

CITY OF PRINCE GEORGE
BYLAW NO. 9294, 2022

A Bylaw to establish various procedures for the conduct of local government elections and other voting.

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

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

NOW THEREFORE the Council of the City of Prince George, in open meeting of Council, **ENACTS AS FOLLOWS:**

PART I - INTRODUCTION

1. Definitions

In this Bylaw all definitions shall be in accordance with the *Local Government Act*, except for the following:

“acceptable mark” means a completed oval that the vote tabulating unit is able to identify and has been made by an elector in the space provided on the ballot opposite the name of a candidate or opposite either ‘yes’ or ‘no’ on a question.

“automated vote counting system” means a system that counts and records votes and processes and stores election results which comprises:

- (a) a number of ballot scan vote tabulating units, each of which rests on a ballot box; and
- (b) a number of portable ballot boxes into which voted ballots are deposited where a vote tabulating 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 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 of mayor, councillors and school trustees; and
- (b) all of the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought.

“ballot marking device” means a device that physically marks a ballot as intended by an elector through various computer assisted user-interfaces controlled by the elector, including, without limitation, enhanced audio or visual aids, braille-marked keypads, or sip and puff devices.

“ballot return override procedure” means the use, by an election official, of a device on a vote tabulating unit, which causes the unit to accept a returned ballot.

“election headquarters” means the Office of the chief election officer for the City of Prince George located on the Fifth Floor of City Hall, 1100 Patricia Boulevard, Prince George, BC.

“memory card” means the storage device which stores all the permanent results for the vote tabulating unit.

“portable ballot box” means a ballot box which is used at a voting place where a vote tabulating unit is not being used or is not functioning.

“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 office 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 which was inserted into the vote tabulating unit by the elector but which was not accepted and which 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 tabulating 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.

2. Application

The provisions of this bylaw apply to general local elections and other voting.

3. Nomination Deposits

3.1. A nomination for election to hold office as a member of Council must be accompanied by a nomination deposit in the amount of \$100.00 for each candidate for the office of mayor or the office of councillor.

3.2. A nomination deposit must be held and dealt with by the chief election officer

in the following manner in accordance with section 88 of the *Local Government Act*:

- (a) If the person nominated is not declared to be a candidate under section 97 of the *Local Government Act* [declaration of candidates], the deposit is to be returned to the person or to the financial agent of the person;
- (b) If the person nominated and declared to be a candidate files a disclosure statement as required under the *Local Elections Campaign Financing Act* in accordance with section 47 (1) [time limit for filing on time] of that Act, the deposit is to be returned to the person or the financial agent of the person;
- (c) If the person nominated and declared to be a candidate does not file a disclosure statement as required under the *Local Elections Campaign Financing Act* in accordance with section 47 (1) [time limit for filing on time] of that Act, but an application for relief in relation to the disclosure statement is made under Division 2 [Court orders for Relief in Relation to Disclosure Requirements] of Part 6 of the *Local Elections Campaign Financing Act*; the court provides relief in relation to forfeiture of the deposit; and if applicable, there is compliance with the court order, the deposit is returned to the person or the financial agent of the person;
- (d) In other cases, the deposit is forfeited and is to be paid to the City.

4. Number of Nominators

The minimum number of qualified nominators required to make a nomination for office as a member of Council shall be ten (10).

5. Access to Election Documents by Electronic Means

Pursuant to Sections 89 (7) and 89 (8) of the *Local Government Act*, nomination documents received from all candidates for election for mayor or councillor will be made available on the City of Prince George web site for a period of thirty (30) days after the declaration of the election results. This availability is in addition to and in no way affects other access to such documents provided by the Act.

6. Availability of Disclosure Statements

From the time any information in a disclosure statement related to the City of Prince George is made available on the Elections BC authorized internet site pursuant to section 58 (1) (a) of the *Local Elections Campaign Financing Act*, the Corporate Officer shall:

- (a) Make that information available for public inspection at City Hall during regular office hours on request; and

- (b) Ensure a link is created on the City of Prince George website to connect to the information related to the City of Prince George provided on the Elections BC authorized internet site.

PART II – CONDUCT OF ELECTIONS AND OTHER VOTING

7. Elector Registration

- (a) For the purposes of all elections and other voting under Part 3 and 4 of the *Local Government Act*, a person may register as an elector only at the time of voting.
- (b) Registration as an elector under Section 7., subsection (a), of this bylaw is effective only for the voting or other matters on which the opinion of the electors is being sought at the time of voting.

8. Additional General Voting Opportunities

The Council authorizes the chief election officer to establish additional general voting opportunities for general voting day for each election or other voting and to designate the voting places and voting hours, within the limits set out in Section 106 (2) of the *Local Government Act*, for such voting opportunities.

9. Required Advance Voting Opportunities

As required under Section 107 of the *Local Government Act*, two (2) advance voting opportunities are hereby established:

- (a) one (1) on the 10th day before general voting day; and
- (b) one (1) on the 4th day before general voting day.

10. Additional Advance Voting Opportunities

As authorized under Section 108 of the *Local Government Act*, the Council authorizes the chief election officer to establish additional advance voting opportunities for each election or other voting to be held in advance of general voting day and to designate the voting places, establish the date and the voting hours for these voting opportunities.

11. Special Voting Opportunities

- 11.1 The Council authorizes the chief election officer to provide a voting opportunity to electors who may otherwise be unable to vote in whatever manner deemed appropriate including:

- (a) the establishment of a special voting opportunity as authorized under section 109 of the *Local Government Act* for each election and other voting and to designate the locations, dates and the voting hours within the limits set out in section 109 of the *Local Government Act*, for these special voting opportunities; and
 - (b) the provision of mail ballot voting under section 12 of this Bylaw.
- 11.2 Special voting opportunities under section 11.1 (a) of this Bylaw will be restricted to only residents, patients, or staff of a location where the special voting opportunity has been established by the chief election officer.
- 11.3 Council authorizes the chief election officer to limit the number of candidate representatives who may be present at the special voting opportunities established under section 11.1(a) of this Bylaw.

12. Mail Ballot Voting Opportunity

- 12.1. As authorized under section 110 of the *Local Government Act*, voting may be done by mail ballot subject to timelines and procedures in section 12 of this Bylaw.
- 12.2. Once a mail ballot package has been accepted by the chief election officer, that voter may only vote by mail ballot.
- 12.3. The following procedures for voting by mail ballot must apply:
- (a) Sufficient record will be kept by the chief election officer so that challenges of the elector's right to vote may be made in accordance with the intent of section 126 of the *Local Government Act*.
 - (b) A person exercising the right to vote by mail under the provisions of section 110 may be challenged in accordance with, and on the grounds specified in section 126 of the *Local Government Act*, until 4:30 p.m. two (2) days before general voting day.
 - (c) In accordance with section 110 (4) (b) of the *Local Government Act*, the time limits in relation to voting by mail ballot will be determined by the chief election officer.
 - (d) As provided in the *Local Government Act*, a mail ballot must be received by the chief election officer before the close of voting on general voting day in order to be counted for an election or other voting.
 - (e) Procedures for conduct of mail ballot voting shall be in accordance with those outlined in sections 110 (5), 110 (6), 110 (7), 110 (8) and 110 (9) of the *Local Government Act*.

13. Resolution of Tie Votes 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*.

14. Automated Voting Counting System

14.1 Use of Voting Machines

Council hereby authorizes the conducting of general local elections and other voting in the City of Prince George using an automated vote counting system and ballot marking device.

14.2 Automated Voting Procedures

14.2.1 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.

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

(a) shall ensure that the elector:

- (i) is qualified to vote in the election; and
- (ii) is voting in the correct voting division [if applicable]; and
- (iii) completes the voting book as required by the *Local Government Act*; and

(b) upon fulfilment of the requirements of subsection (a), shall provide a ballot to the elector, a secrecy sleeve if requested by the elector, and any further instructions the elector requests.

14.2.3 Upon receiving a ballot, and secrecy sleeve if so requested, the elector shall immediately proceed to a voting compartment to vote.

14.2.4 The elector may vote only by making an acceptable mark on the ballot either manually or by using a ballot marking device, if such a device is available:

- (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 or opinion of the electors is sought.

- 14.2.5 Once the elector has finished marking the ballot, the elector must place the ballot into the secrecy sleeve, if applicable, proceed to the vote 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.
- 14.2.6 If, before inserting the ballot into the vote tabulating unit, an elector determines that he/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.
- 14.2.7 Upon being advised of the replacement ballot request, the presiding election official [or alternate 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.
- 14.2.8 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 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 which have been made correctly.
- 14.2.9 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.
- 14.2.10 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.
- 14.2.11 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 a portable ballot

box, provided that if the vote tabulating unit:

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

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

14.2.12 Any ballots which were temporarily stored in a portable ballot box which 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.

14.2.13 Sample ballots generally in the form attached as Schedule "A" or Schedule "B" to this Bylaw may be used in an automated vote counting system.

14.3 Advance Voting Opportunity Procedures

14.3.1 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 14.2 of this Bylaw.

14.3.2 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 tabulating unit;
- (b) the portable ballot box is sealed to prevent insertion of any ballots;
- (c) the register tapes in the vote tabulating unit are not generated; and
- (d) the memory card of the vote tabulating unit is secured.

14.3.3 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 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

card and all other materials used in the election to the chief election officer at election headquarters.

14.4 Special Voting Opportunity Procedures

14.4.1 Unless the chief election officer determines it is practical to use a vote tabulating unit, a portable ballot box as defined herein, 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 Sections 14.2.2, 14.2.3, 14.2.4 and 14.2.5 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.

14.4.2 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.

14.4.3 If a vote tabulating 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 Section 14.3 of this Bylaw as if it were an advance voting opportunity.

14.5 Procedures After Close of Voting on General Voting Day

14.5.1 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 portable ballot box 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; and
- (iv) deliver one copy of the register tape along with 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 register tape;
- (ii) complete the ballot account and place the duplicate copy in the election materials transfer box;
- (iii) seal the election materials transfer box;
- (iii) place the voting books, the original copy of the ballot account, one copy of the register tape, completed registration cards (if applicable), keys and all completed administrative forms into the chief election officer portfolio; and
- (iv) transport all equipment and materials to election headquarters.

14.5.2 At the close of voting on general voting day the chief election officer shall direct the presiding election official for the advance voting opportunity and any special voting opportunities where vote tabulating units were used, to proceed in accordance with Section 14.5.1 of this Bylaw.

14.5.3 At the close of voting on general voting day all portable ballot boxes used in the election will be opened under the direction of the chief election officer and all ballots shall be removed and inserted into a vote tabulating unit to be counted, after which the provisions of Section 14.5.1, so far as applicable, shall apply.

14.6 Recount Procedure

14.6.1 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 cards 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.

15. General

15.1 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.

15.2 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 of 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 invalid portion.

16. Repeal

“Election and Other Voting Procedures Bylaw No. 6067, 1993”, is hereby repealed.

17. Citation

This Bylaw may be cited as "City of Prince George Election and Other Voting Procedures Bylaw No. 9294, 2022”.

READ A FIRST TIME THIS **28TH** DAY OF **MARCH**, 2022.


READ A SECOND TIME THIS **28TH** DAY OF **MARCH**, 2022.

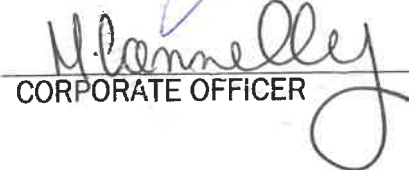
READ A THIRD TIME THIS **28TH** DAY OF **MARCH**, 2022.

All three readings passed by a **UNANIMOUS** decision of Members of City Council present and eligible to vote.

ADOPTED THIS **11TH** DAY OF **APRIL**, 2022.

BY A **UNANIMOUS** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

Acting  _____
 MAYOR

 _____
 CORPORATE OFFICER