

## City of Chilliwack

### Bylaw No. 4525

#### A bylaw to authorize the use of an automated vote counting system

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The Council of the City of Chilliwack in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “**Automated Vote Counting System Procedure Bylaw 2018, No. 4525**”.
2. “Automated Voting Machines Authorization and Procedures Bylaw 2005, No. 3130” and amendments thereto are hereby repealed.

#### INTERPRETATION

3. 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 question;

“Advance Voting Opportunity” means a process by which voters in a General Local Election can vote prior to the scheduled General Voting Day;

“Automated Vote Counting System” means a system that counts and records votes and processes and stores election results which comprises:

- (a) a number of 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 is not 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, and which may be a composite Ballot for two or more elections to be voted for, which shows:

- (a) the names of all of the candidates for each of the offices to be filled;
- (b) for and against each bylaw or other matters on which the opinion or assent of the Electors is sought; and,
- (c) spaces in which the Electors may mark their votes;

“Ballot Box” means a sealed container, usually a square box with a narrow slot in the top sufficient to accept a Ballot in an election but which prevents anyone from accessing the votes cast until the close of the voting period;

**INTERPRETATION** (continued)

“Ballot Return Override Procedure” means the use, by an Election Official, of an option on a Vote Tabulating Unit that causes the unit to accept a Returned Ballot;

“Chief Election Officer” means the person responsible for the administration of local government elections in the City of Chilliwack;

“Election Headquarters” means Chilliwack City Hall, 8550 Young Road, Chilliwack, B.C. V2P 8A4;

“Election Materials Transfer Box” means a box issued to Presiding Election Officials for transfer of election materials between Election Headquarters and voting locations into which is deposited prescribed election materials and documents for safe and secure transfer of such materials and documents;

“Election Official” means an official responsible for the proper and orderly voting at voting places;

“Elector” means a resident Elector or a non-resident property Elector of the jurisdiction as defined under the *Local Government Act*;

“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;

“General Local Election” means the elections held for the Mayor, all Councillors and Park Commissioners of the City and must be held in the year 2018 and every 4<sup>th</sup> year thereafter as provided for in the *Local Government Act* and includes school trustee elections, by-elections and Other Voting;

“General Voting Day” means:

- (a) for a General Local Election, the 3rd Saturday of October in the year of the General Local Election;
- (b) for By-Elections, a Minister’s Order, or a runoff Election, the dates set out in the *Local Government Act*; and,
- (c) for Other Voting on a matter or bylaw submitted for the assent of the Electors, the date set out in the *Local Government Act*;

“Memory Pack” means a computer software cartridge that is inserted into the Vote Tabulating Unit and into which is pre-programmed:

- (a) the names of all of 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;

“Other Voting” means voting on a matter referred to in the *Local Government Act* and includes assent voting as set out in that Act;

“Portable Ballot Box” means a Ballot Box which is used at a voting place in the election, where a Vote Tabulating Unit is not being used or is not functioning at the time of voting;

**INTERPRETATION** (continued)

- “Presiding Election Official” means the person responsible for overseeing and supervising staff for an assigned voting place and is responsible for ensuring voting procedures are followed correctly;
- “Results Tape” means the printed record generated from a Vote Tabulating Unit at the close of voting on the General Voting Day, which shows the number of votes for each candidate for each office to be filled, and for and against each bylaw or other matters on which the opinion or assent 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 that 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;
- “Special Voting Opportunity” means to give Electors who may otherwise be unable to vote an opportunity to do so at a location established by the Chief Election Officer and shall be restricted to only residents, patients, visitors or employees of that location.
- “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/or for and against each question on which the opinion or assent of the Electors is sought; and,
- “Zero Report Tape” means the first printed record generated from a Vote Tabulating Unit at the opening of voting at the Advance Voting Opportunities and on General Voting Day, which shows all totals as zero for each candidate for each office to be filled, and for and against each bylaw or other matters on which the opinion or assent of the Electors is sought.

**AUTHORIZATION**

4. Authorization is hereby given for the conducting of General Local Elections and voting on bylaws or other matters on which the opinion or assent of the Electors is being sought using an Automated Vote Counting System.

**PREPARATION FOR VOTING**

5. The Chief Election Officer must ensure that a test of the Automated Vote Counting System is conducted before each General Local Election and must be satisfied that it is in good working order.
6. The Presiding Election Official for each voting place, in the presence of the first Elector, must:
  - (1) print two copies of the Zero Report Tape verifying that the Memory Pack shows zero Ballots;

**PREPARATION FOR VOTING** (continued)

- (2) sign each Zero Report Tape and obtain the signature of a witness on each Zero Report Tape; and,
- (3) post one copy of the Zero Report Tape at the voting place and leave one copy attached to the blank paper roll located in the Vote Tabulating Unit.

**AUTOMATED VOTING PROCEDURES**

7. An Election Official for each voting place and at each Advance Voting Opportunity, as soon as an Elector enters the voting place and before a Ballot is issued to that Elector, shall offer and, if requested, provide a demonstration to that Elector of how to vote using a Vote Tabulating Unit.
8. Upon completion of the voting explanation, if any, the Elector shall proceed, as instructed, to the Election Official responsible for issuing Ballots who shall ensure that the Elector:
  - (1) is qualified to vote in the election; and,
  - (2) completes the voting book as required by the *Local Government Act*.
9. Upon fulfilment of the requirements of Subsections 8 (1) and (2), the Election Official responsible for issuing Ballots shall provide a Ballot to the Elector, along with a Secrecy Sleeve, if requested by the Elector, and any further instructions the Elector requests.
10. Upon being given a Ballot and Secrecy Sleeve, if so requested, the Elector shall immediately proceed to a voting compartment to vote.
11. The Elector may vote only by making an Acceptable Mark on the Ballot:
  - (1) beside the name of each candidate of choice, up to the maximum number of candidates to be elected for each of the offices to be filled; and,
  - (2) beside either “yes” or “no” in the case of each bylaw or other matters on which the opinion or assent of the Electors is sought.
12. Once the Elector has finished marking the Ballot, the Elector must proceed to the Vote Tabulating Unit and, under the supervision of the Election Official in attendance, insert the Ballot directly into the Vote Tabulating Unit without exposing the Acceptable Marks on the Ballot.
13. If, before inserting the Ballot into the Vote Tabulating Unit, an Elector determines that a mistake has been made 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 who shall immediately advise the Presiding Election Official.

**AUTOMATED VOTING PROCEDURES** (continued)

14. 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.
15. 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.
16. 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.
17. 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.
18. 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 an Emergency Ballot Compartment, on the understanding that if the Vote Tabulating Unit:
  - (1) becomes operational; or,
  - (2) is replaced with another Vote Tabulating Unit into which the Memory Pack from the replaced Vote Tabulating Unit has been inserted;the Ballots in the Emergency Ballot Compartment shall, at the close of voting, 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.
19. The form of Ballot that may be used in an Automated Voting Counting System shall be substantially similar to the sample Ballots attached hereto as Schedule “A” and Schedule “B” and forming part of this Bylaw.

**ADVANCE VOTING OPPORTUNITY PROCEDURES**

20. Vote Tabulating Units may 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 Sections 7 to 19 of this Bylaw.
21. At the close of voting at each Advance Voting Opportunity, the Presiding Election Official in each case shall ensure that:
  - (1) no additional Ballots are inserted in the Vote Tabulating Unit;

**ADVANCE VOTING OPPORTUNITY PROCEDURES** (continued)

- (2) any Ballots in the Emergency Ballot Compartment are inserted into the Vote Tabulating Unit;
- (3) the Ballot Box is sealed to prevent insertion of any Ballots; and, any candidate representatives (scrutineers) be given the opportunity to affix a seal;
- (4) the Results Tape in the Vote Tabulating Unit has not been generated;
- (5) the Memory Pack of the Vote Tabulating Unit is secured; and,
- (6) the Vote Tabulating Unit, together with the Memory Pack and all other materials used in the election, is delivered to the Chief Election Officer at Election Headquarters.

**SPECIAL VOTING OPPORTUNITY PROCEDURES AND PROCEDURES WHERE VOTE TABULATING UNIT IS NOT AVAILABLE**

22. A Portable Ballot Box shall be used for all Special Voting Opportunities and, where a Vote Tabulating Unit is not available, the Presiding Election Official appointed to attend at each Special Voting Opportunity or voting place shall proceed in accordance with Sections 8 to 11 so far as applicable, except that the voted Ballots shall be deposited into the Portable Ballot Box supplied by the Presiding Election Official.
23. The Presiding Election Official, at a Special Voting Opportunity or at a voting place where a Vote Tabulating Unit is not available, shall ensure that the Portable Ballot Box is secured when not in use and, at the close of voting, the Presiding Election Official shall seal the Portable Ballot Box and deliver it, together with all other election materials, to the Chief Election Officer at Election Headquarters.

**PROCEDURES AFTER THE CLOSE OF VOTING ON GENERAL VOTING DAY**

24. 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, and where a Vote Tabulating Unit is not available, each Presiding Election Official shall:
  - (1) ensure that any Ballots in the Emergency Ballot Compartment are inserted into the Vote Tabulating Unit to ensure that any Acceptable Marks are counted;
  - (2) secure the Vote Tabulating Unit so that no more Ballots can be inserted;
  - (3) generate two copies of the Results Tape from the Vote Tabulating Unit;
  - (4) telephone the results to Election Headquarters immediately;

## **PROCEDURES AFTER THE CLOSE OF VOTING ON GENERAL VOTING DAY**

(continued)

- (5) seal the Ballot Box and provide any candidate representatives (scrutineers) the opportunity to affix a seal;
- (6) account for unused and spoiled Ballots and place them, packaged and sealed separately, into the Election Materials Transfer Box along with one copy of the Results Tape;
- (7) complete the Ballot account statements and place the duplicate copy in the Election Materials Transfer Box;
- (8) place the voting books, the original copy of the Ballot account statements, one copy of the Results Tape, completed Non Resident Certificates, keys, and all completed administrative forms into the Election Materials Transfer Box; and
- (9) seal the Election Materials Transfer Box;
- (10) deliver all equipment and materials to Election Headquarters.

## **ADVANCE VOTING OPPORTUNITIES**

25. After the close of voting on General Voting Day, the Deputy Chief Election Officer shall generate two copies of the Results Tape from the Vote Tabulating Unit using a separate Memory Pack for each Advance Voting Opportunity.

## **SPECIAL VOTING OPPORTUNITIES AND WHERE A VOTE TABULATING UNIT IS NOT AVAILABLE**

26. After the close of voting on General Voting Day and where a Vote Tabulating Unit is not available, the Deputy Chief Election Officer shall:
  - (1) insert all the Ballots into a Vote Tabulating Unit;
  - (2) generate two copies of the Results Tape from the Vote Tabulating Unit;
  - (3) seal the Ballot Box and provide any candidate representatives (scrutineers) the opportunity to affix a seal; and,
  - (4) ensure that the Memory Pack of the Vote Tabulating Unit is secured.

## **RECOUNT PROCEDURE**

27. 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 procedures:

**RECOUNT PROCEDURE** (continued)

- (1) the Memory Packs of all Vote Tabulating Units will be cleared;
- (2) Vote Tabulating Units will be designated for each voting place;
- (3) print one copy of the Zero Report Tape verifying that the Memory Pack shows zero Ballots;
- (4) all Ballots will be removed from the sealed Ballot Boxes;
- (5) all Ballots, except spoiled Ballots, will be reinserted in the appropriate Vote Tabulating Units under the supervision of the Chief Election Officer;
- (6) any ballots returned by the Vote Tabulating Unit during the recount process shall, through the use of the Ballot Return Override Procedure, be reinserted in the Vote Tabulating Unit to ensure that any Acceptable Marks are counted; and,
- (7) generate two copies of the Results Tape from the Vote Tabulating Unit;

**FORCE AND EFFECT**

- 28.** To the extent that there is an inconsistency between the procedures, rules and requirements established by this Bylaw and the procedures, rules and requirements established by, or under, Part 3 of the *Local Government Act*, this Bylaw prevails.

Received first and second reading on the 15<sup>th</sup> day of May, 2018.

Received third reading on the 15<sup>th</sup> day of May, 2018.

Received adoption on the 5<sup>th</sup> day of June, 2018.

“Sharon Gaetz”

.....  
Mayor

“Jacqueline Morgan”

.....  
Corporate Officer

## Schedule “A”

### Sample Ballot

 <b>CITY OF CHILLIWACK</b> 		<b>CITY OF CHILLIWACK</b> General Local Election ( Date of Election )	
<b>MAYOR</b> Vote for <b>ONE (1)</b>		<b>COUNCILLOR</b> Vote for up to <b>SIX (6)</b>	
<input type="radio"/> NAME 1 <input type="radio"/> NAME 2 <input type="radio"/> NAME 3	<input type="radio"/> NAME 1 <input type="radio"/> NAME 2 <input type="radio"/> NAME 3 <input type="radio"/> NAME 4 <input type="radio"/> NAME 5 <input type="radio"/> NAME 6 <input type="radio"/> NAME 7 <input type="radio"/> NAME 8 <input type="radio"/> NAME 9 <input type="radio"/> NAME 10 <input type="radio"/> NAME 11 <input type="radio"/> NAME 12 <input type="radio"/> NAME 13 <input type="radio"/> NAME 14 <input type="radio"/> NAME 15 <input type="radio"/> NAME 16 <input type="radio"/> NAME 17	<b>SCHOOL TRUSTEE</b> Vote for up to <b>SEVEN (7)</b>	
		<b>CULTUS LAKE PARK BOARD COMMISSIONER</b> Vote for up to <b>TWO (2)</b>	
		<input type="radio"/> NAME 1 <input type="radio"/> NAME 2 <input type="radio"/> NAME 3 <input type="radio"/> NAME 4 <input type="radio"/> NAME 5	
<b>INSTRUCTIONS TO VOTER</b> Making Selections  <p>Fill in the oval to the left of the name of your choice. You must blacken the oval completely, and do not make any marks outside of the oval. You do not have to vote for every office.</p> <p>If you make a mistake or a stray mark, ask for a new ballot from an Election Official.</p>		<b>Assent Voting Question Goes Here?</b> YES <input type="radio"/> NO <input type="radio"/>	

### Schedule “B”

### Sample Ballot (School Trustee – Fraser Valley Regional District)

11		<b>CITY OF CHILLIWACK</b>	<b>CITY OF CHILLIWACK</b>
12		Chilliwack School District	General Local Election (Date of Election)
21	<b>SCHOOL TRUSTEE</b> Vote for up to SEVEN (7)		
	<input type="radio"/>	NAME 1	
	<input type="radio"/>	NAME 2	
	<input type="radio"/>	NAME 3	
	<input type="radio"/>	NAME 4	
	<input type="radio"/>	NAME 5	
	<input type="radio"/>	NAME 6	
	<input type="radio"/>	NAME 7	
	<input type="radio"/>	NAME 8	
40	<input type="radio"/>	NAME 9	
41	<input type="radio"/>	NAME 10	
42	<input type="radio"/>	NAME 11	
43	<input type="radio"/>	NAME 12	
51	<b>INSTRUCTIONS TO VOTER</b>		
	Making Selections		
			
	Fill in the oval to the left of the name of your choice. You must blacken the oval completely, and do not make any marks outside of the oval. You may vote for less than 7 candidates.		
	If you make a mistake or a stray mark, ask for a new ballot from an Election Official.		
61			