

TOWN OF GOLDEN

BYLAW NUMBER 1392, 2018 ELECTION PROCEDURE

Being a bylaw to provide for the determination of various procedures for the conduct of local government elections and other voting.

The Council of the Town of Golden, in open meeting assembled, **HEREBY ENACTS AS FOLLOWS:**

1. CITATION

(a) This Bylaw may be cited for all purposes as "*Election Procedure Bylaw No. 1392, 2018.*"

2. INTERPRETATION

In this Bylaw, except as provided below, all words, terms and expressions used in this bylaw shall be interpreted in accordance with the definitions in the *Local Government Act*.

"Acceptable mark"

means a completed oval which the automated vote counting system 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 an automated system that records and counts votes and processes and stores election results. The system is housed in two hardware components, the upper half being the voting machine and lower half being the ballot box.

"Assent Voting"

means voting conducted for the Town on a bylaw or other matter for which assent or opinion of electors is required; voting on a bylaw or other matter for which the Town is authorized by provincial legislation to obtain the assent of the electors; or voting on a referendum pursuant to provincial legislation.

"Ballot"

means a ballot card which may be a composite ballot, which shows:

Town of Golden Election Procedure Bylaw 1392, 2018

- (a) the names of all of the candidates for each of the offices of Mayor and Councillor; 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 Account”	means an account of ballots prepared in accordance with Section 141 of the <i>Local Government Act</i> .
“Ballot Box”	means the container for ballots that have been marked by electors.
“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.
“Elector”	means a resident elector or non-resident property elector of the Town as defined in the <i>Local Government Act</i> .
“Election headquarters”	means Town of Golden Town Hall, 810 9 th Avenue South, Golden, BC, or other location within the boundary of the Town designated by the Chief Election Officer and used for the preparation and operation of the election.
“Memory Card”	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.
“Portable ballot box”	means a ballot box which is used in the election where a voting machine is not being used or is not functioning at the time of voting.
“Register 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

	Office of Mayor and Councillor, and the number of votes for and against each bylaw 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, 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 envelope which may be used by an elector to cover ballots to conceal the elector’s marks.
“Town”	means the Town of Golden.
“Voting Day”	means the general voting day for an election, a day on which an advance voting opportunity for the election is offered or a day on which a special voting opportunity for the election is offered.
“Voting Machine”	means the part of the automated vote counting system into which the 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.

3. VOTING DAY REGISTRATION ONLY

- 3.1 As authorized in the *Local Government Act*, registrations of electors for all elections and assent voting is hereby limited to registration at the time of voting including registrations at the required advance voting opportunities, general voting opportunities and special voting opportunities.
- 3.2 Registration as an elector under section 3.1 of this bylaw is effective only for the voting or other matters on which the assent or opinion of the electors is being sought at the time of voting.

4. ACCESS TO NOMINATION DOCUMENTS

- 4.1 As authorized under section 89(8) of the *Local Government Act*, public access to nomination documents will be provided at the Golden Town Hall during regular office hours from the time of delivery until 30 days after the declaration of the election results and upon the Town of Golden website during the same period.

5. ACCESS TO DISCLOSURE STATEMENTS

- 5.1 As authorized under subsection 59(3) of the *Local Elections Campaign Financing Act*, a fee of \$0.25 per page may be imposed for providing a copy or other record information referred to in subsection 59(2) of the *Local Elections Campaign Financing Act*.

6. ADDITIONAL GENERAL VOTING OPPORTUNITIES

- 6.1 Council may if deemed necessary, provide additional general voting opportunities as authorized under section 106 of the *Local Government Act* for each election and authorizes the Chief Election Officer to designate the location, the date and the voting hours within the limits set out in section 106 of the *Local Government Act*, for the additional general voting opportunities.

7. ADVANCE VOTING OPPORTUNITIES

- 7.1 In accordance with section 107(2) of the *Local Government Act* [population of jurisdiction less than 5,000] a second voting opportunity will not be established.
- 7.2 One advance voting opportunity will be held for an election by voting on the 10th day before general voting day.
- 7.3 As authorized under section 107(4) of the *Local Government Act*, the Council authorizes the Chief Election Officer to designate the voting places for advance voting opportunities.

8. SPECIAL VOTING OPPORTUNITIES

- 8.1 To give electors who may otherwise be unable to vote an opportunity to do so, the Council will provide a special voting opportunity as authorized under Section 109 of the *Local Government Act* for each election and authorizes the Chief Election Officer to establish a special voting opportunity for each election and to designate the location(s), the date(s), procedures, and the voting hours within the limits set out in Section 109 of the *Local Government Act*, for the special voting opportunity.
- 8.2 Council authorizes the Chief Election Officer to limit the number of candidate representatives who may be present at the special voting opportunity.

9. USE OF VOTING MACHINES

- 9.1 Elections and Assent Voting in the Town of Golden may be conducted using an automated vote counting system as authorized under this Bylaw.
- 9.2 If automated vote counting machines are to be used, the Chief Election Officer must conduct a test of the automated vote counting system before each local government election and must be satisfied that it is in good working order.
- 9.3 As soon as the test of the automated vote counting system is completed, the Chief Election Officer must secure the memory cards and ensure that they will remain secured until the local government election.

10. FORM OF BALLOT

- 10.1 The Chief Election Officer may provide for use of composite ballots on which an elector's votes on two or more elections may be indicated. If a ballot is in the form of a composite ballot each portion of the ballot that deals with a single election is to be considered a separate ballot.
- 10.2 Each ballot shall contain a space for an acceptable mark opposite each candidate's name, or opposite "yes" or "no" on a voting question.
- 10.3 The form of ballots shall be in accordance with the *Local Government Act*, unless a bylaw under section 117 of the *Local Government Act* has been passed and in such case the form of ballot shall be in accordance with section 117.

11. AUTOMATED VOTING PROCEDURES

- 11.1 The presiding election official for each voting place must offer, and if requested, ensure that a demonstration of how to vote using a voting machine is provided to an elector, as soon as such elector enters the voting place and before a ballot is issued.
- 11.2 Upon completion of the voting demonstration, if any, the elector must proceed as instructed, to the election official responsible for issuing ballots, who, upon fulfilment of the requirements of the *Local Government Act*, must 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.
- 11.3 Upon receiving a ballot the elector must immediately proceed to a voting booth to vote, or if the elector is unable to mark a ballot because of a physical disability or difficulties in reading or writing or is unable to enter the voting place because of physical disability or impaired mobility, the elector may vote in accordance with the procedures outlined in Sections 131 and 132 of the *Local Government Act*.
- 11.4 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 of Mayor and Councillor; 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.
- 11.5 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 voting machine, and under the supervision of the election official in attendance, insert the ballot directly from the secrecy sleeve, if applicable, into the voting machine without the acceptable marks on the ballot being exposed.

- 11.6 If, before inserting the ballot into the voting machine, an elector determines that a mistake has been made when marking the ballot, or if the ballot is returned by the voting machine, the elector may return to the voting booth to correct the ballot or request a replacement ballot by informing the election official in attendance.
- 11.7 Upon being informed of the replacement ballot request, the presiding election official must issue a replacement ballot to the elector and mark the returned ballot “spoiled” and must retain all such spoiled ballots separately from all other ballots, which must not be counted in the election and return all spoiled ballots to the Chief Election Officer.
- 11.8 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 voting machine, the election official must, using the ballot return override procedure, reinsert the returned ballot into the voting machine to count any acceptable marks which have been made correctly.
- 11.9 Any ballot counted by the voting machine is valid and any acceptable marks contained on such ballots will be counted in the election, subject to any determination of the Chief Election Officer under section 139 of the *Local Government Act* and subject to any determination made under a judicial recount.
- 11.10 Once the ballot has been inserted into the voting machine and the machine indicates that the ballot has been accepted, the elector must immediately leave the voting place.
- 11.11 During any period that a voting machine is not functioning, the election official supervising the machine must insert all ballots delivered by the electors during this time, into portable ballot box, on the understanding that if the voting machine:
 - (a) becomes operational, or
 - (b) is replaced with another voting machine,the ballots in the portable ballot box must, as soon as reasonably possible, be removed by an election official and be inserted into the voting machine to be counted, under the supervision of the presiding election official and in the presence of any scrutineers who choose to be present.
- 11.12 Any ballots which were temporarily stored in the portable ballot box during a period when the voting machine was not functioning, or which are returned by the voting machine when being counted must, through the use of the ballot return override procedure and under the supervision of the presiding election official, be reinserted into the voting machine to ensure that any acceptable marks are counted.
- 11.13 A sample form of ballot that may be used in an automated vote counting system is attached as Schedule “A” to this Bylaw.

12. ADVANCE VOTING OPPORTUNITY PROCEDURES

- 12.1 If voting machines are used at the advance voting opportunity, voting procedures at the advance voting opportunity must follow, as closely as possible, those described in Section 10 of this Bylaw.
- 12.2 At the close of voting at the advance voting opportunity, the presiding election official must:
- (a) ensure that any remaining ballots in the portable ballot box are inserted into the voting machine;
 - (b) secure the voting machine so that no additional ballots are inserted; and
 - (c) deliver the voting machine together with the memory card and all other materials used in the election to the Chief Election Officer at election headquarters.

13. SPECIAL VOTING OPPORTUNITY PROCEDURES

- 13.1 Unless the Chief Election Officer determines it is practical to use a voting machine, a portable ballot box as defined herein, shall be used for all special voting opportunities. The presiding election official appointed to attend at each special voting opportunity must proceed in accordance with Sections 10.2, 10.3, 10.4 and 10.5 of this Bylaw so far as applicable, except that the voted ballots must be deposited into the portable ballot box supplied by the presiding election official.
- 13.2 The presiding election official at a special voting opportunity must 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.
- 13.3 If a voting machine is in use at a special voting opportunity, the presiding election official appointed to attend the special voting opportunity must follow the procedures outlined in Section 11 of this Bylaw as if it were an advance voting opportunity.

14. COUNTING OF VOTES PROCEDURE

- 14.1 After the close of voting on general voting day, each presiding election official must:
- (a) ensure that any remaining ballots in the portable ballot box are inserted into the voting machine;
 - (b) secure the voting machine so that no more ballots can be inserted;
 - (c) generate three copies of the register tape from the voting machine;
 - (d) remove the memory card from the voting machine and deliver it, along with one copy of the register tape to the Chief Election Officer at the election headquarters;

- (e) complete the ballot account to account for the voted ballots, unused ballots, spoiled ballots and unaccounted ballots, attach one copy of the register tape and place the ballot account in the in the election materials transfer box.
 - (f) place the voted ballots into the election materials transfer box along with one copy of the register tape;
 - (g) place the spoiled ballots in a sealed envelope and place the envelope into the election materials transfer box;
 - (h) seal the election materials transfer box;
 - (i) place the voting books, the original copy of the ballot account, one copy of the register tape, keys and all completed administrative forms into the Chief Election Officer portfolio; and
 - (j) deliver, or have available for pick-up, the sealed ballots and portable ballot boxes, voting machine and the election materials box, to the Chief Election Officer at election headquarters.
- 14.2 At the close of voting on general voting day, the Chief Election Officer must direct the presiding election official for the advance voting opportunity and any special voting opportunities where voting machines were used, to proceed in accordance with Section 13.1 of this Bylaw.
- 14.3 All portable ballot boxes used in the election will be opened, under the direction of the Chief Election Officer, at the close of voting on general voting day and all ballots must be removed and inserted into a voting machine to be counted, after which the provision of Sections 13.1 (a) to (h), so far as applicable, must apply.
- 14.4 Upon the fulfilment of the provisions of Section 13.1 to 13.3 inclusive, the Chief Election Officer must, to obtain the election results, direct an election official to place the results in a spreadsheet, which may be used for display in the Golden Civic Centre, 806 10th Avenue South, Golden, BC, indicating the total results.

15. RECOUNT PROCEDURE

- 15.1 If a recount is requested by a candidate after the preliminary election results are announced, it must be conducted under the direction of the Chief Election Officer using the automated vote counting system and generally in accordance with the following procedure:
- (a) the memory cards of all voting machines will be cleared;
 - (b) if necessary, voting machines 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 counting unit under the supervision of the chief election officer;

- (d) any ballots returned by the voting machine during the recount process must, through the use of the ballot return override procedure, be reinserted in the voting machine to ensure that any acceptable marks are counted; and
- (e) to obtain election results, the Chief or Deputy Chief Election officer must place the results of each voting place on spreadsheets so as to tally the total election results.

16. RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

16.1 In the event of a tie vote after a judicial recount, the tie vote will be resolved through random chance by conducting a lot in accordance with section 151 of the *Local Government Act*.

17. SEVERABILITY

- 17.1 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.
- 17.2 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.

18. REPEAL

18.1 Elections Procedure Bylaw No 1292, 2011 is repealed in its entirety.

READ A FIRST TIME THIS 3RD DAY OF APRIL , 2018.

READ A SECOND TIME THIS 3RD DAY OF APRIL , 2018.

READ A THIRD TIME THIS 3RD DAY OF APRIL , 2018.

ADOPTED THIS 17TH DAY OF APRIL , 2018,
BY A UNANIMOUS DECISION OF ALL MEMBERS OF TOWN COUNCIL
PRESENT AND ELIGIBLE TO VOTE.



MAYOR

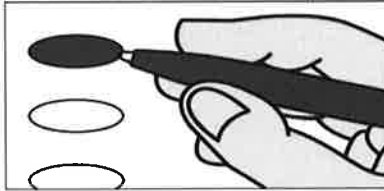

CORPORATE OFFICER

BYLAW NUMBER 1392, 2018
 ELECTION PROCEDURE BYLAW
 SCHEDULE A – SAMPLE BALLOT

**TOWN OF GOLDEN
 GENERAL 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)

FOX, Terry	<input type="radio"/>
HADFIELD, Chris	<input type="radio"/>
MACDONALD, John A.	<input type="radio"/>

**OFFICE OF
 COUNCILLOR**

(Vote for not more than (6) Six)

ABBOTT, Scott	<input type="radio"/>
ATWOOD, Margaret	<input type="radio"/>
BAILEY, Donovan	<input type="radio"/>
BELL, Alex	<input type="radio"/>
BEIBER, Justin	<input type="radio"/>
COHEN, Leonard	<input type="radio"/>
COLE, Holly	<input type="radio"/>
DION, Celine	<input type="radio"/>
GARNEAU, Marc	<input type="radio"/>
KIDDER, Margot	<input type="radio"/>
LANG, K. D.	<input type="radio"/>
McADAMS, Rachel	<input type="radio"/>
MEHTA, Deepa	<input type="radio"/>
ORR, Bobby	<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"/>