

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1503

A bylaw to establish various procedures for the conduct of elections and assent voting in the Regional District of Central Okanagan

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

AND WHEREAS the Regional Board wishes to establish various procedures and requirements under that authority;

NOW THEREFORE, the Regional Board of the Regional District of Central Okanagan in open meeting assembled enacts as follows:

1. DEFINITIONS

In this Bylaw, the following terms have the following meanings:

Acceptable mark means a ~~completed oval mark that clearly indicates the intention of an elector which a vote counting unit can 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.

Applicant means an elector who wants to vote by mail and make a request for a mail ballot.

Authorized Person means a person that the Applicant has authorized, on the Applicant's behalf, to pick up a mail ballot package.

Automated vote counting system means a system that counts, and records votes and processes and stores election or any voting results which comprises:

- (a) a number of ballot scan vote counting units, each of which rests on a ballot box for voted ballots; and
- (b) a number of portable ballot boxes 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 the use, by an election official, of a device on a vote counting unit, which causes the unit to accept a returned ballot.

Chief Election Officer means the election official appointed by the Regional Board for the purposes of conducting an election.

Election Headquarters means the offices of the Regional District of Central Okanagan 1450 K.L.O. Road, Kelowna BC or another place designated by the Chief Election Officer for the local general 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, for use in the election, where a vote counting unit is not being used at the time of voting.

Register of Mail Ballots means the records that the Chief Election Officer must keep in order to address any challenges to an elector's right to vote.

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 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 folder or envelope used to cover ballots to conceal the choices made by each elector.

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 question on which the opinion or assent of the electors is sought.

1.1 The definitions contained in the *Local Government Act* will apply in this bylaw.

2. ELECTOR REGISTRATION

2.1 As authorized in Section 69 of the *Local Government Act*, for all elections and assent voting, a person may register as an elector only at time of voting.

3. MINIMUM NUMBER OF NOMINATORS

3.1 The minimum number of qualified nominators required to make a nomination for office will be ten (10).

4. ORDER OF NAMES ON BALLOT

- 4.1 The names of candidates on the ballot will be arranged alphabetically by their surnames in accordance with section 116 of the *Local Government Act*.

5. ADDITIONAL GENERAL VOTING OPPORTUNITES

- 5.1 The Chief Election Officer may designate additional voting places and set the voting hours for additional general voting day within the limits of the *Local Government Act*.

6. REQUIRED ADVANCE VOTING OPPORTUNITIES

- 6.1 As required under Section 107 of the *Local Government Act*, in addition to the required advance voting opportunity on the 10th day before general voting day, the second required advance voting opportunity will be held on the 3rd day before general voting day between the hours of 8:00 am and 8:00 pm at voting places designated by the Chief Election Officer.
- 6.2 In the event the second advance voting opportunity occurs on a statutory holiday, the second day of advance voting is to be conducted the next business day following the statutory holiday.
- 6.3 As an exception to 6.1 and 6.2 of this bylaw, and in accordance with the *Local Government Act*, the second advance voting opportunity is not required for those Electoral Areas within the Regional District with a population of less than 5,000.

7. ADDITIONAL ADVANCE VOTING OPPORTUNITIES

- 7.1 The Chief Election Officer 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.

8. SPECIAL VOTING OPPORTUNITES

- 8.1 The Chief Election Officer is authorized to establish a special voting opportunity for each election or assent voting and to designate the location, the date and voting hours within the limits set out in Section 109 of the *Local Government Act*, for special voting opportunities.
- 8.2 Where a special voting opportunity is held in a care facility or rest home, eligibility to vote is restricted to residents of the facility where the special voting opportunity is conducted, and to those qualified as resident electors as defined in the *Local Government Act*.

9. MAIL BALLOT VOTING

- 9.1 As provided under section 110 of the *Local Government Act*, voting may be done by mail ballot and registration of election may be done by mail in conjunction with mail ballot voting as provided in 'Schedule A' attached to and forming part of this bylaw.

- 9.2 The Chief Election Officer is hereby authorized to establish time limits in relation to mail ballot voting.
- 9.3 As provided in the *Local Government Act*, to be counted, a mail ballot must be received by the Chief Election Officer before the close of voting on general voting day and it is the obligation of the Applicant to ensure that the mail ballot is received by the Chief Election Officer within this time limit.

10. AUTOMATED VOTE COUNTING MACHINES

- 10.1 As provided under section 112 of the *Local Government Act*, automated vote counting machines are authorized for use in the conduct of elections and voting on bylaws or other matters on which the opinion or assent of the electors is sought, as provided in 'Schedule B' attached to and forming part of this bylaw.

11. RESOLUTION OF TIE VOTES AFTER A JUDICIAL RECOUNT

- 11.1 In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with Section 151 of the *Local Government Act*.

12. REPEAL

- 12.1 "The Regional District of Central Okanagan Automated Vote Counting System Authorization and Procedure Bylaw No. 1416, 2018 is hereby repealed in its entirety."
- 12.2 "The Regional District of Central Okanagan Election Procedures Bylaw No. 1417, 2018 is hereby repealed in its entirety."

13. CITATION

This bylaw may be cited as "Election and Assent Voting Bylaw No. 1503, 2022."

READ a FIRST, SECOND AND THIRD time THIS 12th DAY OF May 2022

ADOPTED THIS 12th DAY OF May 2022

CHAIR

CORPORATE OFFICER

Schedule A – Mail Ballot Voting Procedure

1. Application Procedure

- 1.1 An Applicant will apply for a mail ballot package by giving their name and address to the Chief Election Officer during the times established for each election or assent voting opportunity;
- (a) An Applicant requesting a mail ballot package must indicate if they will be registering as a resident elector or a non-resident property elector; and
 - (b) According to the Applicant's direction, the Chief Election Officer may distribute the mail ballot package in any of the following ways:
 - i. Mail through Canada Post to the address provided;
 - ii. Courier at the expense of the Applicant;
 - iii. Picked up by the Applicant at a designated time at Election Headquarters; or
 - iv. Picked up by an Authorized Person at the designated time.
- 1.2 Upon an Applicant making a request for a mail ballot, the Chief Election Officer will:
- (a) make available to the Applicant, a mail ballot package in the form prescribed under section 110 of the *Local Government Act*, between the time when the ballots are ready and 4:00 p.m. one day before general voting day;
 - (b) record in the Register of Mail Ballots and, upon request, make available for inspection, the name and address of the elector to whom the mail ballot package was issued; and
 - (c) include any other information that the Chief Election Officer deems helpful to maintain the register of mail ballots.
- 1.3 The Chief Election Officer may request that the Authorized Person show identification and sign a form before providing the Authorized Person with the mail ballot package.

2. Voting Procedure

- 2.1 To vote by mail ballot, the Applicant must register as an elector and mark the ballot in accordance with the instructions contained in the mail ballot package provided by the Chief Election Officer.
- 2.2 After marking the ballot, the Applicant will:
- (a) Place the ballot in the secrecy envelope provided and seal the secrecy envelope;
 - (b) Place the secrecy envelope in the certification envelope and seal the certification envelope;
 - (c) Complete the declaration on the outside of the certification envelope;
 - (d) Place the certification envelope, together with a completed elector registration

- application in the outer envelope and seal the outer envelope; and
- (e) Mail, or have delivered, the outer envelope and its contents to the Chief Election Officer at the Election Headquarters so that it is received by the Chief Election Officer no later than the close of voting on general voting day.

3. Ballot Acceptance or Rejection

- 3.1 The Chief Election Officer will, upon receipt of the return envelope and its contents immediately record the date of receipt in the Register of Mail Ballots and open the return envelope.
- 3.2 When the Chief Election Officer examines the contents of the return envelope, the Chief Election Officer will:
 - (a) Confirm the identity of the elector as an Applicant on the Register of Mail Ballots;
 - (b) Determine the fulfilment of the requirements for the application for registration as provided under section 70 in the *Local Government Act* and the completeness of the application to register; and
 - (c) Determine the completeness of the declaration on the certification envelope.
- 3.3 If the Chief Election Officer is satisfied that the elector has met the requirements in section 3.2, the Chief Election Officer will mark the certification envelope as “accepted”; and place the accepted certification envelope with the other certification envelopes in a secure location.
- 3.4 If the Chief Election Officer is not satisfied as to the identity of the elector, or the elector has not completed the application to register properly, the Chief Election Officer will mark the certification envelope as “rejected”, indicate the reason for rejection, and set aside the rejected certification envelope in a secure location.
- 3.5 At the time established by the Chief Election Officer prior to general voting day, and in the presence of at least one other election official, the Chief Election Officer will:
 - (a) Open the certification envelopes;
 - (b) Remove the secrecy envelopes containing the ballots; and
 - (c) Place the sealed secrecy envelope containing the ballot in the designated Portable Ballot Box.
- 3.6 At the close of voting on general voting day, and in the presence of at least one other election official and any candidate representative, the Chief Election Officer will supervise:
 - (a) The opening of the ballot box;
 - (b) The opening of the secrecy envelopes; and
 - (c) The counting of the ballots under the automated vote counting system and procedures as described in Schedule “B” to RDCO Election and Assent Voting Bylaw No. 1503,2022
- 3.7 If the Chief Election Officer receives a return envelope with its contents after the close of general voting day, the Chief Election Officer will mark the return envelope as “rejected”, note the time and date of receipt, and place the unopened return envelope with the other rejected certification envelopes.

4. Challenge of Elector

- 4.1 A person who qualifies under section 126 of the *Local Government Act* may challenge the right of a person to vote by mail ballot on the grounds set out in section 126 of the *Local Government Act* up until 4:00pm on the day before general voting day.

5. Duplication of Elector Registration

- 5.1 If, upon receiving a request for a mail ballot, the Chief Election Officer determines that another person has voted or has already been issued a mail ballot in the elector's name, the Chief Election Officer will comply with section 127 of the *Local Government Act*.

6. Replacement of Spoiled Ballot

- 6.1 If an elector unintentionally spoils a mail ballot before returning it to the Chief Election Officer, the elector may request a replacement ballot by advising the Chief Election Officer and mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer.
- 6.2 Upon receipt of the spoiled mail ballot package, the Chief Election Officer will record the ballot as "spoiled" and proceed as described in Section 1.1(b) of Schedule "B" to RDCO Election and Assent Voting Bylaw No. 1503,2022
- 6.3 It is the sole responsibility of the elector requesting a replacement ballot to ensure the process provided under 6.1 and 6.2, and the subsequent delivery of a replacement ballot package is received by the Chief Election Officer before the close of voting on general voting day as provided in Section 9.34 of the Election and Assent Voting Bylaw No. 1503,2022

Schedule B – Automated Vote Counting System Procedure

1. AUTOMATED VOTING PROCEDURES

- 1.1 The presiding election official for each voting place in which a vote counting unit is in use, will 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.
- 1.2 Upon completion of the 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 section 70 of the *Local Government Act*, will 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.
- 1.3 Upon receiving a ballot the elector will immediately proceed to a voting compartment to vote.
- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 Upon being informed of the replacement ballot request, the presiding election official will issue a replacement ballot to the elector and mark the returned ballot "spoiled" and will retain all such spoiled ballots separately from all other ballots, and they will not be counted.
- 1.8 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 will, 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.
- 1.9 Any ballot counted by the vote counting unit is valid and any acceptable marks contained on such ballots will be counted, subject to any determination made under a judicial recount.
- 1.10 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.
- 1.11 During any period that a vote counting unit is not functioning, the election official supervising

the unit will direct all ballots delivered by the electors during this time, into a portable ballot box, 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 portable 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 counting unit to be counted.

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

2. ADVANCE VOTING OPPORUNITY PROCEDURES

- 2.1 Vote counting units may be used at advance voting opportunities and voting procedures at the advance voting opportunities will follow, as closely as possible, those described in Section 1 of Schedule "B" to RDCO Election and Assent Voting Bylaw No. 1503,2022

- 2.2 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 counting unit;
- (b) the storage ballot compartment is locked to prevent insertion of any ballots;
- (c) the results tapes in the vote counting unit are not generated; and
- (d) the memory card of the vote counting unit is secured.

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

- (a) ensure that any remaining ballots in the portable ballot box 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 Chief Election Officer at Election Headquarters.

3. SPECIAL AND MAIL BALLOT VOTING OPPORTUNITY PROCEDURES

- 3.1 Unless the Chief Election Officer determines it is practical to use a vote counting unit, a portable ballot box, will be used for all special and mail ballot voting opportunities.

- 3.2 The Chief Election Officer will proceed as described in Sections 1.2 through 1.7 of Schedule "B" to RDCO Election and Assent Voting Bylaw No. 1503,2022.so far as applicable, except that the voted ballots will be deposited into the portable ballot box supplied by the presiding election official.

- 3.3 The Chief Election Officer will ensure that the portable ballot box is secured when not in use

and in the case of special voting ensure the portable ballot box is sealed at the close of voting and returned together with all other election materials to the custody of the Chief Election Officer.

- 3.4 If a vote counting unit is in use at a special voting opportunity, the presiding election official appointed to attend the special voting opportunity will follow the procedures as described in section 1 of Schedule "B" to RDCO Election and Assent Voting Bylaw No. 1503,2022

4. PROCEDURES AFTER CLOSE OF VOTING ON GENERAL VOTING DAY

- 4.1 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:

- (a) ensure that any remaining ballots in the portable ballot box 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;
- (d) telephone the result to election headquarters immediately;
- (e) 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;
- (f) complete the ballot account 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, one copy of the results tape, keys, completed administrative forms into the election materials box; and
- (i) deliver, or have available for pick-up, the sealed ballots and results box, vote counting unit and the election materials box to the Chief Election Officer at election headquarters.

- 4.2 At the close of voting on general voting day, the Chief Election Officer will direct the presiding election official for the advance voting opportunity and any special voting opportunities where vote counting units were used, to proceed in accordance with Section 4.1 of this Schedule.

- 4.3 All portable ballot boxes used for advance, special and mail ballot voting will be opened, under the direction of the Chief Election Officer, and all ballots will be removed and inserted into a vote counting unit to be counted, after which the provision as describe in Sections 4.1 (a) to (h), of Schedule "B" to RDCO Election and Assent Voting Bylaw No. 1503,2022, so far as applicable, will apply.

- 4.4 Preliminary results of the votes counted will be provided to the public following the counting of votes in a form determined by the Chief Election Officer.

5. RECOUNT PROCEDURE

- 5.1 If a recount is requested by a candidate after the preliminary election results are announced, it will 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 vote counting units will be cleared;
- (b) a vote counting unit 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; and
- (d) any ballots returned by the vote counting unit during the recount process will, using the ballot return override procedure, be reinserted in the vote counting unit to ensure that any acceptable marks are counted.

5.2 Preliminary results of the recount will be provided to the public following the recount in a form determined by the Chief Election Officer.