

TOWN OF GIBSONS
General Local Government Election Bylaw No. 1137

A Bylaw to provide for the determination of various procedures for the conduct of
local government elections, by-elections and other voting.
(consolidated for convenience only)

WHEREAS under Parts 3 and 4 of the *Local Government Act*, the Council may, by bylaw, determine various procedures to be applied in the conduct of general local elections and other voting;

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

NOW THEREFORE the Council of the Town of Gibsons in open meeting assembled enacts as follows:

1. Title

1.1 This Bylaw may be cited for all purposes as "General Local Government Election Procedures Bylaw No.1137, 2011".

2. Repeal

2.1 Town of Gibsons Elections Bylaw No. 992, 2004 and all amendments thereto are hereby repealed.

3. Definitions and Interpretation

3.1 In this Bylaw:

Acceptable mark means a mark that:

- a) an elector makes in the space provided on a ballot opposite the name of any candidate or opposite either "yes" or "no" on any question, and
- b) the vote counting unit is able to identify.

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 vote tabulator and the lower half being the ballot box.

Ballot means a single automated ballot card designed for use in an automated vote counting system and conforms to the requirements of the *Local Government Act*, which shows:

- (a) the names of all of the candidates for each of the offices to be filled; and,
- (b) all the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought.

Ballot box means a 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 that causes the unit to accept a returned ballot.

Town means the Corporation of the Town of Gibsons.

Election headquarters means the Municipal Hall, 474 South Fletcher Road, Gibsons, British Columbia.

Election Sign means any sign installed to support the election of a candidate or political party at a municipal, provincial or federal level or public authority office, or providing information related to an election, political initiative, or referendum.

Elector means a resident elector, or property owner of the jurisdiction as defined by the *Local Government Act*.

General Local Election means the election held for the offices of the Mayor and all the Councillors of the Town, which was held in 2014 and must be held in every fourth year after that.

Memory pack means a 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 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 that is used at a voting place where a vote counting unit is not being used.

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 voting question.

Returned ballot means a voted ballot that was inserted into the vote counting unit by the elector but was not accepted and was returned to the elector with an explanation of the ballot marking error that 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 other voting question.

4. Application

4.1 This Bylaw applies to all Town elections and all other voting opportunities required or permitted to be held under the *Local Government Act*, including special voting opportunities under this Bylaw even if such opportunities are conducted at a location outside the boundaries of the Town.

5. Provincial list of voters

5.1 As authorized under the *Local Government Act*, for the purposes of this Bylaw, the most current Provincial list of voters prepared under the *Elections Act* that is available at the time of an election or other voting shall become the register of resident electors for the Town of Gibsons on the 52nd day prior to the general voting day for such election or other voting.

6. Additional general voting opportunities

6.1 The Chief Election Officer may:

- (a) establish additional voting opportunities for general voting day for each election and other voting; and,
- (b) designate the voting places and voting hours, within the limits prescribed in the *Local Government Act* for the additional general voting opportunities.

7. Required advance voting opportunities

7.1 Advance voting opportunities must be held, for each election and for other voting as follows:

- (a) on the 10th day before general voting day from 8:00 a.m. until 8:00 p.m.; and,
- (b) on the 3rd day before general voting day from 8:00 a.m. until 8:00 p.m.

8. Additional advance voting opportunities

- 8.1 The Chief Election Officer may establish dates for advance voting opportunities in addition to the dates referred to in Section 7 of the Bylaw and may designate the voting places and set the dates and voting hours for those additional advance voting opportunities.

9. Special voting opportunities

- 9.1 Council hereby establishes special voting opportunities on general election day at the following locations to give electors who may otherwise be unable to vote an opportunity to do so:
- (a) St. Mary's Hospital in Sechelt Indian Government District;
 - (b) any intermediate care and extended care facilities; and,
 - (c) within the Town's boundaries.
- 9.2 Subject to the limitations in the *Local Government Act*, the Chief Election Officer may designate the place or places within the hospitals and care facilities at which voting is to occur, and the voting hours for those special voting opportunities.
- 9.3 The only electors who may vote at a special voting opportunity are electors who, on the date on which the special voting opportunity is held and before the end of voting hours for that special voting opportunity, have been admitted as patients to the hospital or residents of a care facility at which the special voting opportunity is held.
- 9.4 The voting hours for a special voting opportunity must not be earlier than 9:00 a.m. or later than 4:00 p.m. of the day on which the special voting opportunity takes place.
- 9.5 Subject to the *Local Government Act*, the Chief Election Officer may limit the number of candidates' representatives who may be present at a special voting opportunity which shall not be less than one per candidate.
- 9.6 The presiding election official assigned to attend at each special voting opportunity shall conduct the special voting opportunity in accordance with Section 18 of this Bylaw so far as possible, except that the voted ballots shall be deposited in a portable ballot box as supplied by the presiding election official.
- 9.7 The presiding election official at a special voting opportunity shall 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.

- 9.8 If an elector is entitled to vote at the location designated under Section 8 of this Bylaw but is unable to attend the voting place established by the Chief Election Officer pursuant to Section 9, the presiding election official, in the presence of another election official and any scrutineers present, may attend with the portable ballot box at the elector's hospital or care facility bed for the purpose of receiving his or her vote.

10. Authorization to vote by Mail Ballot

10.1 An elector who:

- (a) has a physical disability, illness, or injury that affects his or her ability to vote at another voting opportunity, or
- (b) expects to be absent from the Town on general voting day and at the times of all advance voting opportunities
- (c) may vote by mail ballot.

11. Application procedure for Mail Ballot

11.1 A person wishing to vote by mail ballot may apply in writing by providing their name and address to the Chief Election Officer, up to 4:00 p.m. two (2) days before general voting day.

11.2 Upon receipt of a request for a mail ballot, the Chief Election Officer shall, as soon as practical:

- (a) make available to the applicant by mail or in person, a mail ballot package containing the ballots, forms, envelopes and other documents required under the *Local Government Act*; and,
- (b) immediately record and, upon request, make available for inspection the name and address of the person to whom the mail ballot package was issued.

12. Voting procedure for mail ballot

12.1 In order to be counted for an election, an elector's mail ballot must be mailed or delivered to the Chief Election Officer at the address specified on the outer envelope provided in the mail ballot package so that it is received no later than the close of voting on general voting day.

13. Mail ballot acceptance or rejection

- 13.1 Upon receipt of mail ballot packages before the close of voting on the general voting day, the Chief Election Officer shall record the time and date of its receipt and shall examine the certification envelope.
- 13.2 If the Chief Election Officer is satisfied as to:
- (a) the identity and entitlement to vote of the elector whose ballot is enclosed; and
 - (b) the completeness of the certification,
- the Chief Election Officer shall mark the certification envelope as “accepted” and shall mark the voting book to indicate that the elector has voted.
- 13.3 The unopened certification envelopes marked as “accepted” shall remain in the custody of the Chief Election Officer until the close of voting on general voting day, at which time the Chief Election Officer shall, in the presence of at least one other election official, in addition to any scrutineers present:
- (a) open the certification envelopes;
 - (b) place the unopened secrecy envelopes together into a ballot box;
 - (c) open the secrecy envelopes and remove the ballots within; and
 - (d) insert the ballots into the vote counting unit.
- 13.4 The Chief Election Officer shall retain all certification envelopes together with the voting books and for the purposes of document retention and destruction shall treat the certification envelopes in the same manner as a voting book.
- 13.5 If:
- (a) upon review of an outer envelope, the Chief Election Officer is not satisfied as to the identity of the elector whose ballot is enclosed or the completeness of the certification; or
 - (b) the outer envelope is received by the Chief Election Officer after the close of voting on general voting day,
- the certification envelope shall remain unopened and the Chief Election Officer shall mark such envelope as “rejected” and shall note the reasons for the rejection.

13.6 Any certification envelopes and their contents rejected in accordance with Section 13.5 of this Bylaw shall remain unopened and shall not be counted in the election.

14. Mail ballot challenge of elector

14.1 Between the time an elector requests a mail ballot package and the time that the mail ballot package is hand delivered or mailed to the elector requesting it, the elector's right to vote may be challenged under the *Local Government Act*.

15. Replacement of spoiled mail ballot

15.1 Where 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 of the ballot spoilage and by mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer.

15.2 The Chief Election Officer shall, upon receipt of the spoiled ballot package, record such fact and issue a new mail ballot package to the elector.

16. Use of voting machines

16.1 Unless otherwise provided in this Bylaw, or deemed unsuitable for economic reasons by Council, elections and other voting that may be required from time to time shall be conducted using an automated vote counting system.

17. Form of ballot

17.1 A ballot used in an automated vote counting unit may be in the form set out by the Chief Election Officer.

17.2 The order of names of candidates on the ballot will be determined by alphabetical order by surname.

18. Automated voting procedures

18.1 The presiding election official for each voting place shall offer, and if requested, ensure that a demonstration of how to vote using the vote counting unit is provided to an elector, as soon as such elector enters the voting place and before a ballot is issued to the elector.

- 18.2 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.
- 18.3 Upon receiving a ballot the elector shall immediately proceed to a voting compartment to vote.
- 18.4 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.
- 18.5 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.
- 18.6 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 presiding election official in attendance.
- 18.7 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.
- 18.8 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 in 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.
- 18.9 Any ballot counted by the vote counting unit as valid and any acceptable marks contained on such ballots will be counted in the election, subject to any determination made under a judicial recount.

- 18.10 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.
- 18.11 During any period that a vote counting unit is not functioning, an elector or designated official shall insert his or her ballot 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 elections official and, under the supervision of the presiding elections official, shall be inserted into the vote counting unit to be counted.
- 18.12 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 the 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.

19. Advance voting opportunity procedures

- 19.1 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 this Bylaw.
- 19.2 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 locked to prevent insertion 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.
- 19.3 At the close of voting at the 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 pack and all other materials used in the election to the Chief Election Officer at election headquarters.

20. Procedures after close of voting on general voting day

20.1 After the close of voting on general voting day, each presiding election official, except those responsible for advance and special voting opportunities, 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) 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 pack 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 a 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, completed registration cards, keys and all completed 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.

20.2 At the close of voting on general voting day, the Chief Election Officer shall direct the presiding election official for the advance voting opportunities and any special voting opportunities where vote counting units were used, to proceed in accordance with Section 20.1 of this Bylaw.

- 20.3 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 shall be removed and inserted into a vote counting unit to be counted, after which the provision of Section 20.1, , so far as applicable, shall apply.
- 20.4 Upon the fulfillment of the provisions of Sections 20.1 through 20.3 inclusive, the Chief Election Officer shall, to obtain the election results, direct an election official to place the results in a spreadsheet, which may be used for display in the Municipal Hall, indicating the total preliminary election results.

21. Signs, Posters, Placards and Handbills

- 21.1 No election sign, poster, placard or handbill shall be erected or placed on property owned or under the control of the Town.
- 21.2 A person shall not place, or permit to be placed any election signs, posters or handbills without first having obtained the written authorization of the Corporate Officer.
- 21.3 A person shall not place, or permit to be placed, an election sign on public or private property, except in relation to local government and school elections and by-elections, until the start of the Campaign Period as defined in the *Local Elections Campaign Financing Act*.
- 21.4 The Corporate Officer before issuing the authorization mentioned in Section 21.2 shall require the applicant to pay a deposit of One Hundred Dollars (\$100.00) to ensure the removal of the signs, posters or handbills within seven days after General Voting Day, which sum shall be forfeited in the event that removal is not completed.
- 21.5 A person shall not scatter or drop from any aeroplane, motor vehicle or by hand any advertisement, poster notice, placard or handbill.

22. Advertising by Federal, Provincial, or Municipal Candidates

- 22.1 No person shall advertise a candidate or other voting issue by way of the use of a mobile amplification system except that a mobile amplification system may be used to provide a sound amplification system remains in a stationary position.
- 22.2 No person shall, within 100 metres of a building, structure, or other place where voting proceedings are conducted at the time:

- 22.2.1 canvass or solicit votes or otherwise attempt to influence how an elector votes,
- 22.2.2 carry, wear, or supply a flag, badge, or other thing indicating that the person using it is a supporter of a particular candidate or elector organization,
- 22.2.3 display or distribute a sign, a document, or other material regarding a candidate or elector organization, except as authorized by the Chief Election Officer,
- 22.2.4 display, distribute, post, or openly leave a representation of a ballot marked for particular candidate in an election.

23. Resolution of tie vote after judicial recount

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

23. Any Enactment

- 23.1 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.

24. Severability

- 24.1 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 or 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 valid portion.