

CITY OF MISSION

BYLAW 6101-2022-2978(4)

**A Bylaw to amend District of Mission
Automated Vote Counting System Authorization and Procedure Bylaw 2978-1996**

WHEREAS, under the *Local Government Act*, the Council of the District of Mission is empowered to provide, by bylaw, for the use of automated voting machines, voting recorders, or other devices for voting in an election;

AND WHEREAS the Council of the District of Mission has adopted "District of Mission Automated Vote Counting System Authorization and Procedure Bylaw 2978-1996" and amended same from time to time;

AND WHEREAS the Council of the City of Mission deems it advisable and in the public interest to further amend the said bylaw;

NOW THEREFORE the Council of the City of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

- A. This bylaw may be cited for all purposes as "City of Mission Automated Vote Counting System Authorization and Procedure Amending Bylaw 6101-2022-2978(4)".
- B. "District of Mission Automated Vote Counting System Authorization and Procedure Bylaw 2978-1996", as amended, is hereby further amended as set out in Appendix "A" attached to and forming part of this Bylaw.

READ A FIRST TIME this 16th day of May, 2022

READ A SECOND TIME 16th day of May, 2022

READ A THIRD TIME this 16th day of May, 2022

ADOPTED this __ day of _____, 2022

PAUL HORN,
MAYOR

JENNIFER RUSSELL,
CORPORATE OFFICER

APPENDIX "A"

CITY OF MISSION

BYLAW 2978-1996

A bylaw to authorize the use of automated
vote counting equipment and procedures

WHEREAS, the Council of the City of Mission 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 City of Mission, in open meeting assembled, ENACTS
AS FOLLOWS:

1. CITATION

This Bylaw may cited for all purposes as "City of Mission Automated Vote Counting System Authorization and Procedure Bylaw 2978-1996".

2. DEFINITIONS

In this bylaw:

"Acceptable Mark" means a completed 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 of the bylaws or other matters on which the opinion or assent of the electors is sought.

"Automated Vote Counting System" means a system that counts and records votes and processes and stores election or any other voting results which comprises:

- (a) a number of ballot scan vote counting units, each of which rests on a two-compartment ballot box;
 - (i) one compartment of which is for voted ballots and returned ballots which have been reinserted using the ballot override procedure,
 - (ii) and the other compartment is for the temporary storing of voted ballots during such time as the vote counting unit is not functioning; and
- (b) a number of portable ballot boxes into which voted ballots are deposited where a vote counting unit is not functioning or being used, which will therefore be counted 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 of the candidates for each of the offices to be elected; 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 counting unit, which causes the unit to accept a returned ballot.

"Chief Election Officer" means the election official appointed by the local government of the City of Mission under Section 58 of the *Local Government Act*,

"Election Headquarters" means Mission Municipal Hall, 8645 Stave Lake Street, Mission, B.C.

"Emergency Ballot Box" means a ballot box 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 and all councillors of the municipality which must be held in the year 2014 and every 4th year after that.

"General voting day" means:

- (a) for a general local election, the 3rd Saturday of October in the year of the election,
- (b) for other elections, the date set under sections 54 or 55 of the *Local Government Act*,
- (c) for other voting, the date set under section 174 of the *Local Government Act*.

"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 of the candidates for each of the offices to be elected; and
- (b) the alternatives of "yes" and "no" for each of the bylaws or other matters on which the opinion or assent of the electors is sought.

and which records and retains information on the number of acceptable marks made for each.

"Other voting" means voting

- (a) at an election held to fill a vacancy in an elected local government office that occurs at any time other than at a general local election; and
- (b) on a matter referred to in section 170 of the *Local Government Act*.

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

"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 elected, and the number of votes for and against each of the bylaws or other matters on which the opinion or assent of the electors is sought.

"Returned Ballot" means a voted ballot which was inserted into the vote counting unit by the elector, but which was not accepted and which 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 Counting 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 for and against each of the bylaws or other matters on which the opinion or assent of the electors is sought.

3. AUTHORIZATION

- a) Council of the City of Mission hereby authorizes the use of an automated vote counting system for the conduct of general local elections and other voting in the City of Mission.

4. AUTOMATED VOTING PROCEDURES

- a) The presiding election official for each voting place shall offer, and if requested, ensure that electors are provided with a demonstration of how to vote using the automated vote counting system.
- b) Upon completion of the voting demonstration, if any, electors shall proceed as instructed to the election official responsible for issuing ballots, who, upon fulfillment of the requirements under the *Local Government Act*, shall then provide a ballot to the elector, along with a secrecy sleeve if requested and any further instructions the elector requests.
- c) Upon being given a ballot, the elector shall immediately proceed to a voting compartment to mark their ballot.
- d) The elector may vote only by making an acceptable mark on the ballot:
 - (i) beside the name of each candidate of choice, up to the maximum number of candidates for each of the offices to be elected; and
 - (ii) beside either "yes" or "no" in the case of each of the bylaws or other matters on which the opinion or assent of the electors is sought.
- e) Once the elector has finished marking the ballot, the elector must place the ballot into the secrecy sleeve or turn the ballot upside down, 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.

- f) If, before inserting the ballot into the vote counting unit, the elector determines that they have made a mistake when marking the ballot, or if the ballot is returned by the vote counting unit, the elector may request a replacement ballot by advising the election official in attendance.
- g) 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.
- h) 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 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.
- i) Any ballot counted by the vote counting unit is valid and any acceptable marks on such ballots will be counted, subject to any determination made under a judicial recount.
- j) 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.
- k) During any period that a vote counting 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 box, provided that, if the vote counting unit;
 - (i) becomes operational; or
 - (ii) is replaced with another vote counting unit,the ballots in the emergency ballot box shall, as soon as reasonably possible, under the supervision of the presiding election official, be removed by an election official and inserted into the vote counting unit to be counted.
- l) Any ballots which were temporarily stored in the emergency ballot box, which are returned by the vote counting unit when inserted, 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.
- m) At voting places which are not equipped with a vote counting unit, electors shall, to the extent possible, vote in accordance with Section 4 of this bylaw except that voted ballots shall be deposited in a portable ballot box as directed by the election official.

5. ADVANCE VOTING OPPORTUNITY PROCEDURES

- a) Vote counting units shall be used at all advance voting opportunities, and voting procedures at advance voting opportunities shall follow as closely as possible those described in Section 4 of this bylaw.
- b) At the close of the voting at each advance voting opportunity, the presiding election official in each case shall ensure that:

- (i) no additional ballots are inserted in the vote counting unit or ballot box;
 - (ii) the emergency ballot box is sealed to prevent insertion of any ballots;
 - (iii) the results tapes in the vote counting units are not generated; and
 - (iv) the memory pack in the vote counting unit is secured.
- c) At the close of voting at the final advance voting opportunity, the presiding election official shall:
 - (i) ensure that any remaining ballots in the emergency ballot box are inserted into the vote counting unit. Any ballots which were temporarily stored in the emergency ballot box, which are returned by the vote counting unit when inserted, 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;
 - (ii) secure the vote counting unit and ballot box so that no more ballots can be inserted; and
 - (iii) deliver the vote counting unit and ballot box, together with the memory pack and all other materials used in the election or other voting, to the chief election officer at election headquarters.

6. SPECIAL VOTING OPPORTUNITIES

- a) At special voting opportunities which are not equipped with a vote counting unit, electors shall, to the extent possible, vote in accordance with Section 4 of this bylaw, except that voted ballots shall be deposited in a portable ballot box as directed by the election official.
- b) The presiding election official at a special voting opportunity which is not equipped with a vote counting unit shall ensure that the portable ballot box is secured when not in use.
- c) At the close of voting at the final special voting opportunity, the presiding election official shall seal the portable ballot box so that no more ballots can be inserted and that it cannot be opened without breaking the seal, and return it, together with all other election materials, to the custody of the chief election officer at election headquarters.
- d) If a vote counting unit is in use at a special voting opportunity, the presiding election official appointed to attend the special voting opportunity shall follow the procedures outlined in Section 5 of this bylaw as if it were an advance voting opportunity.

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

- a) After the close of voting on general voting day at voting opportunities where a vote counting unit was used, including mail ballot voting, but excluding advance and special voting opportunities, each presiding election official shall:
 - (i) ensure that any remaining ballots in the emergency ballot box are inserted into the vote counting unit. Any ballots which were temporarily stored in the emergency ballot box, which are returned by the vote counting unit when inserted, 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;

- (ii) secure the vote counting unit and the ballot box so that no more ballots can be inserted;
 - (iii) generate two (2) copies of the results tape from the vote counting unit;
 - (iv) account for unused, spoiled, and voted ballots, and place them, packaged and sealed separately, into the election materials transfer box;
 - (v) complete the ballot account and place one copy of the ballot account and one copy of the results tape in the official results envelope to be handed directly to the chief election officer;
 - (vi) seal the election materials transfer box;
 - (vii) place the voting books, one copy of the ballot account, one copy of the results tape, completed elector registration cards, copies of the lists of registered electors used for the purpose of voting, keys, and all completed administrative forms into the chief election officer transfer box;
 - (viii) seal the chief election officer transfer box; and
 - (ix) deliver the sealed election materials transfer box, vote counting unit, one copy of the results tape and the sealed chief election officer transfer box to the chief election officer at election headquarters.
- b) At the close of voting on general voting day at voting opportunities where a vote counting unit was not used, but excluding special voting opportunities, the presiding election official shall secure the portable ballot box so that no more ballots can be inserted and that it cannot be opened without breaking the seal, and return it, together with all other election materials, to the custody of the chief election officer at election headquarters.
- c) After the close of voting on general voting day at voting opportunities and special voting opportunities where a vote counting unit was not used, the chief election officer shall direct the opening of all portable ballot boxes and all ballots shall be removed and inserted into a vote counting unit to be counted, after which the provisions of Section 7a) (ii) to (ix) inclusive, of this bylaw, so far as applicable, shall apply. Ballots 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.
- d) After the close of voting on general voting day, the chief election officer shall direct the presiding elections officials for the advance voting opportunities and any special voting opportunities where a vote counting unit was used to proceed in accordance with Section 7a) (iii) to (ix) inclusive, of this bylaw.
- e) Upon fulfillment of the provisions of this Section 7, the chief election officer shall, to obtain the unofficial results of the election or other voting, direct an election official to

place the results in a spreadsheet which may be used for display in the Council Chamber indicating the total unofficial results.

8. RECOUNT PROCEDURE

- a) 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:
 - (i) the memory packs of all vote counting units will be cleared;
 - (ii) vote counting units will be designated for each voting place;
 - (iii) all voted ballots will be removed from the sealed ballot boxes; and
 - (iv) all ballots, except spoiled ballots, will be reinserted in the appropriate vote counting units under the supervision of the chief election officer.

9. GENERAL

- a) 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.
- b) 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.

READ A FIRST TIME this 17th day of June, 1996

READ A SECOND TIME this 17th day of June, 1996

READ A THIRD TIME this 17th day of June, 1996

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS this 4th day of July, 1996
(Approval No. 960210)

ADOPTED this 15th day of July, 1996

(original signed by Mayor Hawes)
MAYOR

(original signed by Jacqueline R. Fennellow)
CLERK