



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4126

#### A Bylaw to Establish Various Procedures for the Conduct of Local Government Elections and Assent Voting

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**WHEREAS** under the *Local Government Act*, (the *Act*), the Board of Directors of the Cowichan Valley Regional District may, by bylaw, determine various procedures and requirements to be applied to the conduct of local government elections and assent voting;

**AND WHEREAS** the Board wishes to establish voting procedures and requirements under that authority;

**NOW THEREFORE** the Board of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "CVRD Bylaw No. 4126 – Election and Assent Voting Procedures Bylaw, 2017".

2. **DEFINITIONS**

**Board** means the Board of Directors of the Cowichan Valley Regional District;

**CEO** means the Chief Election Officer.

3. **PROVINCIAL LIST OF VOTERS**

The most current available Provincial list of voters prepared under the *Election Act* that is available at the time of an election or assent voting shall become the register of resident electors for Electoral Areas A – Mill Bay/Malahat; B – Shawnigan Lake; C – Cobble Hill; D – Cowichan Bay; E – Cowichan Station/Sahtlam/Glenora; F – Cowichan Lake South/Skutz Falls; G – Saltair/Gulf Islands; H – North Oyster/Diamond; and I – Youbou/Meade Creek; on the 52<sup>nd</sup> day prior to the general voting day for such election or assent voting.

4. **ADDITIONAL GENERAL VOTING OPPORTUNITIES**

The Board authorizes the CEO to establish additional general voting opportunities for general voting day and to designate the voting places and set the voting hours.

5. **REQUIRED ADVANCE VOTING OPPORTUNITIES**

Advance voting opportunities must be held for each election and for assent voting from 8:00 AM to 8:00 PM on the 10<sup>th</sup> and 4<sup>th</sup> days before general voting day.

**6. ADDITIONAL ADVANCE VOTING OPPORTUNITIES**

The CEO is authorized to establish dates for additional voting opportunities in advance of general voting day and to designate the voting places and set the voting hours for these voting opportunities.

**7. MAIL BALLOT VOTING**

Voting by mail ballot and elector registration by mail in conjunction with mail ballot voting are authorized for an elector who:

- (a) has a physical disability, illness or injury that affects their ability to vote at a voting place; or
- (b) resides in the following remote areas of the Regional District:
  - (i) the extreme western portion of Electoral Area F - Cowichan Lake South/Skutz Falls situated west of the E&N Land Grant boundary; or
  - (ii) on an island located within Electoral Area G – Saltair/Gulf Islands; or
- (c) expects to be absent from the Regional District on general voting day and at the times of all advance voting opportunities.

**8. MAIL BALLOT VOTING TIME LIMITS**

The CEO is authorized to establish time limits in relation to mail ballot voting.

**9. MAIL BALLOT VOTING PROCEDURES**

Notwithstanding the requirements under the *Act*, procedures for mail ballot voting are set out in Schedule A to this bylaw.

**10. AUTOMATED VOTE COUNTING SYSTEM**

The CEO may use automated vote counting machines, voting recorders or other devices for voting in an election.

**11. AUTOMATED VOTE COUNTING PROCEDURES**

Notwithstanding the requirements under the *Act*, if an automated vote counting system is used, procedures for using such systems are set out in Schedule B to this bylaw.

**12. RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT**

In the event of a tie vote after the completion of a judicial recount, the results will be determined by lot.

**13. REPEAL**

The following bylaws, and amendments thereto, are hereby repealed:

- a) "CVRD Bylaw No. 1981 – Mail Ballot Authorization and Procedure Bylaw, 1999";
- b) "CVRD Bylaw No. 2277 – Elections/Voting Procedures Bylaw, 2001"; and

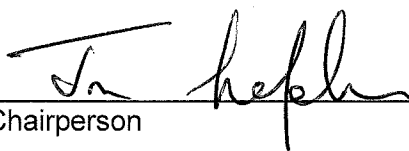
- c) "CVRD Bylaw No. 3508 – Automated Vote Counting System Authorization and Procedures Bylaw, 2011".

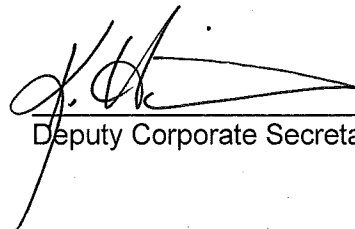
READ A FIRST TIME this 28<sup>th</sup> day of June, 2017.

READ A SECOND TIME this 28<sup>th</sup> day of June, 2017.

READ A THIRD TIME this 28<sup>th</sup> day of June, 2017.

ADOPTED this 28<sup>th</sup> day of June, 2017.

  
Chairperson

  
Deputy Corporate Secretary



**SCHEDULE A**  
**TO CVRD BYLAW NO. 4126**  
**MAIL BALLOT VOTING**

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**1. APPLICATION PROCEDURE:**

A person wishing to vote by mail ballot shall apply by giving their name and mailing address to the CEO, or designate, and a mail ballot package will be made available to eligible applicants.

**2. VOTING PROCEDURE**

To vote using a mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided by the CEO. After marking the ballot, the elector shall:

- (a) place the ballot in the secrecy envelope provided and seal the secrecy envelope;
- (b) place the sealed secrecy envelope in the return envelope; complete and sign the Qualification Check List / Declaration Form; and place the completed form in the return envelope;
- (c) place a completed elector registration application, if required, in the return envelope, and then seal the return envelope;
- (d) mail, or have delivered, the return envelope and its contents to the CEO at the address specified so that it is received **no later than** the close of voting on general voting day.

**3. BALLOT ACCEPTANCE OR REJECTION**

- a) Upon receipt of the outer envelope and its contents, the CEO or designate shall record the date of such receipt and shall then open the return envelope and remove and examine the Qualification / Declaration Form and the completed elector registration application form(s), and determine if the package is accepted or rejected.
- b) If satisfied as to:
  - I. the identity and entitlement to vote of the elector whose ballot is enclosed;
  - II. the completeness of the Qualification / Declaration Form; and
  - III. the fulfilment of the requirements of the *Local Government Act* in the case of a person who is registering as a new elector; then

the CEO, or designate, shall mark the return envelope as "accepted", and shall place the secrecy envelope in a ballot box in accordance with *the Act*.

- c) At the close of general voting, the ballot box shall be opened under the supervision of the CEO, or designate, and in the presence of at least one (1) other person and any scrutineers present.
- d) Rejected secrecy envelopes and their contents shall remain unopened and be subject to the retention and destruction of election materials as per the *Act*.

**4. CHALLENGE OF ELECTOR**

Sufficient records will be kept by the CEO so that challenges of the elector's right to vote may be made in accordance with the intent of the *Act*.



## SCHEDULE B

### TO CVRD BYLAW NO. 4126

#### AUTOMATED VOTE COUNTING SYSTEM PROCEDURES

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##### 1. DEFINITIONS

The following terms have the following meanings:

**Acceptable mark** means a 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 assent voting question.

**Automated vote counting system** means a system that counts and records votes and processes and stores election results which comprises:

- a) a number of **ballot scan vote counting units**, 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
- b) a number of **storage ballots in a temporary compartment** 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 filled; 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 an Election Official may manually cause the unit to accept a **returned ballot in a vote counting unit**.

**Election headquarters** means the Cowichan Valley Regional District office located at 175 Ingram Street, Duncan, British Columbia.



**Memory pack**, means a computer software cartridge which is inserted into the **vote counting unit** 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.

**PEO** means the Presiding Election Official.

**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 filled, and the number of votes for and against each bylaw or other matter on which the assent of the electors is sought.

**Returned ballot** means a voted **ballot** which was inserted 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.

**Storage ballot compartment** means a designed compartment in the ballot box under each **vote counting unit** into which voted **ballots** are temporarily deposited in the event that the unit ceases to function. It also means a ballot box, for use in the election, where a **vote counting unit** is not being used at the time of voting.

**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 assent voting question.

## 2. PROCEDURES

1. The PEO for each voting place shall offer, and if requested, ensure that a demonstration of how to vote using a **vote counting unit** is provided to an elector, as soon as such elector enters the voting place and before a **ballot** is issued.
2. Upon completion of the voting demonstration, if any, the elector shall proceed as instructed, to the Election Official responsible for issuing **ballots**, who, upon fulfillment of the requirements of the *Local Government Act*, shall then provide a **ballot** to the elector, a **secrecy sleeve** if requested by the elector, the ballot marking instrument, and any further instructions the elector requests.
3. Upon receiving a **ballot** the elector shall immediately proceed to a voting compartment to vote.
4. 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 bylaw or other matter on which the assent or opinion of the electors is sought.

5. 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 counting unit**, and under the supervision of the Election Official in attendance, insert the **ballot** directly from the **secrecy sleeve**, if applicable, into the **vote counting unit** without the **acceptable marks** on the **ballot** being exposed.
6. If, before inserting the **ballot** into the **vote counting unit**, an elector determines that a mistake has been made when marking the **ballot**, or if the **ballot** is returned by the **vote counting unit**, the elector may return to the voting compartment to correct the ballot or request a replacement **ballot** by informing the Election Official in attendance.
7. Upon being informed of the replacement **ballot** request, the PEO 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.
8. 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 correctly.
9. Any **ballot** counted 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.
10. 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.
11. 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 **storage ballot compartment**, on the understanding that if the **vote counting unit**:
  - a) becomes operational, or
  - b) is replaced with another **vote counting unit**,the **ballots** in the **storage ballot compartment** shall, as soon as reasonably possible, be removed by an Election Official and, under the supervision of the PEO, shall be inserted into the **vote counting unit** to be counted.
12. Any **ballots** which were temporarily stored in the **storage ballot compartment** during a period when the **vote counting unit** was not functioning, 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 PEO, be reinserted into the **vote counting unit** to ensure that any **acceptable marks** are counted.

### 3. ADVANCE & SPECIAL VOTING OPPORTUNITY PROCEDURES

1. At the close of voting at each advance or special voting opportunity, the PEO in each case shall ensure that:
  - a) no additional **ballots** are inserted in the **vote counting unit**;
  - b) the **storage ballot compartment** is empty of any **ballots**;
  - c) the **results tapes** in the **vote counting unit** are not generated; and
  - d) the **memory pack** of the **vote counting unit** is secured.



2. At the close of voting at the final advance or special voting opportunity, the PEO shall:
  - a) ensure that any remaining **ballots** in the **storage 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 pack** and all other materials used in the election to the CEO at **election headquarters**.

#### 4. PROCEDURES AFTER CLOSE OF VOTING ON GENERAL VOTING DAY

After the close of voting on general voting day, each PEO, including those responsible for advance and special voting opportunities, shall undertake the procedures for counting the votes pursuant to the *Act*, including all of the following:

- a) ensure that any remaining **ballots** in the **storage 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 three copies of the **results tape** from the **vote counting unit**; and
- d) telephone the result to **election headquarters** immediately;
- e) deliver the vote counting unit together with the memory pack and all other materials used in the election to the CEO at election headquarters.