



## **BYLAW 3544**

### **Election Bylaw**

#### **Contents**

##### *Section*

- 1 Register of resident electors
- 2 Voting day registration only
- 3 Required advance voting opportunities
- 4 Additional general voting opportunities
- 5 Automated voting
- 6 Determination of results by lot if tie vote
- 7 Severability
- 8 Repeal

The council of The Corporation of the District of North Cowichan, enacts as follows:

#### **Register of resident electors**

- 1 The most current available Provincial list of voters prepared under the *Elections Act* becomes the register of resident electors 87 days before general voting day.

#### **Voting day registration only**

- 2 As permitted by section 54 of the *Local Government Act*, registration as an elector is limited to registration at the time of voting.

#### **Required advance voting opportunities**

- 3 (1) Advance voting opportunities for an election must be held on the 4<sup>th</sup> and 10<sup>th</sup> days before general voting day.  
(2) Despite subsection (1), if an advance voting opportunity falls on a statutory holiday as defined by the *Employment Standards Act*, the advance voting opportunity must be held on the day following the statutory holiday.

#### **Additional general voting opportunities**

- 4 The chief election officer may
  - (a) establish additional voting opportunities for general voting day, and
  - (b) designate the voting places and set the voting hours for these voting opportunities.

#### **Automated voting**

- 5 (1) In this section:  
“**acceptable mark**” means a completed oval made by an elector on a ballot that

can be identified by a voting machine;

**“ballot”** means the form of ballot designed for use with a voting machine that meets the requirements of section 105 of the *Local Government Act*;

**“emergency ballot compartment”** means the ballot box compartment into which voted ballots are temporarily stored in the event that the voting machine ceases to function;

**“returned ballot”** means a voted ballot that was not accepted by a voting machine;

**“secrecy sleeve”** means a folded sleeve of paper into which a voted ballot can be inserted to protect the secrecy of the ballot;

**“voting machine”** means an electronic device into which voted ballots are inserted, that scans ballots and records the number of valid votes cast.

- (2) General local elections and other voting may be conducted using voting machines.
- (3) If a general local election or other voting opportunity is conducted using voting machines, after receiving a ballot, an elector must
  - (a) proceed without delay to a voting compartment provided,
  - (b) mark the ballot while it is screened from observation by making an acceptable mark
    - (i) opposite the name of the candidate or candidates for whom the elector wishes to vote, or
    - (ii) opposite a response option on a voting question,
  - (c) conceal all marks made on the ballot without folding the ballot either by
    - (i) carrying the ballot face down, or
    - (ii) inserting the ballot into a secrecy sleeve,
  - (d) leave the voting compartment without delay,
  - (e) insert the ballot into a voting machine, and
  - (f) leave the voting place without delay.
- (4) An election official may, and if requested by an elector must, explain to the elector the proper method for voting by ballot.
- (5) If an elector unintentionally spoils a ballot before inserting it into a voting machine, the elector may obtain a replacement ballot by giving the spoiled ballot to the presiding election official.

- (6) If, after the ballot has been inserted into the voting machine, the elector's ballot is returned, the election official must, using the information provided by the voting machine, make a reasonable effort to
  - (a) advise the elector of the error, and
  - (b) offer the elector the opportunity to obtain a replacement ballot.
- (7) If the elector declines the opportunity to receive a replacement ballot and has not damaged the ballot to the extent that it cannot be reinserted into a voting machine, the election official must reinsert the returned ballot into the voting machine to count any acceptable marks on the ballot that have been made correctly.
- (8) During any period that a voting machine is not functioning, the presiding election official must ensure that all voted ballots delivered by electors during that time are put into a secured emergency ballot compartment for later counting.
- (9) If a voting machine becomes operational or is replaced with another voting machine, the presiding election official must, after the close of general voting,
  - (a) remove any ballots from an emergency ballot compartment and insert them into an operating voting machine to be counted, and
  - (b) reinsert any returned ballots into the voting machine to ensure that all acceptable marks are counted.

**Determination of results by lot if tie vote**

- 6** If at the completion of a judicial recount the results of an election cannot be determined because there is an equal number of valid votes for two or more candidates, the results must be determined by lot, in accordance with section 141 of the *Local Government Act*.

**Severability**

- 7** If any provision of this bylaw is for any reason held to be invalid by a court of competent jurisdiction, the provision must be severed so that the remainder of this bylaw remains valid.

**Repeal**

- 8** "Election Bylaw 2004," No. 3209, is repealed.

READ a first time on May 7, 2014  
READ a second time on May 7, 2014  
READ a third time on May 7, 2014  
ADOPTED on May 21, 2014

---

M. O. Ruttan, Corporate Officer

---

J. W. Lefebure, Mayor