

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 737

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*, the Regional Board may, by bylaw, determine various procedures and requirements to be applied to the conduct of local government elections and other voting;

AND WHEREAS the Regional Board may, by bylaw, provide for the use of automated voting machines, voting recorders or other devices for voting in an election;

AND WHEREAS the Regional Board wishes to establish various voting procedures and requirements under that authority and use automated voting machines in elections and other voting;

NOW THEREFORE, the Board of the Sunshine Coast Regional District, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as *Sunshine Coast Regional District Election Procedures Bylaw No. 737, 2022*.

2. REPEAL

Sunshine Coast Regional District Election Procedure Bylaw No. 692, 2014 and all amendments thereto are hereby repealed.

3. DEFINITIONS

“Acceptable mark” means a completed mark that the vote counting unit is able to identify, which:

- (a) has been made by an elector in the space provided on a ballot opposite the name of any candidate or opposite either "yes" or "no" on any question in accordance with the *Local Government Act*, and
- (b) the vote counting unit is able to identify.

“Applicant” means an elector who wants to vote by mail and make a request for a mail ballot;

“Authorized Person” means a person that the applicant has authorized, on the applicant's behalf, to:

- (a) pick up a mail ballot package; or
- (b) drop off a completed mail ballot package.

“Automated vote counting system” means a system that counts and records votes and processes and stores election or any voting results which comprises:

- (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;
- (iii) and the other compartment 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 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 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.

“Election headquarters” means the Sunshine Coast Regional District Administration office at 1975 Field Road, Sechelt, British Columbia.

“Elector” means a resident elector, or non-resident property elector as defined by the *Local Government Act*.

“General Local Election” means the election held for the electoral area directors of the Regional District which must be held in the year 2014 and in every fourth year thereafter.

“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.

“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.

“Regional District” means the Sunshine Coast Regional District.

“Register of Mail Ballots” means the records that the Chief Election Officer must keep of electors voting by mail ballot.

“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 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.

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

“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

This Bylaw applies to all Regional 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 Regional District.

5. USE OF PROVINCIAL LIST OF VOTERS

For the purposes of all local elections and submissions to the electors under Part 3 and 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 submissions to the electors.

6. ACCESS TO NOMINATION DOCUMENTS

In addition to the public inspection requirements under section 89 of the *Local Government Act*, nomination documents will be available on the Sunshine Coast Regional District’s website as soon as practicable from the date the nomination documents are delivered to the Regional District until thirty days after the declaration of official election results.

7. ACCESS TO DISCLOSURE STATEMENTS

As authorized under subsection 59(3) of the *Local Elections Campaign Financing Act*, a fee of \$0.25 per page will be imposed for providing a copy or other record of information referred to in subsection 59(1) of the *Local Elections Campaign Financing Act*.

8. REQUIRED ADVANCE VOTING OPPORTUNITIES

In accordance with section 107 of the *Local Government Act*, two advance voting opportunities for an election by voting and for other voting will be held from 8:00 a.m. to 8:00 p.m. at locations to be established by the Chief Election Officer on:

- (a) the 10th day before general voting day; and
- (b) the 3rd day before general voting day.

9. ADDITIONAL ADVANCE VOTING OPPORTUNITIES

As authorized under section 108 of the *Local Government Act*, the Regional Board authorizes the Chief Election Officer to establish additional advance voting opportunities to be held in advance of general voting day and to designate the voting places, to establish the dates and

voting hours for these voting opportunities in a manner the Chief Elections Officer considers appropriate.

10. ADDITIONAL GENERAL VOTING OPPORTUNITIES

The Regional Board authorizes the Chief Election Officer to establish additional general voting opportunities for general voting day and to designate the voting places and set the voting hours within the limits set out in section 106 of the *Local Government Act*, for the additional general voting opportunities in any manner the Chief Election Office considers appropriate.

11. MAIL BALLOT VOTING

- (a) As authorized under section 110 of the *Local Government Act*, and in accordance with this Bylaw, voting and elector registration may be done by mail.
- (b) The time limits in relation to voting by mail ballot will be determined by the Chief Election Officer.
- (c) As provided in the *Local Government Act*, to be counted, a mail ballot must be received by the Chief Election Officer before the close of voting on general voting day.

12. APPLICATION PROCEDURE FOR MAIL BALLOT VOTING

- (a) An Applicant may apply to vote by mail in writing by providing their name and address to the Chief Election Officer until 4:30 p.m. two (2) days before general voting day.
- (b) Upon the Applicant making a request for a mail ballot, the Chief Election Officer shall, as soon as practical:
 - (i) make available to the applicant by mail or in person, a mail ballot package containing the contents as specified in section 110 (7) of the *Local Government Act*, the ballots, forms, envelopes and other information advising the Applicant how to vote by mail ballot, and a statement advising the elector that they must meet the eligibility to vote criteria and of the requirement to attest to such fact; and,
 - (ii) immediately record in the Register of Mail Ballots, and upon request make available for inspection, the name and address of the person to whom the mail ballot package was issued and any other information that the Chief Election Officer deems appropriate.
- (c) As per the Applicant's direction, the Chief Election Officer may distribute the mail ballot package in any of the following ways:
 - (i) sending the mail ballot package by Canada Post;
 - (ii) sending the mail ballot package by courier at the expense of the Applicant;
 - (iii) having the mail ballot package picked up by the Applicant at a designated time and location; or
 - (iv) having the mail ballot package picked up by an Authorized Person at a designated time and location.
- (d) The Chief Election Officer may request that the Authorized Person show identification and sign a form before providing the Authorized Person with the mail ballot package.

13. VOTING PROCEDURE FOR MAIL BALLOT VOTING

- (a) To vote by 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.
- (b) After marking the ballot, the elector shall:
 - (i) place the ballot in the secrecy envelope provided and seal the secrecy envelope;
 - (ii) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
 - (iii) place the certification envelope, together with a completed elector registration application, if required, in the outer envelope, and then seal the outer envelope; and
 - (iv) mail, or have delivered, the outer envelope and its contents to the Chief Election Officer at the address specified so that it is received by the Chief Election Officer no later than the close of voting on general voting day.
- (c) In accordance with section 110 (4) of the *Local Government Act*, electors who register by mail are not required to produce to an election official copies of proof of their identity and place of residence, however they must attest to such fact in the presence of a witness and record having done so on the certification envelope.

14. MAIL BALLOT ACCEPTANCE OR REJECTION

- (a) Upon receipt of returned mail ballot packages before the close of voting on the general voting day, the Chief Election Officer shall immediately record in the Register of Mail Ballots the time and date of its receipt and shall open the outer envelope and examine the certification envelope.
- (b) When the Chief Election Officer examines the certification envelope, the Chief Election Officer shall:
 - (i) confirm the identity and entitlement to vote of the Applicant and/or elector whose ballot is enclosed;
 - (ii) determine the fulfilment of the requirements in section 70 of the *Local Government Act* and the completeness of any application to register, if required; and
 - (iii) determine the completeness of the certification envelope.
- (c) If the Chief Election Officer is satisfied that the elector has met the requirements in section 14(b), the Chief Election Officer shall:
 - (i) mark the certification envelope as “accepted”;
 - (ii) place the accepted and unopened certification envelope with the other certification envelopes in a secured and designated mail ballot box marked “accepted certification envelopes”; and,
 - (iii) mark the voting book to indicate the elector has voted.
- (d) If, on receiving a returned mail ballot envelope and its contents:
 - (i) the Chief Election Officer is not satisfied as to the identify to the elector; or
 - (ii) the elector has not completed the application to register in accordance with this Bylaw or the *Local Government Act*; or
 - (iii) it is received by the Chief Election Officer after the close of voting on general voting day,

the Chief Election shall mark the certification envelope as “rejected”, indicate the reasons for the rejection and set aside the rejected unopened certification envelope.

- (e) The Chief Election Officer shall retain in their custody all accepted and rejected certification envelopes.
- (f) After 4:30 p.m. two (2) days before general voting day, the Chief Election Officer, in the presence of at least 1 other election official, including any candidate representatives, shall:
 - (i) deal with any challenges to the electors involving the accepted certification envelopes;
 - (ii) open the accepted certification envelopes;
 - (iii) unless the right of the elector identified on the accepted certification envelope has been challenged and not resolved in favour of them being permitted to vote, remove the secrecy envelopes containing the ballots; and
 - (iv) place the secrecy envelope containing the ballot in the ballot box if manual count, or open the secrecy envelope and run the ballot through the vote counting unit.
- (g) If the Chief Election Officer receives a return envelope with its contents after 4:30 p.m. two (2) days before general voting day, but before the close of general voting, the Chief Election Officer shall:
 - (i) handle those returned envelopes in accordance with sections 14(a) at the time that the Chief Election Officer receives the returned envelopes;
 - (ii) retain all accepted certification envelopes until the close of general voting day;
 - (iii) process the accepted certification envelopes in accordance with sections 14(b) to 14(e) after the close of general voting day.
- (h) As soon as possible after the close of voting on general election day, in the presence of at least one (1) other election official and any candidate representatives, the Chief Election Officer shall supervise:
 - (i) the opening of the ballot box containing previously processed accepted certification envelopes and mail ballots;
 - (ii) the opening of the secrecy envelopes, and
 - (iii) the running of the ballot through the vote counting unit.
- (i) If the Chief Election Officer receives a return envelope with its contents after the close of general voting day, the Chief Election Officer shall:
 - (i) mark the return envelope as "rejected";
 - (ii) indicate the reason why the return envelope was rejected on the return envelope; and
 - (iii) place the unopened return envelope with the other rejected return envelopes.
- (j) Any rejected certification envelopes and their contents shall remain unopened and will be subject to the provisions of the *Local Government Act* regarding their destruction.

15. MAIL BALLOT CHALLENGE OF ELECTOR

A person who qualifies under section 126 of the *Local Government Act* may challenge the right of a person exercising the right to vote by mail ballot on the grounds set out in section 126 up until 4:30 p.m. two (2) days before general voting day.

16. MAIL BALLOT ELECTOR'S NAME ALREADY USED

If, upon receiving a request for a mail ballot, the Chief Election Officer determines that another person has voted or has already been issued a mail ballot in the elector's name, the Chief Election Officer shall comply with section 127 of the *Local Government Act*.

17. REPLACEMENT OF SPOILED MAIL BALLOT

- (a) If an elector unintentionally spoils a mail ballot before returning it to the Chief Election Officer, the elector may request a replacement ballot by:
 - (i) advising the Chief Election Officer of the ballot spoilage; and
 - (ii) mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer.
- (b) Upon receipt of the spoiled ballot package, the Chief Election Officer shall, record such fact, and proceed in accordance with Part 13 of this bylaw so far as practicable within the applicable time limitations.

18. USE OF VOTING MACHINES

- (a) The Chief Election Officer may use an automated vote counting system for the conduct of elections and voting on bylaws or other matters on which the opinion or assent of the electors is sought.
- (b) The Chief Election Officer must conduct a test of the automated vote counting system before each local government election or other voting and must be satisfied that it is in good working order.
- (c) As soon as the test of the automated vote counting system is completed, the Chief Election Officer must secure the memory packs and ensure that they will remain secured until the election or other voting is complete.

19. AUTOMATED VOTING PROCEDURES

- (a) The presiding election official for each voting place shall offer, and 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.
- (b) 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.
- (c) Upon receiving a ballot the elector shall immediately proceed to a voting compartment to vote.
- (d) The elector may vote only by making an acceptable mark on the ballot:
 - (i) 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
 - (ii) 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.

- (e) 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.
- (f) 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 election official in attendance.
- (g) 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.
- (h) 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.
- (i) Any ballot counted by the vote counting unit is valid and any acceptable marks contained on such ballots will be counted, subject to any determination made under a judicial recount.
- (j) 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.
- (k) During any period that a vote counting unit is not functioning, the election official supervising the unit shall insert all ballots delivered by the electors during this time, into the storage ballot compartment, on the understanding that if the vote counting unit:
 - (i) becomes operational, or
 - (ii) is replaced with another vote counting unit, the ballots in the storage ballot compartment 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.
- (l) Any ballots which were temporarily stored in the storage ballot compartment 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.

20. ADVANCE VOTING OPPORTUNITY PROCEDURES

- (a) Unless the Chief Election Officer determines it is practical to use a portable ballot box, vote counting units and storage ballot compartments 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 19 of this Bylaw.

- (b) At the close of voting at each advance voting opportunity, the presiding election official in each case shall ensure that:
 - (i) that any portable ballot boxes are sealed and no additional ballots are inserted in the vote counting unit;
 - (ii) the storage ballot compartment is locked to prevent insertion of any ballots;
 - (iii) the results tapes in the vote counting unit are not generated; and
 - (iv) the memory pack of the vote counting unit is secured.
- (c) At the close of voting advance voting opportunity, the presiding election official shall:
 - (i) ensure that any ballots that may have been temporarily stored in the storage ballot compartment are inserted into the vote counting unit;
 - (ii) seal and secure the vote counting unit so that no more ballots can be inserted; and
 - (iii) deliver the vote counting unit together with the sealed memory pack and all other materials used in the election to the Chief Election Officer at election headquarters.

21. ADDITIONAL ADVANCE AND GENERAL VOTING OPPORTUNITY PROCEDURES

- (a) Unless the Chief Election Officer determines it is practical to use a vote counting unit and storage ballot compartments, a portable ballot box shall be used for:
 - (i) all additional general and additional advance voting opportunities established by the Chief Election Officer in accordance with this Bylaw and the *Local Government Act*.
- (b) The presiding election official appointed to attend at each additional general or advance voting opportunity shall proceed in accordance with Part 19 of this Bylaw as far as applicable except that the voted ballots shall be deposited into the portable ballot box supplied by the presiding election official if those are being used.
- (c) The presiding election official at an additional general or advance voting opportunity shall ensure that the portable ballot box is sealed and secured when not in use and, at the close of voting of any additional general or advance 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.
- (d) If a vote counting unit is in use at an additional general or advance voting opportunity, the presiding election official appointed to attend the additional voting opportunity shall follow the procedures outlined in Part 20 of this Bylaw as if it were an advance voting opportunity.

22. PROCEDURES AFTER CLOSE OF VOTING ON GENERAL VOTING DAY

- (a) After the close of voting on general voting day, each presiding election official, except those responsible for advance and any additional general or advance voting opportunities, shall undertake all of the following, generally in the order stipulated:
 - (i) ensure that any ballots that may have been temporarily stored in the storage ballot compartment are inserted into the vote counting unit;
 - (ii) secure the vote counting unit so that no more ballots can be inserted;
 - (iii) generate two copies of the results tape from the vote counting unit;
 - (iv) telephone the result to election headquarters immediately;
 - (v) 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;
 - (vi) complete the ballot account and place the duplicate copy in the ballots and results box;

- (vii) seal the ballots and results box;
 - (viii) 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
 - (ix) 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.
- (b) At the close of voting on general voting day, the Chief Election Officer shall direct the presiding election official for the advance voting opportunity, mail ballots and any additional general or advance voting opportunities where vote counting units were used, to proceed in accordance with Section 22(a)(i) to (viii) of this Bylaw.
- (c) 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 22(a) (i) to (viii) as far as applicable, shall apply.
- (d) Upon the fulfilment of the provisions of Section 22(a) to (c) 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 Sunshine Coast Regional District Administration office, indicating the total results.

23. RECOUNT PROCEDURE

In in order to determine the results after the preliminary election results are announced, and at the sole discretion of the Chief Election Officer it is necessary or desirable to conduct a recount of the votes for any position on the Regional Board, a recount may be conducted under the direction of the Chief Election Officer by directing election officials for the unofficial recount to proceed generally in accordance with Section 22(a) (i) to (viii) of this Bylaw using the automated vote counting system and generally in accordance with the following procedure:

- (a) the memory packs of the applicable vote counting units to be used will be cleared.
- (b) a vote counting unit will be designated for each voting place.
- (c) all voted ballots for the applicable vote counting units will be removed from the sealed election materials boxes, except spoiled ballots or rejected ballots, 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 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) the Chief Election Officer shall tally the votes and communicate the total election results.

24. RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with section 151 of the *Local Government Act*.

25. SEVERABILITY

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion may be severed and the remainder of the Bylaw will be deemed valid.

READ A FIRST TIME this	26 th	day of	May, 2022
READ A SECOND TIME this	26 th	day of	May, 2022
READ A THIRD TIME this	26 th	day of	May, 2022
ADOPTED this	9 th	day of	June, 2022




CORPORATE OFFICER


CHAIR