



CIVIC ELECTION ADMINISTRATION AND PROCEDURE

BYLAW NO. 7244

EFFECTIVE DATE – July 9th, 2001

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW

EFFECTIVE DATE

| | |
|------------|---------------|
| Bylaw 7368 | June 24, 2002 |
| Bylaw 8386 | July 14, 2008 |
| Bylaw 8770 | July 11, 2011 |
| Bylaw 8778 | July 11, 2011 |

CITY OF RICHMOND
**CIVIC ELECTION ADMINISTRATION
AND PROCEDURE**

BYLAW NO. 7244

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CITY OF RICHMOND

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BYLAW NO. 7244**

The Council of the City of Richmond enacts as follows:

PART ONE: PROVINCIAL LIST OF ELECTORS AUTHORIZATION

- 1.1 The provincial list of voters as of 52 days before General Voting Day and prepared under the Election Act, together with any advance registrations received in accordance with section 1.2 is adopted as the register of resident electors for the **City** for a General Local Election and a **by-election**.
- 1.2 Advance registration in connection with a General Local Election and a **by-election** is authorized.
- 1.3 The City Clerk is authorized to arrange any additional special registration opportunities which are deemed expedient in connection with a General Local Election or a **by-election**.

PART TWO: SCRUTINEERS

- 2.1 Authorization is given for not more than two scrutineers for each candidate at a General Local Election and a **by-election** to be present at a voting place, including at advance voting and at any special voting opportunities, while voting proceedings are being conducted.

PART THREE: REPEALED

**PART FOUR: VOTE COUNTING SYSTEM AND GENERAL ELECTION
PROCEDURES**

4.1 Authorization

- 4.1.1 Authorization is given for the conducting of a General Local Election and a **by-election**, including voting at any general voting opportunities, advance voting opportunities, special voting opportunities, and additional general voting opportunities, if applicable, and voting by mail ballot in connection with either of such elections, using an **automated vote counting system**.

4.2 Automated Voting Procedures

- 4.2.1 The presiding election official at each voting place, including at each general voting opportunity, advance voting opportunity, special voting opportunity, and additional general voting opportunity, if applicable, may, as soon as an elector enters the voting place and before a **ballot** is issued to the elector, offer a demonstration of how to vote using an **automated vote counting system**.
- 4.2.2 Upon completion of any voting demonstration, the elector must proceed as instructed to the election official , who:
- (a) must ensure that the elector:
 - (i) is qualified to vote in the election; and
 - (ii) completes the appropriate voting book; and
 - (b) upon fulfilment of the requirements of clause (a), must then provide a **ballot** to the elector, and any further instructions the elector requests.
- 4.2.3 Upon being given a **ballot**, the elector must immediately proceed to a voting booth to mark the **ballot**.
- 4.2.4 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, whichever is applicable; and ,
 - (b) if applicable, beside either “yes” or “no” in the case of each bylaw and question.
- 4.2.5 Once the elector has finished marking the **ballot**, the elector must proceed to the **vote counting unit**, and under the supervision of the election official in attendance, insert the **ballot** into the **vote counting unit** without, so far as possible, the **acceptable marks** on the **ballot** being exposed.
- 4.2.6 Any **ballot** accepted 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.
- 4.2.7 Once the **ballot** has been inserted into the **vote counting unit** and the **vote counting unit** indicates that the **ballot** has been accepted, the elector must immediately leave the voting place.
- 4.2.8 A sample **ballot** to be used in an General Local Election or a **by-election** conducted under an **automated vote counting system** is attached as Schedule A and forms a part of this bylaw.

4.3 Replacement of Spoiled Ballot

4.3.1 If:

- (a) before inserting the **ballot** into the **vote counting unit**, an elector determines that a mistake has been made when marking the **ballot**, or
- (b) the **ballot** has been inserted into the **vote counting unit** and returned,

the elector may request a replacement **ballot** by advising the election official in attendance.

4.3.2 Upon being advised of a request for a replacement **ballot**, the presiding election official must:

- (a) issue a replacement **ballot** to the elector;
- (b) mark the **returned ballot** as spoiled, and
- (c) retain all such spoiled **ballots** separately from all other **ballots**.

4.3.3 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 must, using the **ballot return over-ride procedure**, reinsert the **returned ballot** into the **vote counting unit** to count any **acceptable marks**.

4.4 Malfunction of Vote Counting Unit

4.4.1 During any period that a **vote counting unit** is not functioning, the election official supervising the unit must direct electors to insert their **ballots** into the **emergency ballot compartment**.

4.4.2 Where a **vote counting unit** which was not functioning:

- (a) becomes operational; or
- (b) is replaced with another **vote counting unit**,

the **ballots** in the **emergency ballot compartment** must, 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 counting unit** to be counted.

4.4.3 Any **ballots** which were temporarily stored in the **emergency ballot compartment** during a period when the **vote counting unit** was not functioning, which are returned by the **vote counting unit** when being counted, must, through the use of the **ballot return over-ride 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.

4.5 Advance Voting, Special Voting and Additional General Voting Opportunity Procedures

- 4.5.1 **Vote counting units** are to be used at each advance voting, special voting and additional general voting opportunities, and voting procedures at each must follow as closely as possible, those described in section 4.2.
- 4.5.2 During any period that a **vote counting unit** being used at an advance voting, special voting or additional general voting opportunity is not functioning, the provisions of subsections 4.4.1 and 4.4.2 apply, so far as applicable.
- 4.5.3 The presiding election official, at the close of voting at an advance voting opportunity, special voting opportunity, and additional general voting opportunity that does not end at 8:00 pm on General Voting Day, must:
- (a) ensure that any remaining **ballots** in the **emergency ballot compartment** are inserted into the **vote counting unit**;
 - (b) secure the vote counting unit so that no more ballots can be inserted;
 - (c) ensure that the results tapes in the vote counting units are not generated;
 - (d) complete the ballot account to account for the voted ballots, unused ballots, spoiled ballots and unaccounted for ballots, and place ballot account in the election night returns envelope;
 - (e) place the voted ballots into the election materials transfer box;
 - (f) place the spoiled ballots in a sealed envelope and place the envelope into the election materials transfer box;
 - (g) seal the election materials transfer box;
 - (h) place the list of electors and any voting books/list of electors, if applicable, completed elector registration forms, and all completed administrative forms into the Chief Election Officer envelope; and
 - (i) deliver the vote counting unit, together with the memory pack and all other election materials, to the Chief Election Officer at election headquarters.

4.6 Procedures after the Close of Voting

4.6.1 After the close of voting on General Voting Day, each presiding election official, except those responsible for mail ballot voting, advance voting opportunities, special voting opportunities, and additional general voting opportunities that do not end at 8:00 pm on General Voting Day, must:

- (a) ensure that any remaining **ballots** in the **emergency ballot compartment** are inserted into the **vote counting unit**;
- (b) secure the **vote counting unit** so that no more **ballots** can be inserted;
- (c) generate two copies of the **results tape** from the **vote counting unit**;
- (d) remove the **memory pack** from the **vote counting unit** and deliver it, along with one copy of the **results tape**, to the Chief Election Officer at **election headquarters**;
- (e) complete the ballot account to account for the **voted ballots**, unused ballots, spoiled ballots and unaccounted for ballots, and place ballot account in the election night returns envelope;
- (f) place the **voted ballots** into the election materials transfer box;
- (g) place the spoiled ballots in a sealed envelope and place the envelope into the election materials transfer box;
- (h) seal the election materials transfer box;
- (i) place the list of electors and any voting books/list of electors, if applicable, one copy of the **results tape**, completed elector registration forms, and all completed administrative forms into the Chief Election Officer envelope; and
- (j) deliver:
 - (i) the sealed election materials transfer box
 - (ii) the **vote counting unit**;
 - (iii) the election night returns envelope; and
 - (iv) the Chief Election Officer envelope,

to the Chief Election Officer at **election headquarters**.

4.6.2 After the close of voting on General Voting Day the Chief Election Officer must:

- (a) direct the presiding election officials for the advance voting opportunities, special voting opportunities, and additional general voting opportunities that ended prior to 8:00 pm on General Voting Day, or another election official under the direction of the Chief Election Officer, to:
 - (i) generate two copies of the **results tape** from the **vote counting unit**; and
 - (ii) remove the **memory pack** from the **vote counting unit** and deliver it, along with one copy of the **results tape**, to the Chief Election Officer at election headquarters; and
- (b) direct an election official to open the **portable ballot box** used for mail ballot voting, and to remove and insert all mail ballots into a **vote counting unit** to be counted, after which the provisions of clauses (c) to (j) inclusive of subsection 4.6.1, so far as applicable, apply.

4.6.3 Upon the fulfilment of the provisions of subsections 4.6.1 and 4.6.2, the Chief Election Officer must, to obtain the election results, direct an election official to insert the **memory packs** from each **vote counting unit** into the **memory pack receiver (accumulator)** in order to obtain the totals of the votes.

4.7 Recount Procedure

4.7.1 If a recount is required, it must 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** must be reinserted into the designated **vote counting unit** from which they came, to be cleared of all **votes** recorded;
- (b) a **results tape** must be generated to ensure that no **votes** are recorded for any candidate in the election, or beside either "yes" or "no" in the case of any bylaw and question;
- (c) all **voted ballots** must be removed from the sealed election materials transfer boxes, and reinserted in the appropriate **vote counting units** under the supervision of the Chief Election Officer;
- (d) any **ballots** returned by the **vote counting unit** during the recount process must, through the use of the **ballot return over-ride procedure**, be reinserted into the **vote counting unit** to ensure that any **acceptable marks** are counted; and

- (e) to obtain the election results, the **memory packs** must be inserted into the **memory pack receiver (accumulator)** in accordance with subsection 4.6.3.

4.8 Resolution of Tie Vote After Judicial Recount

- 4.8.1 In the event of an equality of valid votes for two or more candidates following a judicial recount for a general local election or **by-election** for the office of Mayor or Councillor, the result will be determined by lot in accordance with section 141 of the *Local Government Act*.

PART FIVE: MAIL BALLOT AUTHORIZATION AND PROCEDURES

5.1 Authorization

- 5.1.1 Voting by mail ballot, and elector registration by mail in conjunction with mail ballot voting, are authorized for a General Local Election and a **by-election**.
- 5.1.2 In accordance with the provisions of the *Local Government Act* only those persons who:
 - (a) have a physical disability, illness, or injury that affects their ability to vote at another voting opportunity; or
 - (b) persons who expect to be absent from the municipality on general voting day and at the times of all advance voting opportunities,are permitted to vote by mail ballot.

5.2 Application Procedure

- 5.2.1 A person wishing to vote by mail ballot must apply, by giving his or her name and address to the Chief Election Officer no later than 4:00 p.m. on General Voting Day.
- 5.2.2 Upon receipt of a request for a mail ballot and commencing as soon as practical after the final printed ballots are available, the Chief Election Officer must:
 - (a) make available to the applicant, a mail ballot package, together with a statement advising the elector that the elector must meet one or more of the mail ballot requirements specified in subsection 5.1.2, and that they must attest to such fact; and
 - (b) immediately record and, upon request, make available for inspection:
 - (i) the name and address of the person to whom the mail ballot package was issued; and
 - (ii) information as to whether the person is registered as an elector, or is a "new elector", if that person is not on the register of electors.

5.3 Voting Procedure

- 5.3.1 In order to vote using a mail ballot, the elector must mark the **ballot** in accordance with the instructions contained in the mail ballot package provided by the Chief Election Officer.
- 5.3.2 After marking the mail ballot, the elector must:
- (a) place the mail ballot in the secrecy envelope provided, and seal the secrecy envelope;
 - (b) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
 - (c) place the certification envelope, together with a completed elector registration application, if required, in the outer envelope, and then seal the outer envelope;
 - (d) mail, or have delivered, the outer envelope and its contents to the Chief Election Officer at **election headquarters** so that it is received no later than the close of voting on General Voting Day.
- 5.3.3 The mail ballot package will be sent by Canada Post regular prepaid letter mail, unless the elector requesting the mail ballot package makes arrangements for hand delivery and pick-up or for expedited courier service, at the expense of the elector.

5.4 Replacement Of Spoiled Ballot

- 5.4.1 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 being spoiled and by mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer.
- 5.4.2 The Chief Election Officer must, upon receipt of the spoiled ballot package in accordance with subsection 5.4.1, record such fact, and proceed in accordance with subsection 5.2.2.

5.5 Mail Ballot Acceptance Or Rejection

- 5.5.1 Upon receipt of each mail ballot envelope and its contents, the Chief Election Officer must:
- (a) immediately record the date of such receipt; and

- (b) 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:
 - (i) the identity and entitlement to vote of the elector whose mail ballot is enclosed; and
 - (ii) the completeness of the certification; and
 - (iii) the fulfilment of the requirements of the *Local Government Act* in the case of a person who is registering as a new elector,

the Chief Election Officer must mark the certification envelope as "accepted", and must retain all such certification envelopes in secure custody to deal with any challenges made in accordance with section 5.7.

5.5.2 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, such application has not been completed in accordance with the *Local Government Act*; or
- (c) the outer envelope is received by the Chief Election Officer after the close of voting on General Voting Day,

the certification envelope must remain unopened, and the Chief Election Officer must mark such envelope as "rejected", and must note his reasons for doing so, and the mail ballot contained in such envelope must not be counted in the election.

5.5.3 Any certification envelopes and their contents rejected in accordance with subsection 5.5.2 must remain unopened and are subject to the provisions of the *Local Government Act* with regard to their destruction.

5.5.4 At 6:00 p.m. on General Voting Day, the Chief Election Officer must, in the presence of at least one other person, including any scrutineers present, place all secrecy envelopes received up until that time into a **portable ballot box** designated for such purpose, where:

- (a) such secrecy envelopes were received from persons whose right to vote using a mail ballot has not been challenged; or
- (b) such challenge has been resolved, and the challenged person has been permitted to vote.

5.5.5 Where an outer envelope and its contents are received by the Chief Election Officer between 6:00 p.m. on General Voting Day and the close of voting on General Voting Day, the provisions of subsection 5.5.1 and 5.5.2 with regard to ballot acceptance and rejection apply, and the Chief Election Officer must, in the

presence of at least one other person, including any scrutineers present, open such certification envelopes containing the secrecy envelopes, and place the secrecy envelopes containing the mail ballots into the **portable ballot box** identified in subsection 5.5.4.

5.6 Mail Ballot Procedures After the Close of Voting

5.6.1 As soon as possible after all of the secrecy envelopes have been placed in the **portable ballot box** designated for that purpose, the ballot box must be opened under the supervision of the Chief Election Officer, and in the presence of at least one other person and any scrutineers present, the secrecy envelopes must be opened and the mail ballots contained in such envelopes must be inserted into the **vote counting unit** designated to receive mail ballots, to be counted.

5.6.2 Any mail ballots which are returned by the **vote counting unit** when being counted, must, through the use of the **ballot return over-ride 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.

5.7 Challenge Of Elector

5.7.1 A person exercising the right to vote by mail ballot may be challenged in accordance with, and on the grounds specified in, the *Local Government Act* until the close of voting on General Voting Day.

5.7.2 The provisions of the *Local Government Act* apply, so far as applicable, where a challenge of an elector using a mail ballot has been made.

5.8 Elector's Name Already Used

5.8.1 Where, 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 that elector's name, the provisions of the *Local Government Act* apply, so far as applicable.

PART FIVE A: ADDITIONAL GENERAL VOTING OPPORTUNITY ESTABLISHMENT

5A.1 The Chief Election Officer is authorized:

- (a) to establish any additional general voting opportunities; and
- (b) to designate voting places and to set the voting hours for such voting opportunities, for a General Local Election and a **by-election**.

PART SIX: ADVANCE VOTING OPPORTUNITY ESTABLISHMENT

- 6.1** The second required advance voting opportunity is established on the 9th day before General Voting Day for a General Local Election and a **by-election**.
- 6.2** The Chief Election Officer is authorized:
- (a) to establish dates for any additional advance voting opportunities; and
 - (b) to designate voting places and to set the voting hours for such voting opportunities, for a General Local Election and a **by-election**.

PART SEVEN: SPECIAL VOTING OPPORTUNITY ESTABLISHMENT

- 7.1** The Chief Election Officer is authorized:
- (a) to establish dates for any special voting opportunities; and
 - (b) to designate voting places and to set the voting hours for such special voting opportunities, for a General Local Election and a **by-election**.

PART SEVEN A: ACCESS TO NOMINATION DOCUMENTS, DISCLOSURE STATEMENTS AND SUPPLEMENTARY REPORTS

- 7A.1** In addition to the public inspection requirement in the *Local Government Act*, authorization is given to also make nomination documents available by the internet or other electronic means from the time of delivery until 30 days after the declaration of election results.
- 7A.2** In addition to the public inspection requirement in the *Local Government Act*, authorization is given to also make disclosure statements and supplementary reports available by the internet or other electronic means from the time of filing until 7 years after general voting day for the election to which they relate.
- 7A.3** The documents described in sections 7A.1 and 7A.2 will be made available for public inspection in their entirety as filed, except that residential addresses and personal telephone numbers of any individual will be omitted from any such documents made available by the internet.

PART EIGHT: PREVIOUS BYLAW REPEAL

- 8.1** Civic Election Administration and Procedure Bylaw No 7025 (adopted July 12, 1999) is repealed.

PART NINE: INTERPRETATION

9.1 In this bylaw, unless the context requires otherwise:

ACCEPTABLE MARK

means a completed arrow which the **vote counting 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 bylaw and question.

AUTOMATED VOTE COUNTING SYSTEM

means a system that counts and records votes marked manually or with the assistance of a **ballot marking device**, if such a device is available, and processes and stores election results which comprises:

- (a) a number of ballot scan **vote counting units**, each of which rests on a two compartment ballot box, one of which is for **voted ballots** and the other being an **emergency ballot compartment**; and
- (b) a **portable ballot box** into which voted mail ballots are deposited, to be counted after the close of voting on General Voting Day.”

BALLOT

means a ballot designed for use in an **automated vote counting system**, which shows:

- (a) the names of all candidates for each of the offices of Mayor, Councillor, School Trustee, whichever is applicable; and
- (b) all of the choices on all of the bylaws and questions on which the assent or opinion of the electors is sought, if applicable.

BALLOT MARKING DEVICE

means a device which 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 OVER-RIDE 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**.

| | |
|---|---|
| BY-ELECTION | means an election under the provisions of Section 37 of the <i>Local Government Act</i> . |
| CITY | means the City of Richmond. |
| ELECTION HEADQUARTERS | means Richmond City Hall, 6911 No. 3 Rd, Richmond. |
| EMERGENCY BALLOT COMPARTMENT | means a separate designated compartment in the ballot box under each vote counting unit into which voted ballots are temporarily deposited in the event that the vote counting unit ceases to function. |
| MEMORY PACK | <p>means a computer software cartridge which is inserted into the vote counting unit and into which is pre-programmed:</p> <ul style="list-style-type: none"> (a) the names of all the candidates for each of the offices of Mayor, Councillor, School Trustee, whichever is applicable; and (b) if applicable, the alternatives of “yes” or “no” for each bylaw and question, <p>and a mechanism to record and retain information on the number of acceptable marks made for each.</p> |
| MEMORY PACK RECEIVER (ACCUMULATOR) | means a tabulation device which reads the recorded votes contained within each memory pack , and which automatically accumulates the totals of those recorded votes to produce a final vote count for all of the offices on the ballot , and on each of the bylaws and questions, if applicable. |
| PORTABLE BALLOT BOX | means a ballot box which is used in the election where a vote counting unit is not being used at the time of voting. |
| 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 of Mayor, Councillor, School Trustee, whichever is applicable, and the number of votes for and against each bylaw and question, if applicable. |
| RETURNED BALLOT | means a voted ballot which was inserted into the vote counting unit but which was not accepted, and which was returned with an explanation of the ballot marking error which caused the ballot to be returned. |

| | |
|---------------------------|---|
| VOTE COUNTING UNIT | means the device into which voted ballots are inserted and which scans each ballot and counts and records the number of votes for each candidate and for and against each bylaw and question. |
| VOTED BALLOT | means a ballot on which an elector has made acceptable marks . |

- 9.2** Undefined terms in this bylaw have the same meaning as the terms defined and used in Part 3 of the *Local Government Act*.

PART TEN: SEVERABILITY AND CITATION

- 10.1** If any part, section, subsection, clause or sub-clause of this bylaw is, for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 10.2** This bylaw is cited as “**Civic Election Administration and Procedure Bylaw No. 7244**”.

SCHEDULE A to BYLAW NO. 7244

GENERAL LOCAL ELECTION/BY-ELECTION



Do not Write in this Space

Do not Write in this Space

To vote, completely fill in the arrow(s) ← → Point to your choice(s), like this: ← → Use Only Special Marker Provided

OFFICE OF MAYOR
(Vote for One (1) Only)

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

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CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

OFFICE OF COUNCILLOR
(Vote for not more than (8) Eight)

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

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CANDIDATE ← →

CANDIDATE ← →

REFERENDA

QUESTION NO. 1

"Do you assent to City Council having the authority to adopt

YES ← →

NO ← →

OFFICE OF SCHOOL TRUSTEE
(Vote for not more than (7) Seven)

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

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CANDIDATE ← →

CANDIDATE ← →

CANDIDATE ← →

QUESTION NO. 2

"Do you assent to City Council having the authority to adopt

YES ← →

NO ← →

QUESTION NO. 3

"Do you assent to City Council having the authority to adopt

YES ← →

NO ← →