

CITY OF PITT MEADOWS
ELECTION AND ASSENT VOTING
Bylaw No. 2922, 2022

A bylaw to regulate local government elections, by-elections and assent voting

The Council of the City of Pitt Meadows enacts as follows:

1. Citation/Title

1.1 This Bylaw may be cited as the "Election and Assent Voting Bylaw No. 2922, 2022".

2. Repeal of Existing Bylaws

2.1 General Election and Other Voting Bylaw No. 2386, 2008 and its amendments are hereby repealed.

3. Definitions

3.1 In this bylaw,

- (a) **Acceptable mark** means a completed mark which the **vote tabulator** 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;
- (b) **Automated vote counting system** means a system that counts and records votes and processes and stores election results, and which is comprised of a number of vote tabulators, each of which deposits voted ballots into a ballot box;
- (c) **Ballot** means a single ballot card designed for use in an automated vote counting system, which shows:
 - (i) the names of all of the candidates for each of the offices to be filled; and
 - (ii) all of the choices on other matters on which the opinion or assent of the electors is sought;
- (d) **Ballot return override procedure** means the use, by an election official, of a device on a vote tabulator which causes the unit to accept a returned ballot;

- (e) **Election headquarters** means the location determined by the Chief Election Officer to be the main point of contact during an election;
- (f) **Elector** means a resident elector or a non-resident property elector of the jurisdiction as defined under the *Local Government Act*;
- (g) **Memory pack** means a computer software cartridge which is inserted into a vote tabulator and into which is pre-programmed the names of all the candidates for each of the offices to be filled, and the alternatives of “yes” or “no” for each question on the ballot, and which records and retains information on the number of acceptable marks made for each;
- (h) **Portable ballot box** means a ballot box, for use in the election, where a vote tabulator is not being used at the time of voting;
- (i) **Results tape** means the printed record generated from a vote tabulator 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 filled, and the number of votes for and against each other matter on which the opinion or assent of the electors is sought;
- (j) **Returned ballot** means a voted ballot which was inserted into a vote tabulator, 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;
- (k) **Secrecy sleeve** means an open-ended folder or envelope used to cover ballots to conceal the choices made by each elector.
- (l) **Storage ballot box** means a designated ballot box into which voted ballots are temporarily deposited in the event that a vote tabulator ceases to function;
- (m) **Vote tabulator** 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 question on which the opinion or assent of the electors is sought;
- (n) **Voted ballot** means a ballot on which an elector has made acceptable marks and which a vote tabulator has successfully read and deposited into a ballot box.

4. Minimum Number of Nominators

- 4.1 The minimum number of qualified nominators required to make a nomination for office as a member of Council will be ten (10).

4.2 As per section 86 of the *Local Government Act*, a nominator must be a resident elector or non-resident property elector of Pitt Meadows.

5. Access to Nomination Documents

5.1 The Chief Election Officer will provide public access to nomination documents at City Hall, during normal business hours, from the time of delivery until 30 days after the declaration of the election results.

5.2 The Chief Election Officer will post a copy of the nomination documents to the City's website within 24 hours of receipt until 30 days after the declaration of the election results, with personal information redacted as deemed appropriate by the City's Privacy Head.

6. Provincial Voters List

6.1 The most current available Provincial list of voters prepared under the *Election Act* will form and become the register of resident electors on the 52nd day prior to general voting day.

7. Required Advance Voting Opportunities

7.1 As required under section 107 of the *Local Government Act*, the following days are hereby established as required advance voting opportunities:

- (a) the 10th day before general voting day; and
- (b) the 8th day before general voting day.

7.2 Required advance voting opportunities will be available between the hours of 8:00 a.m. and 8:00 p.m. on the dates referenced in section 7.1, and at locations to be established by the Chief Election Officer.

8. Additional Advance Voting Opportunities

8.1 The Chief Election Officer may:

- (a) establish additional advance voting opportunities for each election or assent voting, to be held in advance of general voting day and subject to the *Local Government Act*; and
- (b) designate the voting places and establish the date and voting hours for these voting opportunities.

9. Additional General Voting Opportunities

9.1 The Chief Election Officer may establish additional voting opportunities for general voting day, and designate the voting places, and set the voting hours for these voting opportunities.

10. Special Voting Opportunities

10.1 The Chief Election Officer may establish for electors, who may otherwise be unable to vote, a special voting opportunity and designate the location, the date, and the voting hours.

10.2 Persons who may vote at a special voting opportunity will be qualified electors who are residents, patients, family members of the aforementioned, or employees of the facility at which the special voting opportunity is held.

10.3 The Chief Election Officer is authorized to limit the number of candidate representatives and scrutineers who may be present at each special voting opportunity.

11. Mail Ballot Voting

11.1 Voting by mail ballot and elector registration by mail, in conjunction with mail ballot voting, are hereby authorized.

11.2 A returned mail 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.

11.3 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 the *Local Government Act*.

11.4 A person exercising the right to vote by mail under the provisions of the *Local Government Act* may be challenged in accordance with, and on the grounds specified in the *Local Government Act*, until 4:30 p.m. two days before general voting day.

11.5 The Chief Election Officer may establish other time limits and procedures in relation to voting by mail ballot.

12. Use of Voting Machines

- 12.1 The Chief Election Officer may use an automated vote counting system for the conduct of elections and voting on matters on which the opinion or assent of the electors is sought.

13. Automated Voting Procedures

- 13.1 This Part applies to voting opportunities where an automated vote counting system is used.
- 13.2 The presiding election official for each voting place will ensure that a demonstration of how to vote using a vote tabulator is provided to any elector who requests it, as soon as the elector enters the voting place and before a ballot is issued.
- 13.3 Upon completion of a voting demonstration, if any, the elector will proceed as instructed to the election official responsible for issuing ballots, who, upon fulfilment of the requirements of the *Local Government Act*, will then provide to the elector
- (a) a ballot;
 - (b) a secrecy sleeve, if requested by the elector;
 - (c) a ballot marking instrument; and
 - (d) any further instructions the elector requests.
- 13.4 Upon receiving a ballot, the elector will immediately proceed to a voting compartment to vote.
- 13.5 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 to be filled; and
 - (b) beside either "yes" or "no" in the case of each matter on which the assent or opinion of the electors is sought.
- 13.6 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 upside down and proceed to the vote tabulator, and under the supervision of the election official in attendance, insert the ballot directly from the secrecy sleeve, if

applicable, into the vote tabulator without the acceptable marks on the ballot being exposed.

- 13.7 If, before inserting the ballot into the vote tabulator, an elector determines that a mistake has been made when marking the ballot, or if the ballot is returned by the vote tabulator, the elector may return to the voting compartment to correct the ballot or request a replacement ballot by informing the election official in attendance.
- 13.8 Upon being informed of the replacement ballot request, the presiding election official will:
- (a) issue a replacement ballot to the elector and mark the returned ballot "spoiled"; and
 - (b) retain all such spoiled ballots separately from all other ballots, and ensure they are not counted in the election.
- 13.9 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 tabulator, the election official will, using the ballot return override procedure, reinsert the returned ballot into the vote tabulator to count any acceptable marks which have been made correctly.
- 13.10 Any ballot counted by the vote tabulator 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.
- 13.11 Once the ballot has been inserted into the vote tabulator and the unit indicates that the ballot has been accepted, the elector must immediately leave the voting place.
- 13.12 During any period that a vote tabulator is not functioning, the election official supervising the unit will insert all ballots delivered by the electors during this time into the storage ballot box, on the understanding that if the vote tabulator:
- (a) becomes operational, or
 - (b) is replaced with another vote tabulator,
- the ballots in the storage ballot box will, as soon as reasonably possible, be removed by an election official and, under the supervision of the presiding election official, will be inserted into the vote tabulator to be counted.

13.13 Any ballots which were temporarily stored in the storage ballot box during a period when the vote tabulator was not functioning, which are returned by the vote tabulator when being counted will, through the use of the ballot return override procedure and under the supervision of the presiding election official, be reinserted into the vote tabulator to ensure that any acceptable marks are counted.

14. Advance Voting Opportunity Procedures when using Voting Machines

14.1 This Part applies to advance voting opportunities where vote tabulators are used.

14.2 Voting procedures will follow, as closely as possible, the Automated Voting Procedures outlined in Part 13.

14.3 At the close of voting at each advance voting opportunity, the presiding election official in each case will ensure that:

- (a) no additional ballots are inserted in the vote tabulator;
- (b) the ballot box is sealed to prevent insertion of any ballots;
- (c) the results tapes in the vote tabulator are not generated; and
- (d) the memory pack of the vote tabulator is secured.

14.4 At the close of voting at the final advance voting opportunity, the presiding election official will:

- (a) ensure that any remaining ballots in storage ballot boxes are inserted into the vote tabulator;
- (a) secure the vote tabulator so that no more ballots can be inserted; and
- (b) deliver the vote tabulator, together with the memory pack and all other materials used in the election to the Chief Election Officer at election headquarters.

15. Special Voting Opportunities Procedures

15.1 Unless the Chief Election Officer determines it is practical to use a vote tabulator, a portable ballot box will be used for all special voting opportunities and the presiding election official appointed to attend at each special voting opportunity will proceed in accordance with Part 13 of this Bylaw so far as applicable, except that the voted ballots will be deposited into the portable ballot box supplied by the Chief Election Officer.

- 15.2 The presiding election official at a special voting opportunity will 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 will seal the portable ballot box and return it together with all other election materials to the custody of the Chief Election Officer.
- 15.3 If a vote tabulator is in use at a special voting opportunity, the presiding election official appointed to attend the special voting opportunity will follow the procedures outlined in Part 14 of this Bylaw as if it were an advance voting opportunity.

16. Procedures after Close of Voting on General Voting Day – Automated Voting

- 16.1 This Part applies to the close of voting on General Voting Day when an automated vote counting system has been used to conduct the election or assent voting opportunity.
- 16.2 Each presiding election official, except those responsible for advance voting opportunities, will undertake all of the following, generally in the order stipulated:
- (a) ensure that any remaining ballots in ballot storage boxes are inserted into the vote tabulator;
 - (b) secure the vote tabulator so that no more ballots can be inserted;
 - (c) generate three copies of the results tape from the vote tabulator;
 - (d) where the voting place is not the election headquarters, telephone the results to election headquarters immediately;
 - (e) account for the unused, spoiled and voted ballots and place them, packaged and sealed separately, together with the memory pack from the vote tabulator and one copy of the results tape, into the ballots and results box;
 - (f) complete the ballot account reconciliation form and place the duplicate copy in the ballots and results box;
 - (g) seal the ballots and results box;
 - (h) place the voting books, list of electors, the original copy of the ballot account reconciliation form, one copy of the results tape, completed registration cards, keys and all completed forms into the election materials box; and

- (i) deliver, or have available for pick-up, the sealed ballots and results box, vote tabulator and the election materials box, to the Chief Election Officer at election headquarters.

16.3 The Chief Election Officer will direct the presiding election officials for the advance voting opportunities and any special voting opportunities where vote tabulators were used, to proceed in accordance with section 16.2 of this Bylaw.

16.4 The Chief Election Officer will ensure that all portable ballot boxes have been opened and all ballots have been inserted into a vote tabulator to be counted, after which the provisions of section 16.2 (a) to (h), as far as applicable, will apply.

16.5 Upon the fulfilment of the provisions of Sections 16.2 to 16.4 inclusive, the Chief Election Officer will, to obtain the election results, direct an election official to place the results in a spreadsheet, which may be used for display in the place designated by the Chief Election Officer for results announcements, indicating the total results.

17. Recount Procedure – Automated Voting

17.1 Any recount after the preliminary election results are announced will be conducted under the direction of the Chief Election Officer using the automated vote counting system and generally in accordance with the following procedures:

- (a) the memory packs of all vote tabulators will be cleared;
- (b) a vote tabulator will be designated for each voting place;
- (c) all voted ballots will be removed from the sealed election materials boxes, except spoiled ballots, and reinserted in the appropriate vote tabulator under the supervision of the Chief Election Officer;
- (d) any ballots returned by the vote tabulator during the recount process will, through the use of the ballot return override procedure, be reinserted in the vote tabulator to ensure that any acceptable marks are counted; and
- (e) to obtain election results, the Chief Election Officer or designate will place the results of each voting place on spreadsheets so as to tally the total election results.

18. Resolution of Tie Vote after Judicial Recount

18.1 If at the completion of a judicial recount the results of the election cannot be declared because there is an equality of valid votes for 2 or more candidates, a

runoff election will be held in accordance with section 152 of the *Local Government Act*.

19. Access to Campaign Financing Documents

19.1 As authorized under Section 59(3) of the *Local Elections Campaign Financing Act*, a photocopying fee as set out under the Schedule of Fees within the City of Pitt Meadows Administration Services Fee Setting Bylaw No. 2575, 2012 will be charged for the provision of copies of any disclosure statements, signed declarations, and supplementary reports required to be publicly available for inspection pursuant to Section 59(1) of the *Local Elections Campaign Financing Act*.

20. Severability

20.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

READ a FIRST, SECOND and THIRD time on May 10, 2022.

ADOPTED on [DATE].

Bill Dingwall
Mayor

Kate Barchard
Corporate Officer