



Town of Qualicum Beach

ELECTION PROCEDURES BYLAW Bylaw No. 621, 2008

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of Bylaw No. 621 with the bylaw below. The amending bylaw has been combined with the original bylaw for convenience only. This consolidation is not a legal document. The Town does not warrant that the information contained in this consolidation is current. Certified copies of the original bylaws should be consulted to ensure accurate, current bylaw provisions.

Amending Bylaw

Bylaw No. 621.01
Bylaw No. 621.02
Bylaw No. 621.03
Bylaw No. 621.04

Date of Adoption

February 3, 2014
May 7, 2018
June 29, 2022
June 17, 2026

The bylaw numbers in bold in the margin of this consolidation refer to the last bylaw that amended each section of the principal bylaw: "Town of Qualicum Beach Election Procedures Bylaw No. 621, 2008."

**TOWN OF QUALICUM BEACH
BYLAW NO. 621, 2008**

**A bylaw to provide for the
conduct of local government elections and other voting**

WHEREAS under Section 112 of the *Local Government Act*, the Council of the Town of Qualicum Beach may, by bylaw, provide for the use of automated voting machines, voting recorders or other devices for voting in an election;

(Bylaw No. 621.02)

AND WHEREAS Section 76 of the *Local Government Act* empowers the Council, by bylaw, to provide that the most current available Provincial list of voters prepared under the *Election Act* is to be the register of resident electors;

(Bylaw No. 621.02)

AND WHEREAS pursuant to Section 110 of the *Local Government Act*, Council may, by bylaw, permit voting by mail ballot and establish procedures therefore;

(Bylaw No. 621.02)

AND WHEREAS pursuant to the *Local Government Act*, Council may, by bylaw, determine various other procedures and requirements to be applied to the conduct of local government elections and other voting;

AND WHEREAS the Council of the Town of Qualicum Beach wishes to establish various procedures and requirements under these authorities;

NOW THEREFORE the Council of the Town of Qualicum Beach, in open meeting assembled, enacts as follows:

1. Definitions

In this bylaw the following terms have the following meanings:

“acceptable mark” means a completed mark as defined in the *Local Government Act* and 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.

(Bylaw No. 621.04)

“automated vote counting system” means a system that counts and records votes, and processes and stores election results, which comprises:

- (1) a number of ballot scan vote counting units each of which rests on a ballot box; and
- (2) 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:

- (1) the names of all of the candidates for each of the offices to be filled; and
- (2) 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 that causes the unit to accept a returned ballot;

“election headquarters” means the Qualicum Beach Civic Centre, 747 Jones Street, Qualicum Beach, BC or other location designated by the Chief Election Officer as the election headquarters;

“memory card” means a storage device 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 other voting 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 at a voting place 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;

(Bylaw No. 621.03)

“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.

(Bylaw No. 621.04)

“returned ballot” means a voted ballot that 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 enclosure” means an open-ended folder, sleeve, envelope or item which is used to cover ballots to conceal the choices made by each elector.

(Bylaw No. 621.04)

“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.

(Bylaw No. 621.04)

2. **Use of Provincial List of Voters as the Register of Resident Electors**
For the purposes of all local elections and other voting under Part 4 of the *Local Government Act*, the most current available Provincial list of voters prepared under the *Election Act* shall become the register of resident electors on the 52nd day prior to the general voting day for such elections and other voting.
3. **Nomination Documents**
 - (1) Public access will be given to all nomination documents delivered to the Chief Election Officer from the date of receipt until 30 days after the declaration of the election results under section 146 of the *Local Government Act* as follows:
 - (a) in person at the Municipal Office between the hours of 9:00 am and 4:00 pm, excluding statutory holidays; and
 - (b) before inspecting nomination documents, a person must sign a statement that the person will not use the information contained in the nomination documents except as permitted under section 89(9) of the *Local Government Act*.
4. **Use of Voting Machines**
Council hereby provides for the use of an automated vote counting system for the conduct of elections and other voting that may, from time to time, be required.
5. **Required Advance Voting Opportunities**
 - (1) As provided under the *Local Government Act*, required advance voting opportunities will be held for each election and other voting as follows:
 - (a) on the 10th day before general voting day, and
 - (b) on the 3rd day before general voting day.
 - (2) Voting hours for these advance voting opportunities will be from 8:00 a.m. to 8:00 p.m. at the Civic Centre at 747 Jones Street, Qualicum Beach, BC.

Special Voting Opportunities

(deleted by Bylaw No. 621.03)

6. **Automated Voting Procedures**
 - (1) The Presiding Election Official for each voting place shall, 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.

(Bylaw No. 621.03)
 - (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 enclosure if requested by the elector, and any further instructions the elector requests.

(Bylaw No. 621.04)
 - (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 electors is sought.
- (5) Once the elector has finished marking the ballot the elector must either:
 - (a) place the ballot into the secrecy enclosure, if one has been requested; or
 - (b) 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 enclosure if applicable, into the vote counting unit without the acceptable marks on the ballot being exposed.

(Bylaw No. 621.04)

- (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 a ballot or request a replacement ballot by informing the election official in attendance.
- (7) Upon being informed of the replacement ballot request, the Presiding Election Official 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 direct electors to insert their ballots 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 shall, as soon as reasonably possible, be removed by an election official and, under the supervision of the Presiding Election Official, shall be inserted into the vote counting unit to be counted.

(12) Any ballots which were temporarily stored in the portable ballot box 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 a ballot return override procedure, and under the supervision of the Presiding Election Official, be reinserted into the vote counting unit to ensure that any acceptable marks are counted.

(13) *(deleted by Bylaw No. 621.04)*

7. Advance Voting Opportunity Procedures

(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 Section 6 of this bylaw.

(Bylaw No. 621.01)

(Bylaw No. 621.03)

(Bylaw No. 621.04)

(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 portable ballot box 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 of the vote counting unit is secured.

(Bylaw No. 621.01)

(Bylaw No. 621.03)

(3) At the close of voting at each final advance voting opportunity the Presiding Election Official shall:

- (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.

(Bylaw No. 621.01)

(Bylaw No. 621.03)

(4) *(deleted by Bylaw No. 621.03)*

8. Mail Ballot Voting

(1) As authorized under section 110 of the *Local Government Act*, voting may be done by mail for each election or other voting and, in relation to this, may permit elector registration to be done in conjunction with this voting.

(2) A mail ballot package may be requested by an elector who is registered or is entitled to be registered as an elector for the election, by presenting the Chief Election Officer with a written request for a mail ballot package in the form prescribed by the Chief Election Officer.

(Bylaw No. 621.04)

- (3) The Chief Election Officer shall keep a register of mail ballots of all persons who request a mail ballot package and their addresses (unless the elector has requested that the address be obscured) and that register of mail ballots may be inspected by any person who signs a statement that the register is being inspected only for the purposes of the election or other voting.
- (4) Between the time an elector requests a mail ballot package and the time that the mail ballot package is hand-delivered, picked up, mailed or couriered to the elector requesting, the elector requesting can be challenged under section 126 of the *Local Government Act*.
- (5) The time limits in relation to voting by mail ballot shall be determined by the Chief Election Officer, including the time limit to apply for a mail ballot package.

(Bylaw No. 621.04)

- (6) The Chief Election Officer shall establish procedures for voting and elector registration by mail ballot in accordance with section 110 of the *Local Government Act*.
- (7) 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 Chief Election Officer.
- (8) An elector voting by mail ballot must return the completed mail ballot package by mail or deliver to:
 - (a) the address printed on the return envelope included in the mail ballot package, or
 - (b) an authorized drop-off location, as authorized by the Chief Election Officer, if any, in order to be counted for an election, before the close of voting on General Voting Day.

(Bylaw No. 621.04)

- (9) *(deleted by Bylaw No. 621.04)*
- (9) The Chief Election Officer is authorized to designate a location and time for the counting of mail ballots on general voting day.
- (10) For the counting of mail ballots pursuant to section 8(9) of this bylaw, the Chief Election Officer or the Deputy Chief Election Officer, in the presence of another Election Official, shall:
 - (a) open accepted certification envelopes and place the secrecy enclosure containing the ballot in a portable ballot box designated for mail ballots;
 - (b) open the portable ballot box after all certification envelopes have been opened;
 - (c) open the secrecy enclosures and insert the ballots into the vote counting unit designated by the Chief Election Officer for mail ballots;
 - (d) after the insertion of all mail ballots, seal the opened portable ballot box to prevent insertion of any ballots, and secure the vote counting unit so that ballots cannot be added or withdrawn;
 - (e) ensure the results tape in the vote counting unit are not generated;
 - (f) ensure the memory card in the vote counting unit is secured; and

- (g) secure the vote counting unit, memory card, and all opened certification envelopes until the close of voting on General Voting Day.
(Bylaw No. 621.02)
(Bylaw No. 621.03)
(Bylaw No. 621.04)

9. Procedures After the Close of Voting on General Voting Day

- (1) After the close of voting on general voting day, at voting opportunities where a vote counting unit was used in the election, but excluding advance voting opportunities, the Chief Election Officer shall 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) ensure that any mail ballots received are inserted into the vote counting unit;
 - (c) secure the vote counting unit so that no more ballots can be inserted;
 - (d) generate three copies of the results tape from the vote counting unit;
 - (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 along with one copy of the results tape, into the ballots and results box;
 - (f) complete the ballot account and place the duplicate copy of the ballot account 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 and all completed administrative forms into the election materials box.
(Bylaw No. 621.04)
- (2) At the close of voting on general voting day, the Chief Election Officer shall, for the advance voting opportunity where vote counting units were used, proceed in accordance with Section 9(1) of this Bylaw.
(Bylaw No. 621.04)
- (3) At the close of voting on general voting day all portable ballot boxes used in the election will be opened under the direction of the Chief Election Officer and all ballots shall be removed and inserted into a vote counting unit to be counted, after which the provisions of Sections 9(1), so far as applicable, shall apply.
(Bylaw No. 621.04)
- (4) If the vote counting unit is not functioning, ballots shall be counted manually.
- (5) The memory cards of all vote counting units shall not be cleared of the official election results, but shall be retained for the period of time required for retention of election materials.
- (6) Upon fulfillment of the provisions of Section 9, the Chief Election Officer shall place the election results in a spreadsheet for posting purposes, indicating the total preliminary election results.
(Bylaw No. 621.04)

10. Recount Procedure

- (1) If a recount is required after preliminary election results are announced, it shall 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) vote counting units will be designated for each voting place;
 - (c) all voted ballots will be removed from the sealed ballot boxes, except spoiled ballots, and reinserted in the appropriate vote counting units under the supervision of the Chief Election Officer; and
 - (d) 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 or, if the vote counting unit is not functioning, ballots shall be counted manually.

11. Determination of Results by Lot if Tie Vote

- (1) If at the completion of a judicial recount the results of an election cannot be determined because there is an equal number of valid votes for two or more candidates, the results must be determined by lot, in accordance with section 151 of the *Local Government Act*.

(Bylaw No. 621.03)

12. General

- (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.
- (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.

13. Repeal of Previous Bylaw

“Town of Qualicum Beach Election Procedures and Automated Voting Bylaw No. 537.02, 1999” and amendments are hereby repealed.

14. Citation

This bylaw may be cited as “Town of Qualicum Beach Election Procedures Bylaw No. 621, 2008”.

READ A FIRST TIME this 9th day of June, 2008.

READ A SECOND TIME this 9th day of June, 2008.

READ A THIRD TIME this 9th day of June, 2008.

ADOPTED this 14th day of July, 2008.

Mayor

Corporate Administrator