

VILLAGE OF ANMORE

BYLAW NO. 533-2014

A bylaw to provide for the determination of various procedures for the conduct of Local Government Elections and Other Voting

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

AND WHEREAS Council wishes to establish voting procedures and requirements under that authority;

NOW THEREFORE, the Council of the Village of Anmore, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “Anmore Election Procedure Bylaw No. 533-2014”.
2. The provisions of this bylaw shall be deemed to be supplemental and complimentary to the provisions of the *Local Government Act* respecting the conduct of Local Government Elections and Other Voting and not in replacement thereof.

DEFINITIONS

3.1 In this bylaw:

“Acceptable Mark” means a completed arrow that the vote counting unit is able to identify, and that 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 bylaw or other voting question.

“Automated Vote Counting System” means a system that counts and records votes and processes and stores election results and is comprised of the following:

- (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 the other is for the temporary storage of voted ballots during such time as the vote counting unit is not functioning; and

- (b) a number of storage ballot compartments into which voted ballots are deposited where a vote counting unit is not functional or being used, which will be counted after the close of voting on general voting day.

“Ballot” means a single automated 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 that causes the unit to accept a returned ballot.

“By-Election” means an election under the provisions of section 37 of the *Local Government Act*.

“Election Headquarters” means Anmore Village Hall located at 2697 Sunnyside Road or an alternate location deemed appropriate by the chief election officer should the need arise.

“Elector” means a resident or property elector of the jurisdiction as defined under the *Local Government Act*.

“Election” means an election of the number of persons required to fill a local government office and/or Board of School Trustees;

“Emergency Ballot Compartment” means a compartment in the ballot box under each vote counting unit into which voted ballots are temporarily deposited in the event that the vote counting unit ceases to function.

“General Local Election” means elections provided for the offices of the Mayor, four Councillors and one School Trustee for School District No. 43.

“General Voting Day” means general voting day as defined in the *Local Government Act* and includes by-elections and other voting.

“Memory Pack” means a computer software cartridge, which is inserted into the vote counting unit and into which is programmed:

- (a) the names of all of the candidates for each of the offices to be filled; and
- (b) if applicable, the alternatives of “yes” or “no” for each bylaw and question;

and a mechanism to record and retain information on the number of acceptable marks made for each.

“Memory Pack Receiver (Accumulator)” means a tabulation device which reads the recorded values contained within each memory pack, and which automatically accumulates the totals of those recorded votes to produce a final vote count for all of the offices on the ballot and on each of the bylaws and questions, if applicable.

“Other Voting” means voting on a matter referred to in section 158 of the *Local Government Act* and includes voting on a referendum.

“Portable Ballot Box” means a ballot box that is used in the election where a vote counting unit is not being used.

“Results Tape” means a 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 or opinion of the electors is sought.

“Returned Ballot” means a voted ballot that was inserted into the vote counting unit, but which was not accepted and was returned with an explanation of the ballot marking error that caused the ballot to be returned.

“Secrecy Sleeve” means an open-ended folder or envelope used to cover ballots to conceal the choices made by an elector.

“Village” means the Village of Anmore.

“Vote Counting Unit” means the device into which voted ballots are inserted and that scans each ballot and records the number of votes for each candidate and for and against each bylaw or other matter on which the assent or opinion of the electors is sought.

“Voted Ballot” means a ballot onto which an elector has made acceptable marks.

- 3.2 Unless otherwise provided, words and phrases used herein have the same meanings as in the *Local Government Act*, as the context and circumstances may require. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any bylaw or other enactment refers to the enactment as it may be amended or replaced from time to time. Headings in this Bylaw are for convenience only and must not be construed as defining or limiting its scope or intent. If any part of this Bylaw is held invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

PROCEEDINGS BEFORE THE POLL

4. The chief election officer will order ballot papers and other supplies for the purposes of the election and shall see to the provision of ballot boxes and polling booths, the rental of necessary premises and all other physical arrangements for the holding of the election. The chief election officer will arrange for polling clerks to efficiently and expeditiously conduct the election.

USE OF PROVINCIAL LIST OF VOTERS AS THE REGISTER OF RESIDENT ELECTORS

- 5.1 As authorized under section 59 of the *Local Government Act*, the most current list of voters prepared under the *Election Act*, existing at the time an election or other voting to be held, is deemed to be the register of resident electors for the municipality.
- 5.2 The Provincial List of Voters becomes the register of resident electors by 52 days prior to the date of general voting day for any election to which this bylaw applies.
- 5.3 Where an elector is not included in the Provincial list of voters, voter registration shall be permitted on advance voting day and general voting day, provided that necessary identification is provided to an election official or that a statutory declaration has been completed under the supervision of the chief election officer.

AUTOMATED VOTING PROCEDURES

- 6.1 As soon as an elector enters the voting place they must proceed to an election official responsible for issuing ballots, who:
 - (a) must ensure that the elector:
 - (i) is qualified to vote in the election;
 - (ii) completes the appropriate voting book; and
 - (b) upon fulfillment of the requirements of 6.1(a) above must:
 - (i) offer a demonstration of how to use the automated vote counting system; and
 - (ii) provide a ballot to the elector, a secrecy sleeve to the elector, if requested, and any further instructions the elector requests.
- 6.2 Upon receiving a ballot, the elector must immediately proceed to a voting booth to mark the ballot.
- 6.3 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) if applicable, 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.
- 6.4 Once the elector has finished marking the ballot, the elector shall place the ballot into the secrecy sleeve, if applicable, proceed to the vote counting unit and under the supervision of an election official insert the ballot directly from the secrecy sleeve, if applicable, into the vote counting unit without the marks on the ballot being exposed.
- 6.5 Once the ballot has been inserted into the vote counting unit and the vote counting unit indicates that the ballot has been accepted, the elector must immediately leave the voting place.

REPLACEMENT OF SPOILED BALLOT

- 7.1 If:
- (a) before inserting the ballot into the vote counting unit, an elector determines that a mistake has been made when marking the ballot, or
 - (b) the ballot has been inserted into the vote counting unit and returned,
- the elector may request a replacement ballot by advising the election official in attendance.
- 7.2 Upon being advised of a request for a replacement ballot, the election official must:
- (a) issue a replacement ballot to the elector;
 - (b) mark the returned ballot as spoiled; and
 - (c) retain all spoiled ballots separately from all other ballots.
- 7.3 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 must, using the ballot return override procedure, reinsert the returned ballot into the vote counting unit to count any acceptable marks.

MALFUNCTION OF VOTE COUNTING UNIT

- 8.1 During any period that a vote counting unit is not functioning, the election official supervising the unit must direct electors to insert their ballots into the emergency ballot compartment.

8.2 Where a vote counting unit that was not functioning:

- (a) becomes operational; or
- (b) is replaced with another vote counting unit,

the ballots in the emergency ballot compartment must, as soon as reasonably possible, be removed by an election official and under the supervision of the chief election officer, be inserted into the vote counting unit to be counted.

8.3 Any ballots that were temporarily stored in the emergency ballot compartment during a period when the vote counting unit was not functioning, which are returned by the vote counting unit when being counted, must, through the use of the ballot return override procedure, and under the supervision of the chief election officer, be inserted into the vote counting unit to ensure that any acceptable marks are counted.

ADVANCE VOTING

9.1 As authorized under section 97 of the *Local Government Act*, one advance voting opportunity will be held, and shall be held on the 10th day before general voting day.

9.2 Vote counting units are to be used at advance voting, and voting procedures at the advance voting must follow the procedures described in sections 6.1 through 6.5 of this Bylaw.

9.3 At the close of advance voting, the chief election officer must:

- (a) ensure that any remaining ballots in the emergency 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) ensure that the results tapes in the vote counting unit are not generated.

PROCEDURES AFTER THE CLOSE OF VOTING

10.1 After the close of voting on general voting day, the chief election officer must:

- (a) ensure that any remaining ballots in the emergency 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 two copies of the results tape from the vote counting unit;
- (d) remove the memory pack from the vote counting unit;

- (e) complete the ballot account for the voted ballots, unused ballots, spoiled ballots and unaccounted for ballots;
- (f) package and seal separately the unused, spoiled and voted ballots and place each package into separate ballot boxes, along with the following:
 - (i) one copy of the ballot account;
 - (ii) one copy of the results tape;
 - (iii) the memory pack;
 - (iv) any keys used for the vote counting unit;
 - (v) the voting books;
 - (vi) any copies of the List of Registered Electors used for the purposes of voting procedures; and
 - (vii) any solemn declarations taken and any signed written statements required by or under Part 3 of the *Local Government Act* in relating to voting proceeding.

10.2 At the close of general voting day, the chief election officer will generate the results tape for the advance voting opportunity, following the procedures as applicable in section 10.1 above.

RECOUNT PROCEDURE

11. If a recount is required it shall be conducted under the direction of the chief election officer using the automated vote counting system and in accordance with the following procedure:
- (a) the memory packs of all vote counting units must be reinserted into the designated vote counting unit, to be cleared of all voted recorded;
 - (b) a results tape must be generated to ensure that no votes are recorded for any candidate in the election, or beside either “yes” or “no” in the case of any bylaw and question;
 - (c) all voted ballots must be removed from the sealed ballot box, and reinserted in the vote counting unit under the supervision of the chief election officer;
 - (d) any ballots returned by the vote counting unit during the recount process must, through the use of the ballot return override procedure, be reinserted into the vote counting unit to ensure that any acceptable marks are counted; and
 - (e) to obtain the election results, two copies of the results tape is to be generated from the vote counting unit.

RESOLUTION OF TIE VOTES AFTER JUDICIAL RECOUNT

12. In the event of a tie vote after a judicial recount, the results of the election are to be determined by lot in accordance with section 141 of the *Local Government Act*.

PUBLIC ACCESS TO NOMINATION DOCUMENTS

13. Public access to nomination documents shall be made available via the Village's website. Nomination documents shall remain posted for 7 days following the election or other voting opportunity, and shall remain a record of the Village in accordance with section 73(6) of the *Local Government Act*.

PUBLIC ACCESS TO DISCLOSURE STATEMENTS AND OTHER INFORMATION

14. Public access to disclosure statements and other related information shall be made available via the Village's website. Disclosure statements and other related information shall remain posted on the website for 30 days following the election or other voting opportunity, and shall remain a record of the Village in accordance with section 59 of the *Local Elections Campaign Financing Act*.

Election Signs (Advertising by Candidates and Political Organizations)

15. Election signs for federal, provincial, municipal, school trustee elections and referendums are permitted, provided that:
 - a) the signs and structures are not placed prior to November 1 (or 30 days prior to the election date for federal and provincial elections);
 - b) if on public property, the sign may only be permitted in the locations identified in "Schedule A" to this Bylaw;
 - c) no more than one sign is placed, per candidate, per location, on public property;
 - d) the sign is not posted within 100 metres (328 feet) of an active polling station on advance voting day and general voting day;
 - f) the sign area does not exceed 1.49 square metres (16 square feet) and does not exceed 2.44 metres (8 feet) in height from the ground, including support material;
 - g) the sign is not illuminated;
 - h) the sign is not unsightly or dilapidated;
 - i) the sign is not within 1 metre (3.28 feet) of a fire hydrant;

- j) the sign is not within 1 metre (3.28 feet) of a municipal board;
 - k) the placement of the sign does not interfere with traffic sightlines at street intersections or with the safety of vehicles, pedestrians or cyclists;
 - l) the placement of the sign does not obstruct, simulate or detract from any traffic control device;
 - m) they are not attached to any vehicle or trailer;
 - n) the sign is not attached in any way to a tree, bush, planter, solid waste receptacle, newspaper box, mail box, sign post, or in any garden, park or boulevard unless authorized in Schedule A to this Bylaw.
16. Election signs are permitted on private property if placed after receiving consent from the property owner or their representative. Regulations regarding size, placement and permitted dates for posting signs are to be adhered to in accordance with section 15 above. Placement of signs on the front of private property, being the public boulevard area, is not permitted.

Removal of Signs

- 17.1 Signs that are permitted under section 15 above are to be removed within three days after the election.
- 17.2 Any election sign, advertising sign, or poster that the chief election officer has reasonable and probable grounds to believe is placed in contravention of this Bylaw may be removed by the chief election officer or by a person acting under their direction.

USE OF VILLAGE OF ANMORE LOGO

18. No person shall display on any election sign or other election advertising a logo, trademark or official mark, in whole or in part, owned or licensed by the Village, unless prior written authorization is granted by the Village,

REPEALMENT

19. That "Anmore Election Procedure Bylaw No. 515-2011" is hereby repealed in its entirety.

READ a first time this 15th day of July , 2014

READ a second time this 15th day of July , 2014

READ a third time this 15th day of July , 2014

RECONSIDERED, FINALLY PASSED AND ADOPTED this 29th day of July , 2014

MAYOR

MANAGER OF CORPORATE SERVICES

Certified a true and correct copy of "Anmore Election Procedure Bylaw No. 533-2014".

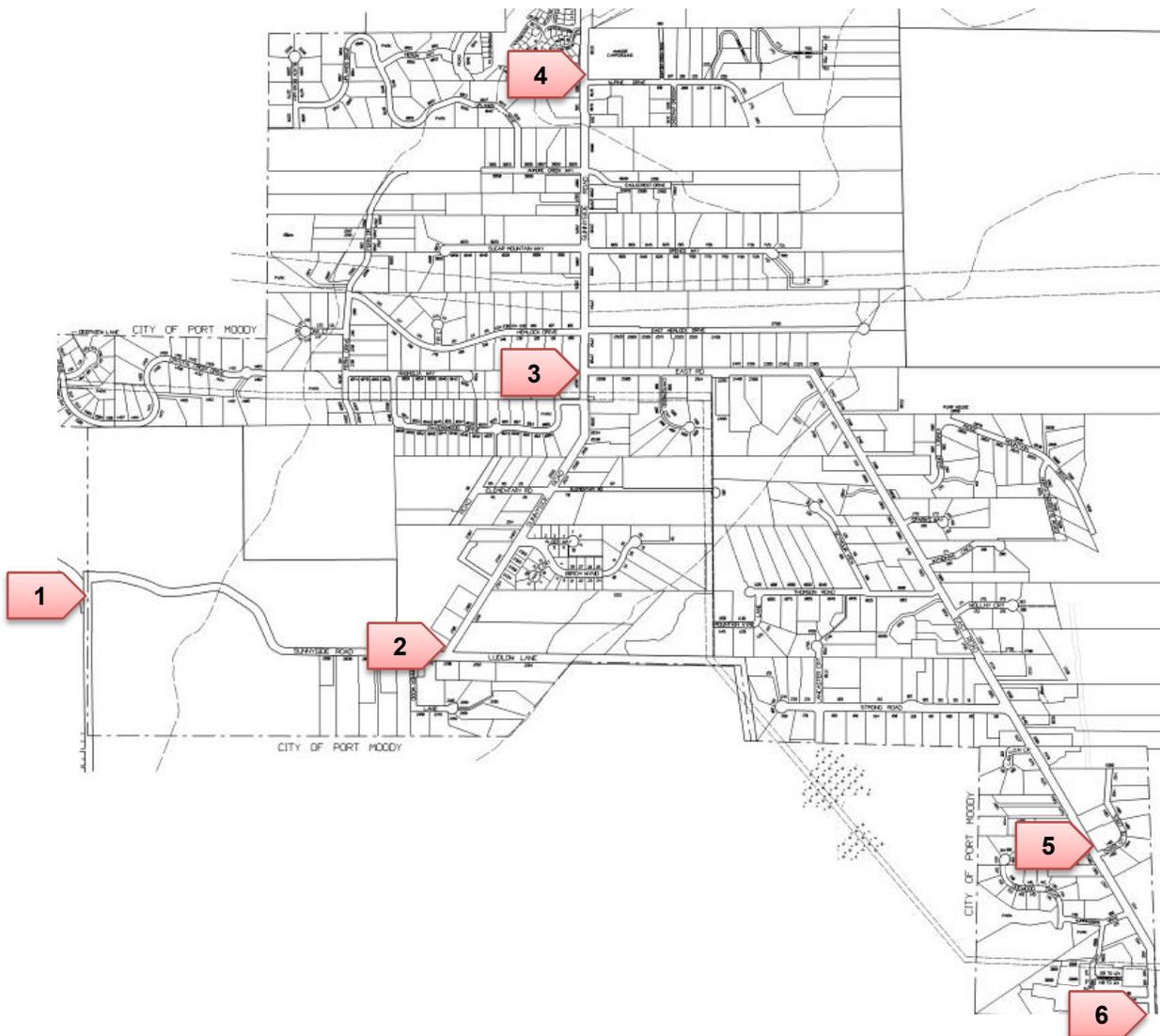
DATE

MANAGER OF CORPORATE SERVICES

SCHEDULE "A"

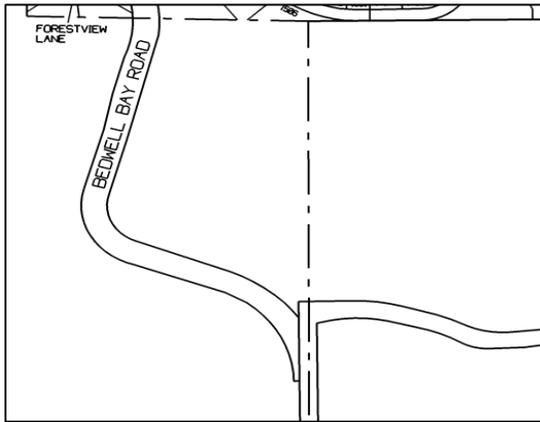
ELECTION SIGNS - PERMITTED AREAS

- Site 1 - Sunnyside Road at First Avenue, to the south of the 'Village of Anmore' sign
- Site 2 - Sunnyside Road north of Ludlow Lane, to the north or south of the village sign board
- Site 3 - Sunnyside Road adjacent to East Road, to the north or south of the village sign board
- Site 4 - Sunnyside Road north of Alpine Drive, to the north or south of the postal boxes
- Site 5 - East Road at Charlotte Crescent, north of the easternmost stop sign
- Site 6 - East Road south of Blackberry Drive, to the north of the village sign board



Reference for Election Signs – Permitted Sites

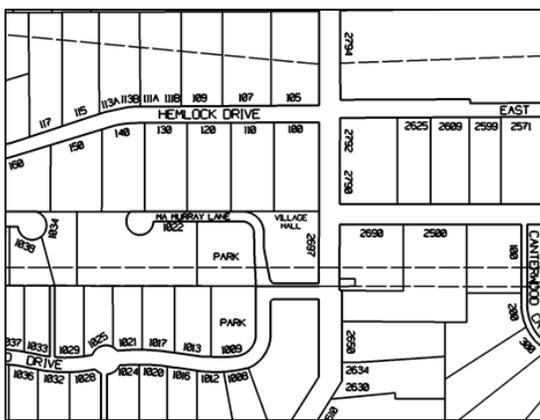
Site 1



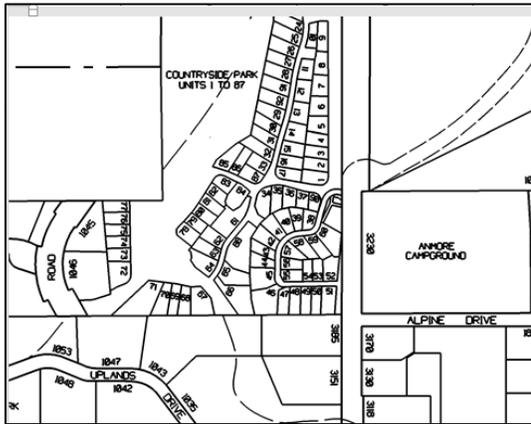
Site 2



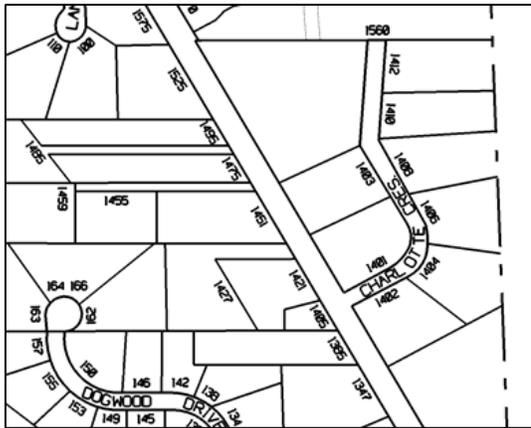
Site 3



Site 4



Site 5



Site 6

