CITY OF SURREY

BY-LAW NO. 12858

A by-law to authorize an automated vote
counting system and procedure.

....

WHEREAS pursuant to Section 102 of the Municipal Act, R.S.B.C., Chapter 290, the Council of the City of Surrey is empowered to provide, by by-law, for the use of automated voting machines, voting recorders or other devices for voting in an election;

NOW, THEREFORE, the Council of the City of Surrey, in open meeting assembled, enacts as follows:

DEFINITIONS

1.   (1)   In this By-law, all definitions shall be in accordance with Section 35 of the

Municipal Act, except for the following:

"Acceptable Mark" - means a completed arrow which the vote tabulating unit is able to identify, which 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 which comprises:

(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 which 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 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, Councillor, School Trustee, and Health Councillor; and

(b)   all of the choices on all of the referendum questions on which the opinion of, or consent from, the electors is sought.

"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 Surrey City Hall, 14245 - 56 Avenue, Surrey.

"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 which plugs into the vote tabulating unit and into which is pre-programmed;

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

(b)   the alternatives of "yes" and "no" for each referendum question;

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

"Portable Ballot Box" - means a ballot box which is used at 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, and for any by-elections, which shows the number of votes for each candidate for each of the offices of Mayor, Councillor, School Trustee, and Health Councillor, and the number of votes for and against each referendum question.

"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 referendum question.

AUTHORIZATION

2. (1)   Authorization is hereby given for the conducting of the City of Surrey's general

local elections for Mayor, Councillor, School Trustee, Health Councillor, any by-elections and referendum questions using an automated vote counting system.

AUTOMATED VOTING PROCEDURES

3. (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 in 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 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 fulfillment of the requirements of Sub-Section (a), shall then provide a ballot to the elector, along with a secrecy sleeve, if requested by the elector, and any further instructions the elector requests.

(3)   Upon being given 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, School Trustee, and Health Councillor; and

   (b)   beside either "yes" or "no" in the case of each referendum question.

(5)   Once 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 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 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 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.

(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, provided that 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 which were temporarily stored in the emergency ballot compartment, 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.

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

ADVANCE VOTING OPPORTUNITY PROCEDURES

4.   (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 3 of this By-law.

(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

5.   (1)   A portable ballot box, as defined herein, 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 Section 3.(2), (3), (4) and (5) 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

6.   (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;

each presiding election official shall:

(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;

(c)   generate three copies of the register tape from the vote tabulating unit;

(d)   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;

each alternate presiding election official shall:

(e)   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;

(f)   complete the ballot account and place the duplicate copy in the election materials transfer box;

(g)   seal the election materials transfer box;

(h)   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;

(i)   await arrival of election staff to transport all equipment and materials to the designated election storage facility.

(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 to proceed in accordance with Section 6.1(c) to (h) inclusive, of this By-law.

(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 Section 6.1(a) to (h), so far as applicable, shall apply.

RECOUNT PROCEDURE

7.   (1)   If a recount is required, it shall be conducted under the direction of the chief

election officer, and 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.

REPEAL

8.   (1)   "Automated Vote Counting System Authorization and Procedure By-law, 1993,
No. 12015" is hereby repealed.

CITATION

9.   (1)   This By-law may be cited for all purposes as "Automated Vote Counting System Authorization and Procedure By-law, 1996, No. 12858."

PASSED THREE READINGS ON THE 24th day of June, 1996.

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING pursuant to Section 102(3) of the Municipal Act on the 11th day of July, 1996.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 22nd day of July, 1996.

_____MAYOR

_____CLERK

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