



Central Saanich

Elections Bylaw No.1948, 2018

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*.
(Consolidated on June 28, 2022 up to Bylaw No. 2121.)

Official copies of the bylaws can be found at Municipal Hall by contacting the Corporate Services department at 250.652.4444.

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

BYLAW NO.1948

A Bylaw to Provide for the Determination of Various Procedures for the Conduct of Local Government Elections and Assent Voting

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

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

AND WHEREAS the Council of the District of Central Saanich wishes to establish various procedures and requirements under that authority;

NOW THEREFORE the Council of the District of Central Saanich, in open meeting assembled, enacts as follows:

CITATION

1. This bylaw may be cited as "**Elections Bylaw No.1948, 2018**".

Definitions and interpretation

2. In this Bylaw:

Acceptable mark means a completed mark 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 assent 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 vote counting unit and the lower half being the ballot box.

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 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 which causes the unit to accept a returned ballot.

District means the Corporation of the District of Central Saanich.

Election headquarters means the Municipal Hall, 1903 Mount Newton Cross Road, Saanichton, British Columbia.

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

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 but was not accepted and 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 assent voting question.

Application

3. This Bylaw applies to all District 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 District.

Number of nominators

- 3.2 A nomination for election to hold office as a member of Council must be made by at least the following number of qualified nominators:
 - (1) 2 for each candidate for the office of Mayor;
 - (2) 2 for each candidate for the office of councillor.

PART 2 - CONDUCT OF ELECTIONS AND ASSENT VOTING

Provincial list of voters

4. For the purposes of this bylaw:
 - (1) the most current Provincial list of voters prepared under the *Election Act* that is available at the time of an election or other voting shall become the register of resident electors for the District on the 52nd day prior to the general voting day for such election or assent voting.
 - (2) a person who, on the basis of the Provincial list of voters, appears to meet the qualifications to be registered as a resident elector of the District is deemed to be registered as a resident elector of the District.

Additional general voting opportunities

5. The chief election officer may:

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

Required advance voting opportunities

6. Advance voting opportunities must be held, for each election and for assent voting as follows:
 - (1) on the 10th day before general voting day from 8:00 a.m. until 8:00 p.m.; and,
 - (2) on the third (3rd) day before general voting day from 8:00 a.m. until 8:00 p.m.

Additional advance voting opportunities

7. The chief election officer may establish additional advance voting opportunities for each election to be held in advance of general voting day and to designate the voting places, and to establish the date and voting hours for these voting opportunities.

Special voting opportunities

8. To give electors who may otherwise be unable to vote an opportunity to do so, the Council will provide special voting opportunities as authorized by the *Local Government Act* for each election and will designate the voting places.
9. The chief election officer is authorized to designate the date and voting hours for the special voting opportunities.
10. 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, or family members of the patients or residents, or qualified electors who are employed at the facility being used as a special voting opportunity.
11. 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.
12. The presiding election official assigned to attend at each special voting opportunity shall conduct the special voting opportunity in accordance with Sections 30 through 34 inclusive 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.
13. 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.

Authorization

14. In accordance with section 110 of the *Local Government Act*, all electors may vote using a mail ballot option, and are permitted elector registration in conjunction with this voting method.”

Application procedure

15. An elector may request a mail ballot package in person or by mail, fax or email by presenting to the chief election officer a written request stating their name, address and whether the mail ballot package is to be delivered by mail or picked up from Municipal Hall.
16. The chief election officer may establish the time limit to apply for a mail ballot package and any other time limits in relation to voting by mail ballot that are not established under this bylaw.
17. Upon receipt of a request for a mail ballot, the chief election officer or designate shall, make available to the applicant by mail or in person, a mail ballot package as specified in the *Local Government Act* and, immediately record and, upon request, make available for inspection the name and address of the person to whom the mail ballot package was issued.

Voting procedure

18. In order to be counted for an election, an elector's mail ballot must be received by the chief election officer before the close of voting on general voting day.
19. (1) In order 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.
- (2) After marking the mail ballot, the elector shall:
- (a) place the mail ballot in the secrecy envelope provided, and seal the secrecy envelope;
 - (a) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
 - (b) place the certification envelope, together with a completed elector registration application, if required, in the outer envelope, and then seal the outer envelope; and,
 - (d) mail, or have delivered, the outer envelope and its contents to the chief election officer at the address specified so that it is received no later than the close of voting on general voting day.

Ballot acceptance or rejection

20. 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.
21. If the chief election officer is satisfied as to:
- (1) the identity and entitlement to vote of the elector whose ballot is enclosed; and
 - (2) the completeness of the certification.

the chief election officer or designate shall mark the certification envelope as "accepted"

and shall mark the voting book to indicate that the elector has voted.

22.

- (1) Until 4:00 p.m. on the Thursday two days before general voting day, upon receipt of the outer envelope and its contents, the chief election officer or designated election official must immediately record the date of such receipt and must then open the outer envelope and remove and examine the certification envelope and the completed elector registration application, if applicable, and if satisfied as to:
 - (a) the identity and entitlement to vote of the elector whose mail ballot is enclosed; and
 - (b) the completeness of the certification; and
 - (c) the fulfillment of the requirements of section 70 of the *Local Government Act* in the case of a person who is registering as a new elector;

the chief election officer or designated election official must mark the certification envelope as "accepted", and must retain all such certification envelopes in custody to deal with any challenges made in accordance with Section 26 of this bylaw.

- (2) The unopened certification envelopes must remain in the secure custody of the chief election officer or designated election official until 4:00 p.m. on the Thursday two days before general voting day, at which time the certification envelopes containing the secrecy envelopes must be opened in the presence of at least one other person, including any scrutineers present
- (3) At 4:00 p.m. on the Thursday two days before general voting day, the chief election officer or designated election official must place all secrecy envelopes received up until that time into a ballot box specified for such purpose, where such secrecy envelopes were received from persons whose right to vote using a mail ballot has not been challenged, or where such challenge has been resolved and the challenged person permitted to vote.
- (4) Where an outer envelope and its contents are received by the chief election officer or designated election official between 4:00 p.m. on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of Section 22(1) of this bylaw with regard to ballot acceptance apply and the chief election officer or designated election official must retain such envelope in custody until the close of voting and at that time must open such certification envelopes in the presence of at least one other person, including any scrutineers present, and place the secrecy envelopes containing the ballot into the ballot box containing the other unopened secrecy envelopes.
- (5) After all of the secrecy envelopes have been placed in the ballot box designated for that purpose, and following the close of voting on general voting day, the following procedures must be followed:
 - (a) under the direction of the chief election officer or designated election official the ballot box containing the secrecy envelopes must be opened;
 - (b) in the presence of at least one other person including any scrutineers present, the secrecy envelopes must be removed and opened and the ballots contained in those envelopes inserted for counting into a vote tabulating unit or portable ballot box; and
 - (c) after the procedures set out in paragraphs (a) and (b), the procedures set out in Part 4 of this bylaw must be followed to the extent that they are applicable.
- (6) Where:
 - (a) upon receipt of an outer envelope, the chief election officer is not satisfied as to the identity of the elector whose mail ballot is enclosed; or
 - (b) in the case of a person required to complete an application for registration as an elector, the chief election officer is not satisfied that the person registering as a new elector has fulfilled the requirements of section 70 of the *Local Government Act*; or
 - (c) the outer envelope is received by the chief election officer or designated election

official after the close of voting on general voting day,

the certification envelope must remain unopened, and the chief election officer or designated election official must mark such envelope as "rejected", and must note his or her reasons for doing so, and the mail ballot contained in such envelope must not be counted in the election.

- (7) Any certification envelopes and their contents rejected in accordance with Section 22(6) of this bylaw must remain unopened and are subject to the provisions of section 160 of the *Local Government Act* with regard to their destruction."

23. 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.

24. If:

(1) 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

(2) 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.

25. Any certification envelopes and their contents rejected in accordance with Section 24 of this Bylaw shall remain unopened and shall not be counted in the election.

Challenge of elector

26. 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 section 116 of the *Local Government Act*.

Replacement of spoiled ballot

27. 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.

28. 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.

PART 4 - AUTOMATED VOTING

Use of voting machines

29. Unless otherwise provided in this Bylaw, elections and assent voting that may be required from time to time shall be conducted using an automated vote counting system.

Automated voting procedures

30. 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, including the use of the security sleeve, as soon as such elector enters the voting place

and before a ballot is issued to the elector.

31. Upon completion of the voting demonstration, if any, the elector shall proceed as instructed to the election official responsible for issuing ballots, who, upon fulfilment 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.
32. Upon receiving a ballot the elector shall immediately proceed to a voting compartment to vote.
33. The elector may vote only by making an acceptable mark on the ballot:
 - (1) 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
 - (2) 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. 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.
39. 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.
40. During any period that a vote counting unit is not functioning, an elector shall insert his or her ballot into a portable ballot box on the understanding that if the vote counting unit:
 - (1) becomes operational, or
 - (2) 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.

-
41. 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.

Advance Voting Opportunity Procedures

42. 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 Part 4 of this Bylaw.
43. At the close of voting at each advance voting opportunity, the presiding election official in each case shall ensure that:
 - (1) no additional ballots are inserted in the vote counting unit;
 - (2) the portable ballot box is locked to prevent insertion of any ballots;
 - (3) the results tapes in the vote counting unit are not generated; and,
 - (4) the memory pack of the vote counting unit is secured.
44. At the close of voting at the final advance voting opportunity, the presiding election official shall:
 - (1) ensure that any remaining ballots in the portable ballot box are inserted into the vote counting unit;
 - (2) secure the vote counting unit so that no more ballots can be inserted; and,
 - (3) 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.

Special Voting Opportunity Procedures

45. Unless the chief election officer determines it is practical to use a vote counting unit, a portable ballot box shall be used for all special voting opportunities. The presiding election official appointed to attend at each special voting opportunity shall proceed in accordance with Section 31, 32, 33 and 34 of this bylaw so far as applicable, except that the voted ballots shall be deposited into the portable ballot box supplied by the presiding election official.
46. 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.
47. If a vote counting unit is in use at a special voting opportunity, the presiding election official appointed to attend the special voting opportunity shall follow the procedures outlined in Sections 29-41 of this bylaw as if it were an advance voting opportunity.

Procedures after close of voting on general voting day

48. 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:

-
- (1) ensure that any remaining ballots in the portable ballot box are inserted into the vote counting unit;
 - (2) secure the vote counting unit so that no more ballots can be inserted;
 - (3) generate three copies of the results tape from the vote counting unit;
 - (4) telephone the result to election headquarters immediately;
 - (5) 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;
 - (6) complete a ballot account in accordance with the *Local Government Act* and place a copy in the ballots and results box;
 - (7) seal the ballots and results box;
 - (8) 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,
 - (9) 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.
49. 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 48 of this Bylaw.
50. 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 48, so far as applicable, shall apply.
51. Upon the fulfillment of the provisions of Sections 48 through 50 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.

Recount Procedure

52. If a recount is requested by a candidate after the 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 packs 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;
 - (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 to ensure that any acceptable marks are counted; and,

(e) to obtain election results, the chief or deputy chief election officer shall place the results of each voting place on spreadsheets so as to tally the total election results.

Resolution Of Tie Vote After Judicial Recount

53. 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*.

Publication of Nomination Documents

54. Public access to nomination documents will be made available by publication of the documents on the District of Central Saanich website, from the time of delivery to the chief election officer until 30 days after the declaration of the election results.

PART 5 - GENERAL

55. 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.

56. 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.

Repeal

57. "Central Saanich Elections Bylaw No. 1847, 2014" is repealed.

READ A FIRST TIME this **18th** day of **June,** 2018.

READ A SECOND TIME this **18th** day of **June,** 2018.

READ A THIRD TIME this **18th** day of **June,** 2018.

ADOPTED this **18th** day of **July,** 2018.