

CITY OF
LANGLEY



EXPLANATORY MEMO

AUTOMATED VOTE COUNTING SYSTEM AUTHORIZATION AND
PROCEDURE BYLAW, 2022

NO. 3218

PURPOSE:

The purpose of Bylaw No. 3218 is to:

- repeal Automated Vote Counting System Authorization and Procedure Bylaw, 2008, No. 2725
- authorize the use of automated vote counting units for mail ballot voting and include procedures for their use;
- reflect current terminology and procedures with respect to the use of vote counting units for advance voting, special voting, and general voting opportunities.



AUTOMATED VOTE COUNTING SYSTEM AUTHORIZATION AND PROCEDURE BYLAW, 2022

BYLAW NO. 3218

A Bylaw to authorize an automated vote counting system and procedure.

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

PART 1 – CITATION

- 1.1 This Bylaw may be cited as “Automated Vote Counting System Authorization and Procedure Bylaw, 2022, No. 3218”.

PART 2 - DEFINITIONS

- 2.1 In this bylaw, unless the context otherwise requires,

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 other voting question.

Automated Vote Counting System means a system that counts and records votes and processes and stores election or any voting results and is comprised of the following:

- (a) one or more Vote Counting Units, each of which rests on a two compartment Ballot box, one compartment of which is for:
 - (i) voted Ballots;
 - (ii) Returned Ballots that have been reinserted using the Ballot override procedure; and
 - (ii) Emergency Ballot Compartment; and
- (b) a Portable Ballot Box into which voted mail ballots are deposited, to be counted after the close of voting on general voting day by insertion into a Vote Counting Unit.

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 for which an election is being held; and
- (b) all of the choices on a referendum question 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, that causes the unit to accept a Returned Ballot.

Candidate means a declared candidate in a City of Langley local government or school trustee election

City means the City of Langley.

Counting means generating the results tape from its respective Vote Counting Unit

Election Headquarters means City of Langley City Hall, located at 20399 Douglas Crescent, Langley, BC.

Emergency Ballot Compartment means one of two separate compartments 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.

Local Government Act means the Local Government Act, R.S.B.C. 1996, c. 323, as amended from time to time.

Memory Card means, in combination,

- (a) a removable storage device used in the Vote Counting Unit to record Ballot results and to store polling location information such as:
 - (i) the names of all of the candidates for each of the offices for which an election is being held; and
 - (ii) the alternatives of 'yes' or 'no' for each referendum question or other matter on which the assent or opinion of the electors is being sought; and
- (b) a mechanism to record and retain information on the number of Acceptable Marks made for each.

Portable Ballot Box means a Ballot box that is used where a Vote Counting Unit is not being used at the time of voting.

Register of Mail Ballots means one of the records created pursuant to Section 110(6) of the *Local Government Act*

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 for which an election is being held, and the number of votes for and against on each referendum question or other matter on which the assent or opinion of the electors is sought.

Returned Ballot means a voted Ballot that was inserted by the elector into the Vote Counting Unit, 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:

- (a) into which voted Ballots are inserted; and
- (b) which scans each Ballot; and
- (c) which records the number of votes for each candidate and for and against each referendum question or other matter on which the assent or opinion of the electors is sought.

PART 3 - USE OF VOTING COUNTING UNITS

- 3.1 The City may use an Automated Vote Counting System in the conduct of general local elections and voting on matters on which the opinion or assent of the electors is sought.

PART 4 – AUTOMATED VOTING PROCEDURES

- 4.1 The elector shall proceed to the election official responsible for issuing Ballots who:
- (a) shall ensure that the elector:
 - (i) is qualified to vote in the election; and
 - (ii) completes the voting book as required by the Local Government Act; and
 - (b) upon ensuring that the requirements of subsection (a) are fulfilled, shall provide:
 - (i) a Ballot to the elector;
 - (ii) a Secrecy Sleeve, if requested by the elector, and
 - (iii) any further instructions the elector requests.
- 4.2 Upon receiving a Ballot, the elector shall immediately proceed to a voting compartment to vote.
- 4.3 The elector may vote only 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 of the offices for which the election is being held; and

- (b) beside either 'yes' or 'no' in the case of each referendum question or other matter on which the assent or opinion of the electors is sought.
- 4.4 Once the elector has finished marking the Ballot, the elector must either place the Ballot into the Secrecy Sleeve, if one has been requested, or turn the ballot face down and proceed to the Vote Counting Unit, and under the supervision of an election official, insert the Ballot directly into the Vote Counting Unit without the Acceptable Marks on the Ballot being exposed.
- 4.5 The elector may request a replacement Ballot from an election official, if:
 - (a) the elector determines that the elector has made a mistake when marking a Ballot prior to inserting the Ballot into the Vote Counting Unit; or
 - (b) the Ballot is a Returned Ballot.
- 4.6 Upon the elector requesting a replacement Ballot, the presiding election official:
 - (a) shall issue a replacement Ballot to the elector;
 - (b) shall mark the Returned Ballot "spoiled";
 - (c) shall retain all such spoiled Ballots separately from all other Ballots; and
 - (d) shall not count any spoiled Ballots in the election.
- 4.7 If the elector declines a replacement Ballot and has not damaged the Ballot to the extent that the Ballot cannot be reinserted into the Vote Counting Unit, the election official shall use the Ballot Return Override Procedure and reinsert the Returned Ballot into the Vote Counting Unit in order to count any Acceptable Marks.
- 4.8 A Ballot counted by the Vote Counting Unit is valid and any Acceptable Marks contained on such a Ballot will be counted in the election, subject to any determination made under a judicial recount.
- 4.9 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.
- 4.10 During any period that a Vote Counting Unit is not functioning, an election official shall insert all Ballots delivered by the electors during this time, into the Emergency Ballot Compartment, until such time that the Vote Counting Unit:
 - (a) becomes operational, or
 - (b) is replaced with another Vote Counting Unit.
- 4.11 As soon as reasonably possible and under the supervision of the presiding election official, an election official shall remove the Ballots from the Emergency Ballot Compartment and insert the Ballots into the Vote Counting Unit to be counted.
- 4.12 If a Ballot that was temporarily stored in the Emergency Ballot Compartment is a

Returned Ballot, an election official, under the supervision of the presiding election official, shall use the Ballot Return Override Procedure and reinsert the Returned Ballot into the Vote Counting Unit in order to count any Acceptable Marks.

- 4.13 A sample of the Ballot that may be used in the Automated Vote Counting System is attached to and forms part of this Bylaw as Schedule "A".

PART 5 - ADVANCE VOTING OPPORTUNITY PROCEDURES

- 5.1. Vote Counting units shall be used at all advance voting opportunities and voting procedures at the advance voting opportunities shall follow, as closely as possible, those described in Part 4 of this Bylaw.
- 5.2 At the close of voting at each advance voting opportunity, the presiding election official in each case shall ensure that:
- (a) no additional Ballots are inserted in the Vote Counting Unit;
 - (b) the Emergency Ballot Compartment is sealed to prevent insertion of any Ballots;
 - (c) the Results Tapes in the Vote Counting Unit are not generated; and
 - (d) the Memory Card in the Vote Counting Unit is secured.
- 5.3 At the close of voting at the final advance voting opportunity, the presiding election official shall:
- (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; and
 - (c) deliver the Vote Counting Unit together with the Memory Card and all other materials used in the election to the custody of the chief election officer at Election Headquarters.

PART 6 - SPECIAL VOTING OPPORTUNITY PROCEDURES

- 6.1 The chief election official may designate the use of a Vote Counting Unit or a Portable Ballot Box at a special voting opportunity and voting procedures at a special voting opportunity shall follow, as closely as possible, those described in Part 4 of this Bylaw.
- 6.2 If using a Vote Counting Unit, at the close of voting at each special opportunity, the presiding election official shall follow the procedures outlined in Part 5 of this Bylaw as if it were an advance voting opportunity.

If using a Portable Ballot Box, the presiding election official 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 so that no more Ballots can be inserted, and deliver it together with all the other election materials to the custody of the chief election officer at Election Headquarters.

PART 7 – MAIL BALLOT VOTING PROCEDURES

- 7.1 A Vote Counting Unit shall be used for counting mail ballots.
- 7.2 Mail ballot voting procedures shall be in accordance with the City of Langley Mail Ballot Procedures Bylaw.
- 7.3 After 3:00 p.m. on the Thursday two days before general voting day, the chief election officer or designate, in the presence of at least one other election official, and including any candidates and/or candidate representatives present, shall proceed to process mail ballots received up to that time in accordance with the City of Langley Mail Ballot Procedures Bylaw.
- 7.4 Immediately following the processing of mail ballots as referenced in Section 7.3, the chief election officer or designate, in the presence of at least one other person, including any candidate and/or candidate’s representatives present, shall ensure that:
 - (a) no additional Ballots are inserted in the Vote Counting Unit;
 - (b) the Emergency Ballot Compartment is sealed to prevent insertion of any Ballots;
 - (c) the Results Tapes in the Vote Counting Unit are not generated; and
 - (d) the Memory Card in the Vote Counting Unit is secured.

PART 8 - PROCEDURES AFTER THE CLOSE OF VOTING ON GENERAL VOTING DAY

- 8.1 After the close of voting on general voting day,
 - (a) the chief election officer or designate, in the presence of at least one other election official, and any candidates and/or candidate representatives present shall:
 - (i) ensure that any remaining Ballots in the Emergency Ballot Compartment are inserted into the Vote Counting Unit;
 - (ii) secure the Vote Counting Unit so that no more Ballots can be inserted;
 - (iii) generate three (3) copies of the Results Tape from the Vote Counting Unit;
 - (iv) account for the unused, spoiled and voted ballots, and place them, packaged and sealed separately, together with the Memory Card from the Vote Counting Unit and one copy of the Results Tape, into

- the ballots and results box;
 - (v) complete the ballot account and place the duplicate copy in the ballots and results box;
 - (vi) seal the ballots and results box;
 - (vii) place the voting books, list of electors, the original copy of the ballot account, one copy of the Results Tape, completed registration cards, keys and all completed forms into the elections materials box;
 - (viii) deliver the sealed ballots and results box, vote counting unit and the election materials box to the custody of the chief election officer at Election Headquarters.
- 8.2 After the close of voting on general voting day, with respect to advance voting opportunities, and special voting opportunities, the chief election officer or designate shall proceed in accordance with subsections (i) to (viii) inclusive of Section 8.1 so far as applicable.
- 8.3 After the close of voting on general voting day, with respect to mail ballot voting, the chief election officer or designate, in the presence of at least one other election official, and any candidates and/or candidate representatives present, shall:
 - (a) open the Portable Ballot Box containing accepted certification envelopes;
 - (b) ready the Automated Vote Counting System designated for mail ballots to receive further mail ballots;
 - (c) open the accepted certification envelopes;
 - (d) open each secrecy envelope and remove the ballot within face down;
 - (e) insert each ballot into the Vote Counting Unit designated for this purpose; and
 - (f) proceed in accordance with subsections (i) to (viii) inclusive of Section 8.1 so far as applicable.
- 8.4 Upon the fulfillment of the provision of subsections (i) to (iii) inclusive of Section 8.1, the chief election officer shall, to obtain the election results, provide one copy of the Results Tape to an election official and direct them to place the results in a spreadsheet, which may be used for display, indicating the total election results.

PART 9 - RECOUNT PROCEDURE

- 9.1 If a recount is required, the chief election officer shall conduct the recount using the Automated Vote Counting System and generally in accordance with the following procedure:
 - (a) the Memory Cards of all Vote Counting Units shall be treated as part of the official election results and stored separately;
 - (b) the Vote Counting Units shall be programmed with additional Memory Cards;

- (c) Vote Counting Units shall be designated for each voting opportunity;
- (d) all voted Ballots for the applicable Vote Counting Units will be removed from the sealed Ballot boxes; and
- (e) all Ballots, except spoiled Ballots, shall be reinserted in the appropriate Vote Counting Units under the supervision of the chief election officer.
- (f) any Ballots returned by the Vote Counting Unit during the recount process shall, through the use of the Ballot Return Override Procedure, be reinserted in the Vote Counting Unit to ensure that any Acceptable Marks are counted.

PART 10 - SEVERABILITY

10.1 If any provision 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.

PART 11 REPEAL

11.1 The Automated Vote Counting System Authorization and Procedure Bylaw, 2008, No. 2725 and its amendments are repealed.

READ A FIRST, SECOND AND THIRD TIME this day of , 2022.

FINALLY ADOPTED this ____ day of , 2022.

MAYOR

CORPORATE OFFICER



Schedule "A"

CITY OF NORTH RIVER Municipal Election - November 13, 2000

To Vote:

Completely fill in the oval beside the candidate(s) of your choice.

Ballot for the office of :

MAYOR

You may vote for ONE (1) candidate for this office.

Alice BAKER

Marvin FOSTER

Charlie GRAY

Ballot for the office of :

COUNCILLOR

You may vote for SIX (6) candidates for this office.

Harold ARTHURS

Dorothy BAXTER

Bill CONNOLLY

Steve DEXTER

Mary EARLINGTON

Michael FENN

John GODFREY

Robert HARRIS

Stuart IRWIN

Richard JOHNSON

Bill KENNEDY

Walter LOWE

Louise MORRISSON

Barbara NORMAN

Patrick OLIVER

Ballot for the office of :

SCHOOL TRUSTEE

You may vote for THREE (3) candidate for this office.

June PETERS

Bill ROBERTSON

Gerry SAWYER

Arthur THOMPSON

Lois TIVERTON

Mario VALENTI

Tim WINTERS

Gail YOUNG

Do you believe Municipalities should be responsible for voter registration?

YES NO

Do you believe Ballot Accounting adds integrity to the election?

YES NO

