Automated Vote Counting System Authorization and Procedure Bylaw No. 4139, 1999

Effective Date – July 19, 1999

Consolidated for Convenience Only

This is a consolidation of the bylaws 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 bylaw on this subject.

Amendment Bylaw	Effective Date
Bylaw 4572, 2008	July 21, 2008
Bylaw 4987, 2018	June 25, 2018

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the parent bylaw (Automated Vote Counting System Authorization and Procedure Bylaw No. 4139, 1999). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER

AUTOMATED VOTE COUNTING SYSTEM AUTHORIZATION AND PROCEDURE
BYLAW NO. 4139, 1999

A bylaw to authorize an automated vote counting system and procedure

Bylaw 4987   WHEREAS pursuant to Section 112 of the *Local Government Act*, Council is empowered to provide, by bylaw, for the use of automated voting machines, voting recorders or other devices for voting in an election;

NOW THEREFORE**,** the Council of The Corporation of the District of West Vancouver, in open meeting assembled, enacts as follows:

1.   DEFINITIONS

    1.1   In this Bylaw, the following terms have the following meanings:

Bylaw 4987

"acceptable mark" means a mark which 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 question.

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"automated vote counting system" means a system that counts and records votes and processes and stores election results and which comprises:

(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 voted ballots and returned ballots which have been reinserted using the ballot override procedure, and the other being a storage ballot compartment; 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.

"ballot" means a single ballot card designed for use in an automated vote counting system, which shows:
(a)   the names of all the candidates for each of the offices to be filled, and
(b)   all of the choices on all of the questions being presented to the electors.

"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.

"Election Headquarters" means the Municipal Hall of The Corporation of the District of West Vancouver, 750-17th Street, West Vancouver, BC

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"memory pack" means a computer software cartridge, which is inserted into the vote counting unit and into which is preprogrammed:

(a)   the names of all the candidates for each of the offices to be filled, and

(b)   the alternatives of "yes" and "no" for each question; and which records and retains information on the number of acceptable marks made for each candidate or question.

"portable ballot box" means a ballot box, for use in the election, where a vote counting unit is not being used at the time of voting.

"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 question.

"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 which caused the unit to not accept the ballot.

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

"storage ballot compartment" means a designed compartment in the 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 counts and records the number of votes for each candidate and for and against each question.

2.   AUTHORIZATION

2.1   Council hereby provides for the use of an automated vote counting system for the conduct of Elections and other voting that may, from time to time, be required.

3.   AUTOMATED VOTING PROCEDURES

3.1   The presiding election official for each voting place shall offer, and if requested, ensure that a demonstration of how to vote in 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.

3.2   Upon completion of the voting demonstration, if any, the elector shall proceed as instructed to the election official responsible for issuing ballots who, upon fulfillment of the requirements of the *Local Government Act*, shall then provide a ballot to the elector along with a secrecy sleeve, if requested by the elector, and the ballot marking instrument, and any further instructions the elector requests.

3.3   Upon being given a ballot, the elector shall immediately proceed to a voting compartment to vote.

3.4   The elector may vote only by making an acceptable mark on the ballot:
(a)   beside the name of each candidate of choice, up to a 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 question.

3.5   Once the elector has finished marking the ballot, the elector must either place the ballot into the secrecy sleeve, if one has been requested, or 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 into the vote counting unit without the acceptable marks on the ballot being exposed.

3.6   If:
(a)   before inserting the ballot into the vote counting unit, an elector determines that a mistake has been made when marking the ballot, or
(b)   the ballot is inserted into the vote counting unit and returned
the elector may return to the voting compartment to correct the ballot or request a replacement ballot by advising the election official in attendance.

3.7   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.

3.8   If the elector declines the opportunity to correct the ballot or 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.

3.9   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.

3.10   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.

3.11   During any period that a vote counting unit is not functioning, the election official supervising the unit shall direct electors to insert their ballots 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, shall be inserted into the vote counting unit to be counted.

3.12   Any ballots which were temporarily stored in the 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.

4.   ADVANCE VOTING OPPORTUNITY PROCEDURES

4.1   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 3 of this Bylaw.

4.2   At the close of voting at each advance voting opportunity, the presiding election official in each case shall ensure:
(a)   that no additional ballots are inserted in the vote counting unit;
(b)   that the storage ballot box is locked to prevent insertion of any ballots;
(c)   that the results tapes in the vote counting unit are not generated;
(d)   that the memory pack in the vote counting unit is secured.

4.3   The presiding election official shall, at the close of voting at the final advance voting opportunity:
(a)   ensure that any remaining ballots in the storage ballot compartment are inserted into the voting 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 election materials to the chief election officer at Election Headquarters.

5.   USE OF VOTE COUNTING UNITS FOR MAIL BALLOT VOTING

Bylaw 4572

5.1   Vote counting units shall be used for mail ballots.

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

6.1   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)   secure the vote counting unit so that no more ballots can be inserted;

(c)   generate three copies of the results tape from the vote counting unit;

(d)   telephone the results to Election Headquarters immediately;

(e)   account for the unused, spoiled and voted ballots, and place them, packaged and sealed separately, together with the memory pack 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 the duplicate 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 elections materials box.

(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.

Bylaw 4572 6.2   With respect to mail ballots, at the close of voting on general voting day, the chief election officer shall, in the presence of at least one other election official and scrutineers, if any:

6.2.1   open the accepted certification envelopes;

6.2.2   place the unopened secrecy envelopes together in a ballot box;

6.2.3   open the secrecy envelopes and remove the ballots within; and

6.2.4   insert the ballots into the vote counting unit.

6.3   All portable ballot boxes used in the election will be opened, under the direction of the chief election officer at the close of voting on general voting day and all ballots shall be removed and inserted into a vote counting unit to be counted, after which the provisions of Sections 6.1 (a) to (h), so far as applicable, shall apply.

6.4   Upon the fulfillment of the provision of Sections 6.1, 6.2 and 6.3 inclusive, 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 in the Council Chamber, indicating the total election results.

7.   RECOUNT PROCEDURE

7.1   If a recount is requested by a candidate under Section 148 of the *Local Government Act*, 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)   a vote counting unit will be designated for each voting place;

(c)   all voted ballots will be removed from the sealed election materials boxes, except spoiled ballots, and reinserted in the chief election officer;

(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; and

(e)   to obtain election results, the chief or deputy election officer shall place the results of each voting place on spread sheets so as to tally the total election results.

8.   TITLE

8.1   This Bylaw may be cited as "Automated Vote Counting System Authorization and Procedure Bylaw No. 4139, 1999".

READ A FIRST TIME on 1999 June 28.

READ A SECOND TIME on 1999 June 28.

READ A THIRD TIME on 1999 June 28.

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS on 1999 July 08.

ADOPTED by the Council on 1999 July 19.

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MAYOR

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MUNICIPAL CLERK