CITY OF PORT COQUITLAM

Election Procedures
Bylaw No. 4265

A Bylaw to provide for the determination of various procedures for the conduct of General Local Elections and Other Voting.

The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1.      Citation
1.1     This Bylaw is cited as *Election Procedures Bylaw 2022, No. 4265.*

2.      Repeal of Existing Bylaw(s)
2.1     *Election Procedures Bylaw 2014, No. 3811*, including all amendments, is hereby repealed.

3.      Schedules
3.1     The following Schedule is attached to this Bylaw:

        Schedule "A"  - Oath of Office

4.      Interpretation
4.1     In this Bylaw, unless the context requires otherwise:

        **Acceptable Mark**  means a mark 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 bylaw or question.

        **Assent Voting** means voting on a matter for which assent of the electors is required or for which the local government is authorized to obtain the assent of the electors, in accordance with Section 170 of the *Local Government Act.*

        **Automated Vote Counting System** means a system that counts and records votes and processes and stores election results which comprises a number of Ballot scan Vote Counting Unit  s, each of which rests on a two compartment Ballot box, one of which is for Voted Ballots and the other being an Emergency Ballot Compartment.

        **Ballot** means a Ballot designed for use in an automated vote counting system, which shows:
          (a)   the names of all candidates for each of the offices of Mayor, Councillor, School Trustee, whichever is applicable; and
          (b)   all of the choices on all of the bylaws and questions on which the assent or opinion of the electors is sought, if applicable.

        **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.

        **City** means the Corporation of the City of Port Coquitlam.

**Election Headquarters** means Port Coquitlam City Hall, 2580 Shaughnessy Street, Port Coquitlam, BC.

**Emergency Ballot Compartment** means a separate designated compartment in the Ballot box under each Vote Counting Unit into which Voted Ballots are temporarily deposited in the event that the Vote Counting Unit ceases to function.

**Memory Pack** means a computer software cartridge, which is inserted into the vote counting Unit and into which is pre-programmed:
  (a)  the names of all the candidates for each of the offices of Mayor, Councillor, School Trustee, whichever is applicable;
  (b)  if applicable, the alternatives of "yes" or "no" for each bylaw and question; and
  (c)  a mechanism to record and retain information on the number of Acceptable Marks made for each.

**General Local Election** means the election held for the Mayor, Councillors, and School Trustees for the municipality, which is held every four years (2014 and onwards).

**General Voting Day** means the third Saturday in October for a General Local Election; and for other elections (by-elections, assent voting), the date set under sections 54(4.1) or 172(4)(a) of the *Local Government Act*.

**Memory Pack Receiver (Accumulator)** means a tabulation device which reads the recorded values contained within each Memory Pack, and which automatically accumulates the totals of those recorded votes to produce a final vote count for all of the offices on the Ballot, and on each of the bylaws and questions, if applicable.

**Results Tape** means a 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 of Mayor, Councillor, School Trustee, whichever is applicable, and the number of votes for and against each bylaw and questions, if applicable.

**Returned Ballot** means a Voted Ballot which was inserted into the Vote Counting Unit but which was not accepted, and which was returned with an explanation of the Ballot marking error which caused the Ballot to be returned.

**Secrecy Sleeve** means an open-ended folder or envelope used to cover Ballots to conceal the choices made by an elector.

**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 bylaw and question.

**Voted Ballot** means a Ballot on which an elector has made Acceptable Marks.

5.  Provincial List of Electors Authorization

5.1  For the purposes of all local general elections, by-elections and submissions to the electors under the *Local Government Act*, the most current available list of voters prepared under the *Election Act* of British Columbia shall become the register of resident electors on the 52nd day prior to the General Voting Day.

6.     Voting Division Establishment

6.1    For a General Local Election and by-election one municipal voting division is established, namely all property in the City as described in the Letters Patent for the City.

7.     Additional General Voting Opportunities

7.1    The Chief Election Officer may establish additional general voting opportunities for General Voting Day as well as designate the voting places and set the voting hours.

8.     Advance Voting Opportunity  Establishment

8.1    In addition to the advance voting Opportunity  established by Section 107(1) of the Local Government Act, held on the 10$^{th}$ day (Wednesday) before General Voting Day, the second required advance voting Opportunity  for a General Local Election or by-election shall be held on the 7$^{th}$ day  (Saturday) prior to General Voting Day.

8.2    For any additional advance voting opportunities for a General Local Election or by-election, the Chief Election Officer is authorized to establish the dates, voting hours and locations for these opportunities.

9.     Special Voting Opportunity  Establishment

9.1    For special voting opportunities for a General Local Election and a by-Election, the Chief Election Officer may establish dates and voting hours, and designate voting places.

10.    Mail Ballot Voting Authorization and Procedures

10.1.  Voting by mail Ballot is hereby authorized and elector registration may be done in conjunction with this voting.

10.2   The Chief Election Officer is authorized to establish time limits in relation to voting by mail Ballot.

10.3   The following procedures for voting and registration must apply:

       (a) Sufficient records will be kept by the Chief Election Officer so that challenges of the elector's right to vote may be made in accordance with the intent of Section 126 of the *Local Government Act*.

       (b) A person exercising the right to vote by mail under the provisions of Section 110 may be challenged in accordance with and on the grounds specified in Section 126 of the *Local Government Act*, until 4:30 pm two days before General Voting Day

10.4   In accordance with section 110(9) of the *Local Government Act*, a mail ballot must be received by the Chief Election Officer or designate before the close of voting on General Voting Day in order to be counted for the election.

11.    Voting Proceedings

11.1   In relation to voting proceedings, a person must not do any of the following at or within 100 metres of a building, structure, or other place where voting proceedings are being conducted at the time:

       (a)   canvass or solicit votes or otherwise attempt to influence how an elector votes;

       (b)   carry, wear, or supply a flag, badge, or other thing indicating that the person using it is a supporter of a particular candidate or elector organization;

(c)    display or distribute a sign, a document, or other material regarding a candidate or elector organization; or

(d)    display, distribute, post, or openly leave a representation of a Ballot marked for a particular candidate in an election.

12.    Electronic Access to Nomination Documents Authorization

12.1    As authorized by section 89(8) of the *Local Government Act*, access to nomination documents will be made available via the internet or other electronic means.

13.    Electronic Access to Disclosure Statements and Supplementary Reports

13.1    As authorized by section 59(1) of the Local Elections Campaign Financing Acct, public access to disclosure statements and signed declarations, and supplementary reports and signed declarations, will be made available via the internet or other electronic means.

14.    Resolution of Tie Votes After a Judicial Recount

14.1    In the event of a tie vote after a judicial re-count, the tie vote will be resolved by conducting a draw by lot in accordance with Section 151 of the *Local Government Act*.

15.    Automated Vote Counting System Authorization

15.1.    An Automated Vote Counting System is authorized for use to conduct a general local election or by-election, including at any advance voting opportunities or special voting opportunities.

16.    Automated Vote Counting System Procedures

16.1    As soon as an elector enters the voting place they must be instructed to proceed to the election official(s) responsible for issuing Ballots, who:

    (a)    Must ensure:

        (i)   the elector is qualified to vote in the election; and

        (ii)  the elector signs the appropriate voting book.

    (b)    Upon fulfillment of the requirements of clause (a) above must provide a Ballot to the elector and any further instructions the elector requests.

16.2    Upon being given a Ballot, the elector must immediately proceed to a voting booth to mark the Ballot.

16.3    The elector indicates their vote 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 office; or

    (b)    beside either "yes" or "no" in the case of each bylaw or question.

16.4    Once the elector has finished marking the Ballot, the elector may place the Ballot into the Secrecy Sleeve, proceed to the Vote Counting Unit and under the supervision of the election official in attendance, insert the Ballot directly from the Secrecy Sleeve, if applicable, into the Vote Counting Unit, limiting the exposure of any Acceptable Marks.

16.5    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.

16.6   Once the Ballot has been inserted into the Vote Counting Unit  and the Vote Counting Unit indicates that the Ballot has been accepted, the elector must immediately leave the voting place.

16.7   *Replacement of Spoiled Ballot*

16.7.1 The elector may request a replacement Ballot from an election official 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 has been inserted into the Vote Counting Unit and returned.

16.7.2. Upon being advised of a request for a replacement Ballot, the election official must:

(a)   issue a replacement Ballot to the elector;

(b)   mark the Returned Ballot as spoiled; and

(c)   retain all such spoiled Ballots separately from all other Ballots.

16.7.3 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 Counting Unit the election official must, using the Ballot Return Over-Ride Procedure, reinsert the Returned Ballot into the Vote Counting Unit to count any Acceptable Marks.

16.8   *Malfunction of Vote Counting Unit*

16.8.1 During any period that a Vote Counting Unit is not functioning, election officials must direct electors to insert their Ballots into the Emergency Ballot Compartment.

16.8.2 Where a Vote Counting Unit which was not functioning becomes operational or is replaced with another Vote Counting Unit, an election official, under supervision by the presiding election official, must remove the Ballots in the Emergency Ballot Compartment and insert them into the Vote Counting Unit to be counted.

16.8.3 Any Ballots which were temporarily stored in the Emergency Ballot Compartment during a period when the Vote Counting Unit was not functioning, which are returned by the Vote Counting Unit when being counted, must, through the use of the over-ride 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. If the Ballot is damaged to the extent that it cannot be reinserted into the Vote Counting Unit, the presiding election official will treat the Ballot as spoiled and follow the spoiled Ballot procedure.

16.9   *Advance Voting and Special Voting Opportunity  Procedures*

16.9.1 At the close of voting at each advance and any special voting opportunity, the presiding election official must ensure that:

(a)   no additional Ballots are inserted into either the Vote Counting Unit or the Emergency Ballot Compartment; and

(b)   the Results Tape in the Vote Counting Unit is *not* generated.

16.9.2 During any period that a Vote Counting Unit being used at an advance voting or any special voting Opportunity  is not functioning, the provisions of subsection 15.4 apply.

16.9.3 The presiding election official must, at the close of voting at the final advance voting opportunity  and the final day of any special voting opportunity:

(a) ensure that any remaining Ballots in the Emergency Ballot Compartment are inserted into the Vote Counting Unit;

(b) secure the Vote Counting Unit so that no more Ballots can be inserted;

(c) ensure that the Results Tapes in the Vote Counting Units are not generated; and

(d) deliver the Vote Counting Unit, together with the Memory Pack and all other election materials, to the Chief Election Officer at Election Headquarters.

16.10 *Procedures After the Close of Voting*

16.10.1 After the close of voting on General Voting Day, each presiding election official must:

(a) ensure that any remaining Ballots in the Emergency 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 two copies of the Results Tape from the Vote Counting Unit;

(d) remove the Memory Pack from the Vote Counting Unit and deliver it, or have the Deputy Presiding Election Official deliver it, along with one copy of the Results Tape, to the Chief Election Officer at Election Headquarters;

(e) complete the Ballot account for the Voted Ballots, unused Ballots, spoiled Ballots and unaccounted for Ballots, and place the Ballot account in the election night returns envelope;

(f) place the Voted Ballots into the election materials transfer box;

(g) place the spoiled Ballots in a sealed envelope and place the envelope into the election materials transfer box;

(h) seal the election materials transfer box;

(i) place the list of electors and any voting books/list of electors, if applicable, one copy of the Results Tape, completed elector registration cards, and all completed administrative forms into the Chief Election Officer envelope; and

(j) deliver the following to the Chief Election Officer at Election Headquarters:

(i) the sealed election materials transfer box;

(ii) the Vote Counting Unit;

(iii) the election night returns envelope; and

(iv) the Chief Election Officer envelope.

16.10.2 Upon receipt of the Memory Pack from each voting place, the Chief or Deputy Chief Election Officer must insert, or must direct an election official to insert, the Memory Pack into the Memory Pack Receiver (Accumulator) in order to obtain the totals of the votes and the election results.

16.11 *Recount Procedure*

16.11.1 The Chief Election Officer directs any required recounts, which must be conducted using the Automated Vote Counting System and in accordance with the following procedure:

(a) the Memory Packs of all Vote Counting Units must be reinserted into the designated Vote Counting Unit from which they came, to be cleared of all votes recorded;

(b) a Results Tape must be generated to ensure that no votes are recorded for any candidate in the election, or beside either "yes" or "no" in the case of any bylaw and question;

(c) all Voted Ballots must be removed from the sealed election materials transfer boxes, and reinserted in the appropriate Vote Counting Units under the supervision of the Chief Election Officer;

(d) any Ballots returned by the Vote Counting Unit during the recount process must, through the use of the Ballot return over-ride procedure, be reinserted into the Vote Counting Unit to ensure that any Acceptable Marks are counted; and

(e) to obtain the election results, the Memory Packs must be inserted into the Memory Pack Receiver (Accumulator).

## 17. Oath of Office

17.1 Pursuant to section 120(2) of the *Community Charter*, the oath or solemn affirmation of officer for persons elected or appointed to the offices of Mayor and Councillor is as shown in Schedule "A" of this Bylaw.

## 18. Severability

18.1 If any part, section, subsection, clause or sub-clause, of this Bylaw is, for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

| | | |
|---|---|---|
| READ A FIRST TIME this | 26th day of | April, 2022 |
| READ A SECOND TIME this | 26th day of | April, 2022 |
| READ A THIRD TIME this | 26th day of | April, 2022 |
| ADOPTION this | 10th day of | May, 2022 |

B. WEST
Mayor

C. DEAKIN
Corporate Officer

# OATH OF OFFICE

I,_____, do solemnly affirm that:

I am qualified to hold the office of [Mayor/Councillor] for the Corporation of the City of Port Coquitlam, to which I have been elected;

I will perform the duties of the office of [Mayor/Councillor] faithfully and with integrity and will not allow any private interest to influence my conduct in public matters;

I will abide by the statutes, bylaws and policies that govern the City and will promote openness, accountability, and responsible leadership;

I will dedicate myself at all times to acting in the best interests of the community as a whole; and

I will be a leader in the continued development of a safe, vibrant and sustainable City for the residents of Port Coquitlam.

SWORN by [the above-named Mayor/Councillor]
before me at Port Coquitlam,
British Columbia, this [day] of [month], [year].


_____          _____
The Honourable [Name]                   [Elected Official Name]