



THE DISTRICT OF NORTH VANCOUVER

USE OF VOTING RECORDERS AT ELECTION

BYLAW

BYLAW 6877

Effective Date – June 22, 1996

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

Original Bylaw

Bylaw 6877

Date of Adoption

June 22, 1996

Amending Bylaw

Bylaw 7730

Bylaw 8319

Bylaw 8614

Date of Adoption

July 14, 2008

April 23, 2018

April 17, 2023

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Use of Voting Recorders at Elections Bylaw – Bylaw 6877). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

BYLAW 6877

A bylaw to provide for the use of voting recorders to count the votes in an election, pursuant to the *Local Government Act*.

(8319)

The Council for The Corporation of the District of North Vancouver enacts the following:

Title

1. This bylaw may be cited as “**USE OF VOTING RECORDERS AT ELECTIONS BYLAW**”.

Interpretation

2. In this bylaw,

Acceptable Mark means a mark made by an elector that partially or completely fills in the oval on the ballot opposite the name of a candidate or opposite either “yes” or “no” on any question;

(8319)

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

- a) a number of voting recorders, each of which rests on a two compartment ballot box, one compartment of which is for
 - i) voted ballots; and
 - ii) returned ballots which have been reinserted using the ballot override procedure,and the other for the temporary storing of voted ballots during such time as the voting recorder is not functioning; and
- b) a number of portable ballot boxes into which voted ballots are deposited where a voting recorder 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, Councillor, School Trustee and Regional Health Board Member, if applicable; and
- b) all of the choices on all of the questions on which the opinion, or assent of, electors is sought.

Ballot Return Override Procedure means the use, by an election official, of a device on a voting recorder, which causes the unit to accept the valid portions of a returned ballot.

Election Headquarters means North Vancouver District Municipal Hall, 355 West Queens Road.

Election Management Software means software run on a computer that reads the recorded votes on each USB flash drive and automatically accumulates the totals of those recorded votes to produce a final total vote count for all offices on the ballot and on each referendum question;

(8319)

Emergency Ballot Compartment means a designated compartment in the ballot box under each voting recorder into which voted ballots are temporarily deposited in the event that the unit ceases to function.

Mail Ballot Voting Opportunity means voting by mail-in ballot in accordance with section 9 of the *General Local Election Bylaw 6876*;

(7730)

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

Results Tape means the printed record generated from a voting recorder 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 and School Trustee and Regional Health Board Member, if applicable, and the number of votes for and against each referendum question.

Returned Ballot means a voted ballot which was inserted into the voting recorder 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.

USB Flash Drive means a removable memory device that the voting recorder uses to store:

- a) the names of all candidates for the office of Mayor;
- b) the names of all candidates for the office of Councillor;
- c) the names of all candidates for the office of School Trustee;
- d) the names of all candidates for the office of Regional Health Board Member, if applicable;
- e) the alternatives of “yes” and “no” for each question; and,
- f) the audit log and other election-specific information as necessary,

and which is updated to record and retain information on the number of acceptable marks made for each of (a) through (e) above each time the voting recorder scans a ballot;

(8319)

Voting recorder 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 referendum question.

Authorization

3. Authorization is given for the conducting of the election using an automated vote counting system.

Voting Procedures

4. Procedures for voting where voting recorders are used is as follows:
 - a) 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 a voting recorder;
 - b) Upon completion of the voting demonstration, if any, the elector shall proceed as instructed, to the election official responsible for issuing ballots, who:

- i) shall ensure that the elector:
 - is qualified to vote in the election;
 - completes the voting book as required by the *Local Government Act*, and
- (8319)**
- ii) upon fulfilment of the requirements of sub-section (a), shall then provide a ballot to the elector, along with a secrecy sleeve, if applicable, the ballot marking pen and any further instructions the elector requests.
- c) Upon being given a ballot, the elector shall immediately proceed to a voting compartment to vote.
 - 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 to be elected for each of the offices of Mayor, Councillor, School Trustee and Regional Health Board Member, if applicable; and
 - ii) beside either “yes” or “no” in the case of each referendum question.
 - e) Once the elector has finished marking the ballot the elector must
 - a) in the case of a two-sided ballot, place the ballot in a secrecy sleeve and then proceed to the voting recorder and, under the supervision of the election official in attendance, insert the ballot directly into the voting recorder; or,
 - b) in the case of a one-sided ballot, turn the ballot upside down so as not to expose the acceptable marks on the ballot and then proceed to the voting recorder and, under the supervision of the election official in attendance, insert the ballot directly into the voting recorder.
- (8319)**
- f) If,
 - i) before inserting the ballot into the voting recorder, an elector determines that a mistake has been made when marking a ballot, or
 - ii) or if the ballot is returned by the voting recorder,

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 in the election.
 - h) If the elector declines the opportunity to obtain a replacement ballot, and has not damaged the ballot to the extent that it can not be reinserted into the voting recorder, the election official shall, using the ballot return override procedure, reinsert the returned ballot into the voting recorder to count any acceptable marks.
 - i) Any ballot counted by the voting recorder 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.
 - j) Once the ballot has been inserted into the voting recorder and the unit indicates that the ballot has been accepted, the elector must immediately leave the voting place.

- k) During any period that a voting recorder is not functioning, the election official supervising the unit shall direct electors to insert their ballots into the emergency ballot compartment, provided that, if the voting recorder
 - i) becomes operational; or
 - ii) is replaced with another voting recorder,
 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 inserted into the voting recorder to be counted.
- l) 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 voting recorder 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 voting recorder to ensure that any acceptable marks are counted.
- m) A sample ballot that may be used in an election conducted under an automated vote recording system is attached as Schedule "A" to this bylaw.

Advance Voting and Mail Ballot Voting Opportunities

5. Advance voting opportunity procedures shall be as follows:

(7730)

- a) Voting recorders will be used to conduct the vote at all advance voting and mail ballot voting opportunities and the voting procedures at the advance voting and mail ballot voting opportunities will follow as closely as possible those described in Part 4 of this bylaw.

(7730)

- b) At the close of voting at each advance voting opportunity the presiding election official in each case shall ensure that

- i) no additional ballots are inserted into either the voting recorder or into the emergency ballot compartment;
- ii) the results tapes in the voting tabulating unit are not generated;
- iii) that the USB Flash Drive in the vote tabulating unit is secured.

(8319)

- c) During any period that a vote counting unit is being used at an advance or special voting opportunity is not functioning, the provisions of sections 4(k) and (l) so far as applicable, shall apply.

- d) The presiding election official shall, at the close of voting at the final advance voting opportunity.

- i) ensure that any remaining ballots in the emergency ballot compartment are inserted into the voting recorder;
- ii) secure the voting recorder so that no more ballots can be inserted; and
- iii) deliver the voting recorder together with the USB Flash Drive and all other materials used in the election to the chief election officer at election headquarters.

(8319)

- e) As soon as possible after 12:00 noon on general voting day, the portable ballot box containing the returned mail ballot secrecy envelopes may be opened by an election official as directed by the Chief Election Officer, and, in the presence of one other person and any scrutineers present, the mail ballots contained therein must be inserted into the vote counting unit to be counted.

(8614)

- f) Once all returned mail ballots have been inserted into the vote counting unit but before the close of a mail ballot voting opportunity on general voting day, the election official as directed by the Chief Election Officer, and, in the presence of one other person and any scrutineers present shall ensure that the procedure outlined in Part 5(b) of this bylaw is followed as closely as possible.

(8614)

Special Voting Opportunity Procedures

6. Special voting opportunity procedures shall be as follows:

- a) a portable ballot box, as defined herein, 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 Section 4(b) to (e) so far as applicable, except that the voted ballots shall be deposited into the portable ballot box supplied by the presiding election official.
- b) 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.

Procedures after the Close of Voting

7. Procedures after the close of voting on general voting day shall be as follows:

- a) After the close of voting on general voting day, each presiding election official, except those responsible for advance, special and mail ballot voting opportunities, will undertake all of the following, generally in the order stipulated:

(7730)

- i) ensure that any remaining ballots in the emergency ballot compartment are inserted into the voting recorder;
- ii) secure the voting recorder so that no more ballots can be inserted;
- iii) generate 2 copies of the results tape from the voting recorder;
- iv) remove the USB flash drive from the voting recorder and deliver it, along with one copy of the results tape, to the chief election officer at election headquarters;
- v) account for the unused, spoiled and voted ballots, and place them, packaged and sealed separately, into the election materials transfer box;
- vi) complete the ballot account and place the duplicate copy in the election materials transfer box;
- vii) seal the election materials transfer box;
- viii) place the voting books, list of electors, the original copy of the ballot account, 1 copy of the results tape, completed registration forms, keys and all completed administrative forms into the chief election officer portfolio;
- ix) deliver the sealed election materials transfer box and the chief election officer portfolio to the chief election officer at Election Headquarters.

(8319)

- b) At the close of voting for an election, the Chief Election Officer shall direct an election official to proceed in accordance with subsection 7(a) of this bylaw, to the extent applicable, with respect to advance and special voting opportunities;

(7730)

- c) Upon the fulfilment of the provision of sections 7(a) to (b) inclusive, the chief election officer shall, to obtain the election results, direct an election official to insert the USB flash drives from each voting recorder into the election management software in order to obtain the information contained therein.

(7730, 8319)

Recount Procedure

- 8. If a recount is required, it shall be conducted under the direction of the chief election officer, and using the automated vote counting system and generally in accordance with the following procedure:

- a) The USB flash drives of all voting recorders will be cleared.
- b) Voting recorders will be designated for each voting place.
- c) All voted ballots will be removed from the sealed election materials transfer boxes, except spoiled ballots, and reinserted in the appropriate voting recorders under the supervision of the chief election officer.
- d) Any ballots returned by the voting recorder unit during the recount process shall, through the use of the ballot return over-ride procedure, be reinserted into the voting recorder unit to ensure that any acceptable marks are counted; and
- e) to obtain the election results, the USB flash drives shall be inserted into the election management software in accordance with sub-section 7(c).

(8319)

Amended by: 7730, 8319, 8614

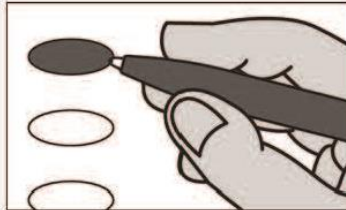
Schedule A to Bylaw 6877 – Sample Ballot

DISTRICT OF NORTH VANCOUVER AND SCHOOL DISTRICT NO. 44 GENERAL LOCAL AND SCHOOL ELECTION

Saturday October 20, 2018

INSTRUCTIONS

Fill in the oval to the right of the name of your choice. You must blacken the oval completely. Do not make any marks outside of the oval.



Do not cross out or erase, or your vote may not count. If you make a mistake or stray mark, ask for a new ballot from the election workers.

OFFICE OF MAYOR	
(Vote for One (1) Only)	
CANDIDATE, 1	<input type="radio"/>
CANDIDATE, 2	<input type="radio"/>
CANDIDATE, 3	<input type="radio"/>

QUESTION NO. 1	
Do you assent to the District Council having the authority to adopt Bylaw No.	
YES	<input type="radio"/>
NO	<input type="radio"/>

QUESTION NO. 2	
Do you assent to the District Council having the authority to adopt Bylaw No.	
YES	<input type="radio"/>
NO	<input type="radio"/>

OFFICE OF COUNCILLOR	
(Vote for not more than (6) Six)	
CANDIDATE, 1	<input type="radio"/>
CANDIDATE, 2	<input type="radio"/>
CANDIDATE, 3	<input type="radio"/>
CANDIDATE, 4	<input type="radio"/>
CANDIDATE, 5	<input type="radio"/>
CANDIDATE, 6	<input type="radio"/>
CANDIDATE, 7	<input type="radio"/>
CANDIDATE, 8	<input type="radio"/>
CANDIDATE, 9	<input type="radio"/>
CANDIDATE, 10	<input type="radio"/>
CANDIDATE, 11	<input type="radio"/>
CANDIDATE, 12	<input type="radio"/>
CANDIDATE, 13	<input type="radio"/>
CANDIDATE, 14	<input type="radio"/>

OFFICE OF SCHOOL TRUSTEE	
(Vote for not more than (4) Four)	
CANDIDATE, 1	<input type="radio"/>
CANDIDATE, 2	<input type="radio"/>
CANDIDATE, 3	<input type="radio"/>
CANDIDATE, 4	<input type="radio"/>
CANDIDATE, 5	<input type="radio"/>
CANDIDATE, 6	<input type="radio"/>