



THE CORPORATION OF THE CITY OF PORT COQUITLAM

BYLAW NO. 3811

*A Bylaw to provide for the determination of various procedures
for the conduct of civic elections and other voting.*

Whereas the Local Government Act, being Chapter 323 of the Revised Statutes of British Columbia, 1996 as amended, and particularly Part 3 thereof governs the conduct of Civic Elections in the City;

And whereas it is deemed expedient by the Council to provide certain regulations for the purpose of clarifying and supplementing the Statutory Regulations;

Now therefore the Municipal Council of the Corporation of the City of Port Coquitlam in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as "Election Procedure Bylaw, 2014, No. 3811".
2. The provisions of this Bylaw shall be deemed to be supplemental and complimentary to the provisions of the *Local Government Act* respecting the conduct of Municipal Elections and not in replacement thereof.

3. Definitions

Acceptable Mark means a completed arrow 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 bylaw and question.

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 units, 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 Over-ride 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.

By-Election means an election under the provisions of Section 37 of the *Local Government Act*.

City means the Corporation of the City of Port Coquitlam.

Election means an election of the number of persons required to fill a local government office and/or Board of School Trustees.

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

Elector means a resident elector or property elector of the jurisdiction as defined under the *Local Government Act*.

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.

General Local Election means the elections held for the Mayor, all Councillors, and two School Trustees for School District No. 43, of the Municipality which must be held in the year 2011 and in every third year after that.

General Voting Day means:

- (a) for a general local election, the 3rd Saturday of November in the year of the election,
- (b) for other elections, the date set under Sections 38 (1), 39 (1) or (2) or 142 (5) of the *Local Government Act*, and
- (c) for other voting, the date set under Section 162 of the *Local Government Act*.

Jurisdiction means, in relation to an election, the municipality for which it is held.

Local Government means, the Council for the City of Port Coquitlam.

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; and
- b) if applicable, the alternatives of “yes” or “no” for each bylaw and question, and a mechanism to record and retain information on the number of acceptable marks made for each.

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.

Other voting means voting on a matter referred to in Section 158 of the *Local Government Act* and includes voting on a referendum.

Portable Ballot Box means a ballot box, which is used in the election where a vote counting unit is not being used at the time of voting.

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 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.

4. Use of Provincial List of Voters as the Register of Resident Electors

- a) As authorized under Section 59 of the *Local Government Act*, the most current list of voters prepared under the *Election Act*, existing at the time an election or other voting is to be held, is deemed to be the register of resident electors for the Municipality;
- b) The Provincial list of voters becomes the register of resident electors by 52 days prior to the Election date.

5. Electronic Access to Nomination Documents, Disclosure Statements and Supplementary Reports Authorization

- a) As authorized by Section 73.7 of the *Local Government Act*, public access to nomination documents, will be made available via the internet or other electronic means.
- b) As authorized by Section 93(2) of the *Local Government Act*, public access to disclosure statements, signed declarations, and supplementary reports, will be made available via the internet or other electronic means.

6. Scrutineers

Authorization is given for not more than one scrutineer for each candidate at a General Local Election and a By-Election to be present at a voting place, including at advance voting and at any special voting opportunities, while voting proceedings are being conducted.

7. Tie Vote in Judicial Re-count

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 141 of the *Local Government Act*.

8. Automated Vote Counting System Authorization and Procedures

8.1 Authorization

Authorization is given for the conducting of a General Local Election and a By-Election, including voting at any advance voting opportunities, special voting opportunities, if applicable, in connection with either of such elections, using an automated vote counting system.

8.2 Procedures

8.2.1 The presiding election official at each voting place, and at each advance and special voting opportunity, if applicable, must proceed to the election official responsible for issuing ballots who:

- a) must ensure that the elector:
 - i) is qualified to vote in the election;
 - ii) completes the appropriate voting book; and
- b) upon fulfillment of the requirements of clause (a), must then provide a ballot to the elector, and any further instructions the elector requests.

8.2.2 Upon being given a ballot, the elector must immediately proceed to a voting booth to mark the ballot.

8.2.3 The elector may vote only by making an acceptable mark on the ballot as indicated 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, which is applicable; and
- b) if applicable, beside either “yes” or “no” in the case of each bylaw and question.

8.2.4 Once the elector has finished marking the ballot, the elector may place the ballot into the secrecy sleeve and proceed to the vote counting unit, and under the supervision of the election official in attendance, insert the ballot into the vote counting unit without, so far as possible, the acceptable marks on the ballot being exposed.

- 8.2.5 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.
- 8.2.6 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.

8.3 Replacement of Spoiled Ballot

8.3.1 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,

the elector may request a replacement ballot by advising the election official in attendance.

8.3.2 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.

8.3.3 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.

8.4 Malfunction of Vote Counting Unit

8.4.1 During any period that a vote counting unit is not functioning, the election official supervising the unit must direct electors to insert their ballots into the emergency ballot compartment.

8.4.2 Where a vote counting unit which was not functioning:

- a) becomes operational; or
- b) is replaced with another vote counting unit,

the ballots in the emergency ballot compartment must, 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 counting unit to be counted.

8.4.3 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 ballot return 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.

8.5 Advance Voting and Special Voting Opportunity Procedures

- 8.5.1 Vote counting units are to be used at each advance voting and at any special voting opportunities, and voting procedures at both the advance voting and any special voting opportunities must follow as closely as possible, those described in Section 9.2.
- 8.5.2 At the close of voting at each advance and any special voting opportunity, the presiding election official in each case must ensure that:
- a) no additional ballots are inserted into either the vote counting unit or into the emergency ballot compartment; and
 - b) the results tapes in the vote counting units are not generated.
- 8.5.3 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 subsections 8.4.1 and 8.4.2 apply, so far as applicable.
- 8.5.4 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.

8.6 Procedures After the Close of Voting

- 8.6.1 After the close of voting on General Voting Day, each presiding election official, except those responsible for advance voting and any special voting opportunities, 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, 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 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:
 - 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,

to the Chief Election Officer at election headquarters.

- 8.6.2 After the close of voting on General Voting Day the Chief Election Officer must direct the presiding election officials for the advance voting and any special voting opportunities to proceed in accordance with clauses a) to j) inclusive of subsection 9.6.1 so far as applicable.
- 8.6.3 Upon the fulfillment of the provisions of subsections 9.6.1 and 9.6.2, the Chief Election Officer must, to obtain the election results, direct an election official to insert the memory packs from each vote counting unit into the memory pack receiver (accumulator) in order to obtain the totals of the votes.

8.7 Recount Procedure

- 8.7.1 If a recount is required, it must 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 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) in accordance with subsection 9.6.3.

9. Additional General Voting Opportunities

The Council authorizes the Chief Election Officer (CEO) to establish additional general voting opportunities for general voting day for each election and to designate the voting places and voting hours, within the limits set out in Section 96(2) of the *Local Government Act*, for such voting opportunities.

10. Advance Voting Opportunity Establishment

10.1 The second required advance voting opportunity is established on the Wednesday prior to General Voting Day for a General Local Election and a By-Election.

10.2 The Chief Election Officer is authorized:

- a) to establish dates for any additional advance voting opportunities; and
- b) to designate voting places and to set the voting hours for such voting opportunities, for a General Local Election and a By-Election.

11. Special Voting Opportunity Establishment

The Chief Election Officer is authorized:

- a) to establish dates for any special voting opportunities; and
- b) to designate voting places and to set the voting hours for such special voting opportunities,

for a General Local Election and a By-Election.

12. Mail Ballot Voting

12.1 As authorized under Section 100 of the *Local Government Act*, voting may be done by mail for those electors who meet the criteria in paragraph 12.2 for each election or other voting:

12.2 The following electors are permitted to vote by mail ballot:

- a) persons who have a physical disability, illness, or injury that affects their ability to vote at another voting opportunity; or
- b) persons who expect to be absent from the City of Port Coquitlam on General Voting Day and at the times of all advance voting opportunities.

12.3 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 116 of the *Local Government Act*;
- b) a person exercising the right to vote by mail under the provisions of Section 100 may be challenged in accordance with, and on the grounds specified in Section 116 of the *Local Government Act*.

12.4 The time and dates in relation to mail in ballots will be determined by the Chief Election Officer (CEO) in each year of an election; however a returned mail in ballot must be received by the Chief Election Officer before the close of voting on General Voting Day in order to be counted for an election.

13. Proceedings After Poll

Subject to the direction of the Chief Election Officer or the Presiding Election Official at any polling station, the ballots shall be counted in the following order:

- a) for the election for Mayor
- b) for the election for Councillor
- c) for the election for School Trustee
- d) on any Bylaw, or Question.

A ballot paper shall not be rejected for the reason only that it has been marked with a writing instrument other than that provided in the Polling Booth.

14. Voting Proceedings

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

15. Severability

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.

16. Repeal

That Election Procedures Bylaw No. 3765 be repealed.

Read a first time by the Municipal Council this 11th day of February, 2014.

Read a second time by the Municipal Council this 11th day of February, 2014.

Read a third time by the Municipal Council this 11th day of February, 2014.

Certified in accordance with the Bylaw authorizing the revision.

Adopted by the Municipal Council of the Corporation of the City of Port Coquitlam this 24th day of February, 2014.

Mayor

Assistant Corporate Officer