



COWICHAN VALLEY REGIONAL DISTRICT

**Bylaw No. 4126
(As Amended by Bylaw No. 4437)**

BYLAW NO. 4126 – ELECTION AND ASSENT VOTING PROCEDURES BYLAW, 2017

**CONSOLIDATED FOR CONVENIENCE ONLY
(June 28, 2022)**

The amendment bylaws listed below have been incorporated into enactment Bylaw No. 4126 for convenience purposes only. Persons making use of the consolidated version of Bylaw No. 4126 are advised that it is not a legal document and that for the purpose of interpreting and applying the law, the original bylaws must be consulted. Certified copies or original bylaws are available through the Corporate Officer's Office.

AMENDMENT BYLAW

EFFECTIVE DATE

Bylaw No. 4437

June 22, 2022



COWICHAN VALLEY REGIONAL DISTRICT

**Bylaw No. 4126 – Consolidated for Convenience with
Amending Bylaw No. 4437**

**A Bylaw to Establish Various Procedures for the Conduct of
Local Government Elections and Assent Voting**

WHEREAS under the *Local Government Act*, (the *Act*), the Board of Directors of the Cowichan Valley Regional District may, by bylaw, determine various procedures and requirements to be applied to the conduct of local government elections and assent voting;

AND WHEREAS the Board wishes to establish voting procedures and requirements under that authority;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4126 – Election and Assent Voting Procedures Bylaw, 2017**".

2. **DEFINITIONS**

Board means the Board of Directors of the Cowichan Valley Regional District;

CEO means the Chief Election Officer.

3. **PROVINCIAL LIST OF VOTERS**

The most current available Provincial list of voters prepared under the *Election Act* that is available at the time of an election or assent voting shall become the register of resident electors for Electoral Areas A – Mill Bay/Malahat; B – Shawnigan Lake; C – Cobble Hill; D – Cowichan Bay; E – Cowichan Station/Sahtlam/Glenora; F – Cowichan Lake South/Skutz Falls; G – Saltair/Gulf Islands; H – North Oyster/Diamond; and I – Youbou/Meade Creek; on the 52nd day prior to the general voting day for such election or assent voting.

4. **ADDITIONAL GENERAL VOTING OPPORTUNITIES**

The Board authorizes the CEO to establish additional general voting opportunities for general voting day and to designate the voting places and set the voting hours.

5. REQUIRED ADVANCE VOTING OPPORTUNITIES

Advance voting opportunities must be held for each election and for assent voting from 8:00 AM to 8:00 PM on the 10th and 4th days before general voting day.

6. ADDITIONAL ADVANCE VOTING OPPORTUNITIES

The CEO is authorized to establish dates for additional voting opportunities in advance of general voting day and to designate the voting places and set the voting hours for these voting opportunities.

7. MAIL BALLOT VOTING

Voting by mail ballot and elector registration by mail in conjunction with mail ballot voting is hereby authorized.

8. MAIL BALLOT VOTING TIME LIMITS

The CEO is authorized to establish time limits in relation to receiving applications and dispersing packages for mail ballot voting.

9. MAIL BALLOT VOTING PROCEDURES

Notwithstanding the requirements under the *Act*, procedures for mail ballot voting are set out in Schedule A to this bylaw.

10. AUTOMATED VOTE COUNTING SYSTEM

The CEO may use automated vote counting machines, voting recorders or other devices for voting in an election.

11. AUTOMATED VOTE COUNTING PROCEDURES

Notwithstanding the requirements under the *Act*, if an automated vote counting system is used, procedures for using such systems are set out in Schedule B to this bylaw.

12. RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

In the event of a tie vote after the completion of a judicial recount, the results will be determined by lot.

13. REPEAL

The following bylaws, and amendments thereto, are hereby repealed:

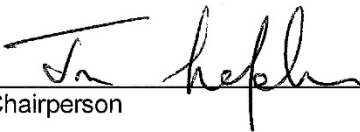
- a) "CVRD Bylaw No. 1981 – Mail Ballot Authorization and Procedure Bylaw, 1999";
- b) "CVRD Bylaw No. 2277 – Elections/Voting Procedures Bylaw, 2001"; and
- c) "CVRD Bylaw No. 3508 – Automated Vote Counting System Authorization and Procedures Bylaw, 2011".

READ A FIRST TIME this 28th day of June, 2017.

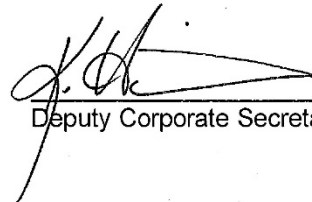
READ A SECOND TIME this 28th day of June, 2017.

READ A THIRD TIME this 28th day of June, 2017.

ADOPTED this 28th day of June, 2017.



Chairperson



Deputy Corporate Secretary



SCHEDULE A
TO CVRD BYLAW NO. 4126
MAIL BALLOT VOTING

1. DEFINITIONS:

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.

Register of Mail Ballots means the records that the Chief Election Officer must keep in order to address any challenges to an elector's right to vote.

For certainty, the definitions contained in the *Local Government Act* shall apply in this schedule.

2. APPLICATION PROCEDURE:

1. A person wishing to vote by mail ballot shall apply by giving their name, phone number and mailing address to the CEO, or designate, and a mail ballot package will be made available to eligible applicants.
2. Upon the Applicant making a request for a mail ballot, the Chief Election Officer shall:
 - (a) make available to the Applicant, a mail ballot package which contains:
 - i. the content set out in the *Local Government Act*;
 - ii. additional instructions; and
 - iii. a statement advising the elector that:
 - a. the elector must meet the eligibility to vote criteria, and
 - b. The elector must attest to such fact; and

- (b) record in the Register of Mail Ballots and, upon request, make available for inspection:
 - i. the name and address of the elector to whom the mail ballot package was issued; and
 - ii. the number of the elector in which the person is registered as an elector, or “new elector”, if that person is not registered as an elector; and
 - iii. any other information that the Chief Election Officer deems helpful to maintain the register of mail ballots.
- 3. As per the Applicant’s direction, the Chief Election Officer may distribute the mail ballot package in any of the following ways:
 - a) sending the mail ballot package by Canada Post;
 - b) sending the mail ballot package by courier at the expense of the Applicant;
 - c) having the mail ballot package picked up by the Applicant at a designated time and location; or
 - d) having the mail ballot package picked up by an Authorized Person at a designated time and location.
- 4. 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.

3. VOTING PROCEDURE

To vote using a mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided by the CEO. After marking the ballot, the elector shall:

- a) place the 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; and
- d) 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.

4. BALLOT ACCEPTANCE OR REJECTION

- 1. Upon receipt of the outer envelope and its contents, the CEO or designate shall:
 - a) immediately record the date of receipt in the Register of Mail Ballots; and
 - b) open the return envelope.

2. When the Chief Election Officer or designate examines the certification envelope, the Chief Election Officer or designate shall:
 - a) confirm the identity of the elector as an Applicant on the Register of Mail Ballots;
 - b) determine the fulfilment of the requirements of the *Local Government Act* in the case of a person who is registering as a new elector; and
 - c) determine the completeness of the certification envelope.
3. If the Chief Election Officer or designate is satisfied that the elector has met the requirements in section 2, the Chief Election Officer or designate shall:
 - a) mark the certification envelope as “accepted”; and
 - b) place the accepted certification envelope with the other certification envelopes in accordance with the *Local Government Act*.
4. If the Chief Election Officer or designate determines that:
 - a) they are not satisfied as to the identity of the elector; or
 - b) the elector has not completed the application to register properly;the Chief Election Officer or designate shall mark the certification envelope as “rejected”, indicate the reason for the rejection as set out in the *Local Government Act* and set aside the rejected certification envelope unopened.
 - c) the rejected certification envelopes and their contents shall remain unopened and be subject to the retention and destruction of election materials as per the *Local Government Act*.
 - d) The Chief Election Officer shall retain in their custody all opened and unopened certification envelopes.
5. The Chief Election Officer or designate, in the presence of at least 1 other person, including any candidate representatives, shall:
 - a) deal with any challenges to the electors involving the accepted certification envelopes;
 - b) open the certification envelopes;
 - c) remove the secrecy envelopes containing the ballots; and
 - d) place the secrecy envelope containing the ballot in the ballot box.
6. At the close of general voting, the ballot box shall be opened under the supervision of the Chief Election Officer, or designate, and in the presence of at least one (1) other person and any candidate representatives or scrutineers present, the Chief Election Officer or designate shall supervise:
 - a) the opening of the ballot box;

- b) the opening of the secrecy envelopes and
 - c) the counting of the ballots in accordance with the provisions of this bylaw and schedules, pursuant to the *Local Government Act*.
7. If the Chief Election Officer receives a return envelope with its contents after the close of general voting day, the Chief Election Officer shall:
- a) mark the return envelope as “rejected”;
 - b) indicate the reason why the return envelope was rejected on the return envelope in accordance with the provisions of the Local Government Act; and
 - c) place the unopened return envelope with the other rejected return envelopes.

5. CHALLENGE OF ELECTOR

Sufficient records will be kept by the CEO so that challenges of the elector’s right to vote may be made in accordance with the intent of the *Act*.

6. ELECTOR’S NAME ALREADY USED

If, upon receiving a request for a mail ballot, the Chief Election Officer or designate determines that another person has voted or has already been issued a mail ballot in the elector’s name, the Chief Election Officer or designate shall comply with the provisions set out in the *Local Government Act* for this scenario.

7. REPLACEMENT OF SPOILED BALLOT

1. If an elector unintentionally spoils a mail ballot before returning it to the Chief Election Officer, the elector may request a replacement ballot by:
 - a) advising the Chief Election Officer of the ballot spoilage; and
 - b) mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer.
2. Upon receipt of the spoiled ballot package, the Chief Election Officer shall record such fact and time permitting, proceed in accordance with Section 2 of Schedule A.



SCHEDULE B

TO CVRD BYLAW NO. 4126

AUTOMATED VOTE COUNTING SYSTEM PROCEDURES

1. DEFINITIONS

The following terms have the following meanings:

Acceptable mark means a mark 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 assent voting 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 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; and
- b) a number of **storage ballots in a temporary compartment** 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**, which shows:

- a) the names of all of the candidates for each of the offices to be filled; 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 return override procedure means an Election Official may manually cause the unit to accept a **returned ballot in a vote counting unit**.

Election headquarters means the Cowichan Valley Regional District office located at 175 Ingram Street, Duncan, British Columbia.

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.

PEO means the Presiding Election Official.

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 matter on which the assent of the electors is sought.

Returned ballot means a voted **ballot** which 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 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.

Storage ballot compartment means a designed compartment in the ballot box under each **vote counting unit** into which voted **ballots** are temporarily deposited in the event that the unit ceases to function. It also means a ballot box, for use in the election, where a **vote counting unit** is not being used at the time of voting.

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 assent voting question.

2. PROCEDURES

1. The PEO 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.
2. Upon completion of the voting demonstration, if any, the elector shall proceed as instructed, to the Election Official responsible for issuing **ballots**, who, upon fulfillment 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.
3. Upon receiving a **ballot** 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 to be filled; 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.

5. 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.
6. 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.
7. Upon being informed of the replacement **ballot** request, the PEO 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 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.
9. Any **ballot** counted 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.
10. 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.
11. 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**:
 - a) becomes operational, or
 - b) 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 PEO, shall be inserted into the **vote counting unit** to be counted.
12. 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 PEO, be reinserted into the **vote counting unit** to ensure that any **acceptable marks** are counted.

3. ADVANCE & SPECIAL VOTING OPPORTUNITY PROCEDURES

1. At the close of voting at each advance or special voting opportunity, the PEO in each case shall ensure that:
 - a) no additional **ballots** are inserted in the **vote counting unit**;
 - b) the **storage ballot compartment** is empty of any **ballots**;
 - c) the **results tapes** in the **vote counting unit** are not generated; and
 - d) the **memory pack** of the **vote counting unit** is secured.

2. At the close of voting at the final advance or special voting opportunity, the PEO shall:
 - a) ensure that any remaining **ballots** in the **storage ballot compartment** are inserted into the **vote counting unit**;
 - b) secure the **vote counting unit** so that no more **ballots** can be inserted; and
 - c) deliver the **vote counting unit** together with the **memory pack** and all other materials used in the election to the CEO at **election headquarters**.

4. PROCEDURES AFTER CLOSE OF VOTING ON GENERAL VOTING DAY

After the close of voting on general voting day, each PEO, including those responsible for advance and special voting opportunities, shall undertake the procedures for counting the votes pursuant to the *Act*, including all of the following:

- a) ensure that any remaining **ballots** in the **storage 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 three copies of the **results tape** from the **vote counting unit**; and
- d) telephone the result to **election** headquarters immediately;
- e) deliver the vote counting unit together with the memory pack and all other materials used in the election to the CEO at election headquarters.