

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 2000

A BYLAW TO PROVIDE FOR THE USE OF AUTOMATED VOTING MACHINES FOR GENERAL LOCAL ELECTIONS AND OTHER VOTING

In accordance with 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;

Council for the Corporation of the City of Grand Forks wishes to establish various procedures and requirements under that authority;

The Council for the Corporation of the City of Grand Forks, in an open meeting of Council, **ENACTS** as follows:

1. CITATION

- 1.1 This bylaw may be cited as the “**Automated Voting Machines Authorization Bylaw No. 2000.**”

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 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) a number of **ballot** scan **vote tabulating 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 tabulating unit** is not functioning; and

- (b) a number of **portable ballot boxes** into which voted **ballots** are deposited where a **vote tabulating unit** is not 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:

- (a) the names of all of the candidates for each of the offices of Mayor, Council and/or School Districts; 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** that causes the unit to accept a **returned ballot**.

Election headquarters means temporary City Hall at 6641 Industrial Parkway, Grand Forks, BC. until such time that Administrative Staff moves back to permanent City Hall location at 7217 – 4th Street.

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 unit ceases to function.

Memory device means a removable storage device used in the ballot processing unit to record ballot results and to store polling location information such as:

- (a) the names of all of the candidates for each of the offices of Mayor, Council and/or School Districts; 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 at a voting place where a **vote tabulating unit** is not being used.

Results 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, Council and/or School Districts 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 matter on which the assent or opinion of the electors is sought.

3. **USE OF VOTING MACHINES**

- 3.1 Council hereby authorizes the conducting of general local elections and other voting in the City of Grand Forks 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) is voting in the correct voting division [if applicable]; and
 - (iii) 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, Council and/or School Districts; 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** that 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 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.

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

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 **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 device** 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 **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**.

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 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 device** from the **vote tabulating unit** to the chief election officer at **election headquarters**; and

(b) and 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 **results 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 **results 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**.

- 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.

INTRODUCED this 26th day of May, 2014.

Read a **FIRST** time this 9th day of June, 2014.

Read a **SECOND** time this 9th day of June, 2014.

Read a **THIRD** time this 9th day of June, 2014.

FINALLY ADOPTED this 23rd day of June, 2014.

Mayor Brian Taylor

Corporate Officer, Diane Heinrich

C E R T I F I C A T E

I hereby certify the foregoing to be a true copy of Bylaw No. 2000, as adopted by the
Municipal Council of the City of Grand Forks on the 23rd day of June, 2014.

Corporate Officer of the Municipal Council of the
City of Grand Forks