each voting place and at each advance or special voting opportunity shall, as soon as the elector enters the voting place 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.

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)   complete the voting book as required by the *Local Government*

Act; and

(b)   upon fulfillment 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, 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 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 presiding election official in attendance.

4.7   Upon being advised 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 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** becomes operational, or 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 **ballot**s 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 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 **portable ballot box** 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.

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 **portable ballot box** 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**

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 **ballot**s 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.

6.2 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 boxes along with one copy of the **register tape**;

(v) complete the **ballot** account and place the duplicate copy in one of the election materials transfer boxes;

(vi) seal the election materials transfer boxes;

(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's portfolio; and transport all equipment and materials to the Municipal Hall.

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 box**es 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, if applicable,

(c) all voted **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.
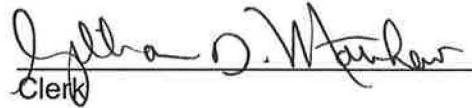
9. GENERAL

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.

9.3   "Automated Voting Machines General Local Elections Authorization and Procedure Bylaw 94-064" is hereby repealed.

Read a first, second and third time this 27th day of May, 2002.

Adopted by the Municipal Council of the District of Summerland this 10th day of June, 2002.

_____
Mayor

_____
Clerk

THE DISTRICT OF SUMMERLAND

DATE

Three year term

VOTE LIKE THIS → ●

IF YOU ACCIDENTALLY SPOIL THIS BALLOT YOU MAY RETURN IT TO THE ELECTION STAFF AND OBTAIN ANOTHER BALLOT

MAYOR
Do Not Vote for more than ONE (1)

- ○ ADAMSON, John
- ○ ATKINS, Leah
- ○ BELANGER, Mike
- ○ CORRIGAN, Harold
- ○ DONOVAN, Arthur
- ○ FOSTER, Brew

SCHOOL TRUSTEE
Do Not Vote for more than ONE (1)

- ○ ATCHESON, Laura
- ○ BOSNIAK, Aliston
- ○ CAMERON, Deborah
- ○ COLCHESTER, Christopher
- ○ DAVIDSON, Don
- ○ FRIESEN, Ken
- ○ HUDSON, Henry
- ○ HUGHES, Howard
- ○ LINES Stella
- ○ MacLEAN, David

COUNCILLOR
Do Not Vote for More Than Six (6)

- ○ ANDOVER, Lewis
- ○ ARTHURS, Bill
- ○ BAKER, Sam
- ○ BUTLER, Jim
- ○ CARLSON, Julie
- ○ DONALDSON, Connie
- ○ FRASER, Tim
- ○ GALLOWAY, Mary
- ○ HARRIS, Robert
- ○ DUTKA, Marcel
- ○ JOYCE, Ron
- ○ KETCHINSON, Donald
- ○ LINDSTROM, Jackie
- ○ MORRISS, Sarah
- ○ KELLEY, Red
- ○ NORTON, Garth
- ○ OLSON, Ollie
- ○ PARKINSON, Dean
- ○ PLUMMER, Christopher
- ○ RICHTER, Lori
- ○ SWANSON, Gordon
- ○ TUPPERWARE, Delores
- ○ UNGER, Joseph
- ○ VOISIN, Roch
- ○ WATER, Lily
- ○ YORKSHIRE, Brent
- ○ ZAMBONI, Wayne

REFERENDUM

DO YOU BELIEVE THAT OGOPOGO REALLY EXISTS?

- ○ YES
- ○ NO

DEMONSTRATION BALLOT