

CITY OF BURNABY

BYLAW NO. 10415

A BYLAW to authorize an automated
vote counting system

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as BURNABY AUTOMATED VOTE COUNTING SYSTEM BYLAW.

2. In this Bylaw, unless the context otherwise requires,

"acceptable mark" means a completed arrow that the vote tabulating 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 referendum 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 tabulating units, each of which rests on a two compartment ballot box, one compartment of which is for:

(i) voted ballots, and

(ii) returned ballots that have been reinserted using the ballot override procedure,

and the other for the temporary storing of voted ballots during such time as the vote tabulating unit is not functioning, and

- (b) a number of portable ballot boxes into which voted ballots are deposited where a vote tabulating unit is not being used, for counting after the close of voting on general voting day;

"ballot" means a single automated ballot card that is designed for use in an automated vote counting system and shows

- (a) the names of all of the candidates for each of the offices of Mayor, Councillor, and School Trustee, and
- (b) all of the choices on all of the bylaws or other matters on which the assent of the electors is sought;

"ballot return override procedure" means the use by an election official of a device on a vote tabulating unit that causes the unit to accept a returned ballot;

"election headquarters" means Burnaby City Hall, 4949 Canada Way, Burnaby.

"emergency ballot compartment" means one of two separate compartments in the ballot box under each vote tabulating unit into which voted ballots are temporarily deposited in the event that the unit ceases to function;

"memory pack" means a computer software cartridge that plugs into the vote tabulating unit and into which is programmed

- (a) the names of all of the candidates for each of the offices of Mayor, Councillor and School Trustee, and

(b) the alternatives of "yes" and "no" for each bylaw or other matter on which the assent of the electors is sought

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

"portable ballot box" means a ballot box that is used as a voting place in the election, where a vote tabulating unit is not being used;

"register tape" means the printed record generated from a vote tabulating unit at the close of voting on general voting day, which shows the number of votes for each candidate for each of the offices of Mayor, Councillor and School Trustee, and the number of votes for and against each bylaw or other matter on which the assent of the electors is sought;

"returned ballot" means a voted ballot that was inserted into the vote tabulating 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 tabulating unit" means the device into which voted ballots are inserted and that scans each ballot and records the number of votes for each candidate for and against each bylaw or other matter on which the assent of the electors is sought.

3. Council hereby authorizes the conducting of general local elections in the City of Burnaby using an automated vote counting system.

VOTING PROCEDURES

4. (1) The presiding election official for each voting place and at each advance voting opportunity shall, as soon as the elector enters the voting place and before a ballot is issued, offer, and if requested, direct, an election official to provide a demonstration to an elector of how to vote using an automated vote counting system.

(2) Upon completion of the voting demonstration, if any, the elector shall proceed as instructed to the election official responsible for the issuing ballots, who:

- (a) shall ensure that the elector
 - (i) is qualified to vote in the election,
 - (ii) is voting in the correct voting division,
 - (iii) completes the voting book as required by the *Municipal Act*; and
- (b) upon fulfilment of the requirements of paragraph (a), shall provide a ballot to the elector, a secrecy sleeve if requested by the elector, and any further instructions the elector requests.

(3) Upon receiving a ballot and secrecy sleeve if so requested, 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 of Mayor, Councillor and School Trustee, and
 - (b) beside either "yes" or "no" in the case of each bylaw or other matter on which the assent of the electors is sought.

(5) When the elector has finished marking the ballot the elector must place the ballot into the secrecy sleeve, if applicable, proceed to the voting tabulating unit and under the supervision of the election official in attendance insert the ballot directly from the secrecy sleeve, if applicable, into the vote tabulating unit without the acceptable marks on the ballot being exposed.

(6) If, before inserting the ballot into the vote tabulating unit, an elector determines that he or she has made a mistake when marking a ballot or if the ballot is returned by the vote tabulating unit, the elector may request a replacement ballot by advising the election official in attendance.

(7) Upon being advised of the replacement ballot request the presiding election official shall direct the elector to the alternate presiding election official who 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 the ballot is not damaged to the extent that it cannot be reinserted into the vote tabulating unit, the election official shall, using the ballot return override procedure, reinsert the returned ballot into the vote tabulating unit to count any acceptable marks that have been made correctly.

(9) Any ballot counted by the vote tabulating 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 tabulating 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 tabulating unit is not functioning, the election official supervising the unit shall insert all ballots delivered by the electors during this time into the emergency ballot compartment, but if the vote tabulating unit

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

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

(12) Any ballots that were temporarily stored in the emergency ballot compartment and are returned by the vote tabulating 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 tabulating unit to ensure that any acceptable marks are counted.

(13) A sample ballot that may be used in an automated vote counting system is attached as Schedule "A" to this Bylaw.

ADVANCE VOTING OPPORTUNITY PROCEDURES

5. (1) Vote tabulating units shall be used to conduct the vote at all advance voting opportunities, and voting procedures at the advance voting opportunities shall follow as closely as possible those described in section 4 of this Bylaw.

(2) At the close of voting at each advance voting opportunity the presiding election official in each case shall ensure

- (a) that no additional ballots are inserted in the vote tabulating unit,
- (b) that the emergency ballot box is locked to prevent insertion of any ballots,
- (c) that the register tapes in the vote tabulating unit are not generated,
- (d) that the memory pack in the vote tabulating unit is secured.

(3) The presiding election official shall, at the close of voting at the final advance voting opportunity

- (a) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote tabulating unit,
- (b) secure the vote tabulating unit so that no more ballots can be inserted, and
- (c) deliver the vote tabulating 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

6. (1) A portable ballot box shall be used for all special voting opportunities, and the presiding election official appointed to attend at each special voting opportunity shall proceed in accordance with subsections (2), (3), (4) and (5) of section 3 so far as applicable, except that the voted ballots shall be deposited into the portable ballot box supplied by the presiding election official.

(2) 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.

PROCEDURES AFTER THE CLOSE OF VOTING ON GENERAL VOTING DAY

7. (1) After the close of voting on general voting day at voting opportunities where a vote tabulating unit was used in the election, but excluding advance and special voting opportunities

- (a) each presiding election official shall
 - (i) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote tabulating unit,
 - (ii) secure the vote tabulating unit so that no more ballots can be inserted,
 - (iii) generate three copies of the register tape from the vote tabulating unit,
 - (iv) deliver one copy of the register tape, along with the memory pack from the vote tabulating unit, to the chief election officer at election headquarters; and

- (b) each alternate presiding election official shall
 - (i) account for the unused, spoiled and voted ballots, and place them, packaged and sealed separately, into the election materials transfer box along with one copy of the registered tape,
 - (ii) complete the ballot account and place the duplicate copy in the election materials transfer box,
 - (iii) seal the election materials transfer box,
 - (iv) place the voting books, the original copy of the ballot account, one copy of the register tape, completed registration cards, keys and all completed administrative forms into the chief election officer portfolio,
 - (v) transport all materials and equipment to election headquarters.

(2) At the close of voting on the general voting day the chief election officer shall direct an election official for the advance voting opportunity to proceed in accordance with clauses 7.(1)(a)(iii) and (iv) and clauses 7.(1)(b)(i) to (iv).

(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 tabulating unit to be counted after which the provisions of subsection 7.(1), so far as applicable, shall apply.

RECOUNT PROCEDURE

8. (1) If a recount is required 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 tabulating units will be cleared,
- (b) vote tabulating units will be designated for each voting place;
- (c) all ballots will be removed from the sealed ballot boxes, and
- (d) all ballots, except spoiled ballots, will be reinserted in the appropriate vote tabulating units under the supervision of the chief election officer.

Read a first time this 24th day of JUNE 1996



Read a second time this 24th day of JUNE 1996

Read a third time 24th day of JUNE 1996

Received the approval of the Minister of Municipal Affairs, pursuant to section



102(3) of the *Municipal Act*, this 11th day of JULY 1996

Reconsidered and adopted this 22nd day of JULY 1996


MAYOR

CLERK

SCHEDULE "A"

CIVIC ELECTION CITY OF CANADA

To Vote, completely fill in the arrows) 
Point to your choice(s) like this: 
Use the Special Marking Pen Provided

MAYOR <small>(Vote for One Only)</small>	OFFICE OF COUNCILLOR <small>(Vote for not more than Eight)</small>	OFFICE OF SCHOOL TRUSTEE <small>(Vote for not more than Two)</small>
BROADBENT, ED	ACKROYD, DON	BENNETT, JIM
CLARK, JIM	ADAMS, BRYAN	CHAPMAN, JIM
DIEFENBAKER, JOHN	ATWOOD, MARGARET	DOUGLAS, JIM
MULRONEY, GUY	CANDY, JOHN	DUPLESSIS, MAURICE
TRUDEAU, PIERRE	FOX, MICHAEL	GETTY, DON
TURNER, DON	GOULET, ROBERT	LEVESQUE, RENE
	GREENE, LORNE	LOUGHEED, PETER
	GRETZKY, WAYNE	LYON, STEPHEN
	KIDDER, WARDEN	MANNING, ERNEST
	LITTLE, BOB	SCHREYER, ED
	LOMBARDO, DON	SMALLWOOD, JERRY
	LLOYD, CHESTER	VANDER ZALM, BILL
	MCNEIL, BOB	
	MITCHELL, DON	
	MURRAY, BOB	
	NELLIGAN, BOB	
	PLUMMER, CHRISTOPHER	
	SHATNER, WILLIAM	
	SHORT, MARTIN	
	YOUNG, NEIL	

QUESTION NO. 1

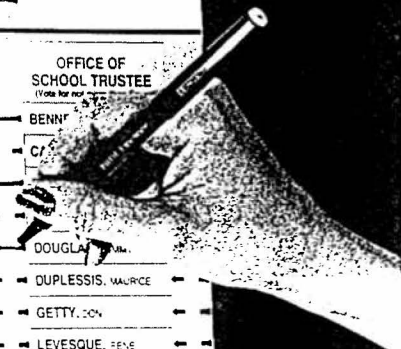
Should the City of Canada be authorized to issue bonds to finance the proposed project?

YES NO

QUESTION NO. 2

Should the City of Canada be authorized to issue bonds to finance the proposed project?

YES NO



Province of British Columbia



No. 960227

Statutory Approval

Under the provisions of section 102

of the Municipal Act

I hereby approve Bylaw No. 10415

of the City of Burnaby, *a copy*

of which is attached hereto.

Dated this 11 *day*

of July, 1996

A handwritten signature in cursive script, appearing to read 'D. Miller', written over a dotted line.

Minister of Municipal Affairs and Housing