

CONSOLIDATED

ELECTIONS BYLAW NO. 1819

List of Amendments

Consolidated for Convenience Only

This Bylaw has been consolidated to May 16, 2022, for convenience only. Where applicable, capitalization, numerical order, and numbering have been altered for consistency. Copies of the original Bylaw and amendments may be viewed at the Langford City Hall located on the Second Floor, 877 Goldstream Avenue, Langford, BC.

Consolidated to:

Amendment	Bylaw Number	Date Adopted
Amendment #1 2022 (Elections Bylaw)	2057	May 16, 2022

City of Langford

BYLAW NO. 1819

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

The Council of the City of Langford, in open meeting assembled, enacts as follows:

Citation

1. This Bylaw shall be cited as "Election Bylaw No. 1819".

Definitions

2. In this Bylaw:

ACCEPTABLE MARK	means a mark that: a) A vote-counting unit is able to read and count; and b) Is made by an elector in the space provided on a ballot, opposite the name of a candidate or opposite "yes" or "no" on any other voting question.
AUTOMATED VOTE-COUNTING SYSTEM	means a system that counts and records votes, processes and stores election results, and is comprised of the following: a) A number of ballot-scanning vote-counting units, each of which deposits ballots into a ballot box; and b) A number of portable ballot boxes into which voted ballots are deposited, if a vote-counting unit is not functioning or not being used, for counting at a later time.
BALLOT	means a single ballot card designed for use in an automated vote-counting system and including all the information required by the <i>Local Government Act</i> .
BALLOT BOX	means a box for use in an election or assent voting: a) Which can be opened for inspection, b) Which can be securely locked or sealed, and c) Which is used to hold voted ballots.
BALLOT RETURN OVERRIDE 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.
CAMPAIGN PERIOD	means "campaign period" as defined in the <i>Local Elections Campaign Financing Act</i> .
CHIEF ELECTION OFFICER	means the person appointed as Chief Election Officer by City Council, and includes their deputy.
CITY	means the City of Langford.

CORPORATE OFFICER	means the person appointed as Corporate Officer by City Council, and includes their deputy.
ELECTION HEADQUARTERS	means the location which the Chief Election Officer has designated as election headquarters, or in the absence of such a designation, Langford City Hall.
MEMORY CARD	means a computer software cartridge: <ul style="list-style-type: none"> a) Which is inserted into a vote-counting unit, b) 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 c) Which records and retains information on the number of acceptable marks made for each.
POLITICAL ADVERTISING	means advertising used to promote: <ul style="list-style-type: none"> a) The election of a person or political party, or b) A position in a plebiscite or referendum.
POLITICAL SIGN	means a sign used to promote: <ul style="list-style-type: none"> a) The election of a person or political party, or b) A position in a plebiscite or referendum.
PORTABLE BALLOT BOX	means a ballot box, for use in the election, where a vote-counting unit is not being used at the time of voting.
RESULTS TAPE	means a printed record which: <ul style="list-style-type: none"> a) Is generated from a vote-counting unit at the close of voting on general voting day, b) Shows the number of votes for each candidate for each of the offices to be filled, and c) Shows the number of votes for and against each matter on which the opinion or 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.
SECRECY SLEEVE	means an open-ended folder or envelope used to cover a voted ballot to conceal the choices made by an elector, prior to the ballot being deposited in a vote-counting unit or portable ballot box.
VOTE-COUNTING UNIT	means a device: <ul style="list-style-type: none"> a) Into which voted ballots are inserted, b) Which reads each ballot, c) Which records the number of votes for each candidate, and d) Which records the number of votes for and against each question on which the opinion or assent of the electors is sought.

3. Definitions contained in *Part 3 – Electors and Elections* or *Part 4 – Assent Voting* of the *Local Government Act* apply to this Bylaw.
4. This Bylaw applies to all City elections and assent voting opportunities held under *Part 3 – Electors and Elections* or *Part 4 – Assent Voting* of the *Local Government Act*.
5. Where this Bylaw refers to an election, the provision also applies to assent voting, as applicable.
6. 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.

Elector Registration

7. The list of electors for all elections and assent voting shall be comprised of the register of resident electors and the register of non-resident property electors.
8. The most current available Provincial list of voters prepared under the *Election Act* shall become the register of resident electors on the 60th day prior to general voting day.
9. The Corporate Officer must maintain a register of non-resident property electors, which is a register of those persons who have registered as non-resident property electors for the City under the *Local Government Act*.
10. If the Corporate Officer has determined that a person registered as a non-resident property elector no longer meets the ownership requirements for registration, they must remove that person from the non-resident property elector register and notify them by regular mail.

Order of Names on Ballot

11. The order of names of candidates on the ballot shall be determined by lot in accordance with the procedure established in the *Local Government Act*.

Automated Vote-Counting System

12. An automated vote-counting system may be used to conduct elections and voting on bylaws or other matters on which the opinion or assent of the electors is sought.
13. An election official may, and if requested by the elector, must explain to an elector the proper method for voting.
14. Upon entering a voting place, the elector shall proceed as instructed to an election official responsible for issuing ballots, who, upon fulfilment of the requirements of the *Local Government Act*, shall then provide to the elector:
 - a) A ballot;
 - b) A secrecy sleeve, if requested;
 - c) A ballot-marking instrument, or direction as to where a ballot-marking instrument may be found; and
 - d) Any further voting-related instructions the elector requests.

15. Upon receiving a ballot, the elector shall immediately proceed to a voting compartment to mark their ballot.
16. The elector may vote only by making an acceptable mark on the ballot:
 - a) Beside the name of each candidate of choice,
 - b) Up to the maximum number of candidates to be elected for each of the offices to be filled, and
 - c) Beside “yes” or “no” in the case of each bylaw or other matter on which the assent or opinion of the electors is sought.
17. Once the elector has finished marking the ballot, they must immediately:
 - a) Either place the ballot into the secrecy sleeve, or turn the ballot upside down;
 - b) Proceed to the vote-counting unit; and
 - c) 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, and without depositing the secrecy sleeve into the vote-counting unit or ballot box.
18. If a ballot is returned by a vote-counting unit, the election official in attendance must provide the elector an explanation of the ballot-marking error which caused the ballot to not be accepted.
19. 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 from the election official in attendance.
20. Upon being informed of the replacement ballot request, an election official shall:
 - a) Issue a replacement ballot to the elector,
 - b) Mark the returned ballot “spoiled”, and
 - c) Retain all such spoiled ballots separately from all other ballots.
21. 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.
22. Any ballot counted by the vote-counting unit is valid, and any acceptable marks contained on such ballots will be counted, subject to any determination made under a judicial recount.
23. 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.

24. During any period that a vote-counting unit is not functioning, the election official supervising the unit shall direct electors to insert all ballots delivered during this time into a portable ballot box.
25. Any ballots temporarily stored in a portable ballot box under section 24 of this Bylaw shall, as soon as reasonably possible, be removed by an election official, and under the supervision of the presiding election official, be inserted into a vote-counting unit to be counted.
26. Any ballots temporarily stored in a portable ballot box, 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 presiding election official, be reinserted into the vote-counting unit to ensure that any acceptable marks are counted.

Advance Voting Opportunities

27. Advance voting opportunities shall be held from 8 am to 8 pm on:
 - a) The 10th day before general voting day, as required by the *Local Government Act*; and
 - b) The 3rd day before general voting day.
28. The Chief Election Officer is authorized to:
 - a) Establish additional advance voting opportunities in advance of general voting day; and
 - b) Designate the voting places, set the dates, and set the voting hours for any additional advance voting opportunities established under this section.
29. Vote-counting units shall be used at all advance voting opportunities and voting procedures at the advance voting opportunities shall follow, as closely as possible, those described in sections 13 to 26 of this Bylaw.
30. At the close of voting at each advance voting opportunity, the presiding election official in each case shall:
 - a) Ensure that any remaining ballots in an advance voting portable ballot box are inserted into the vote-counting unit;
 - b) Ensure that no additional ballots are inserted into the vote-counting unit;
 - c) Record the total number of ballots accepted by the vote-counting unit;
 - d) Ensure that the results tape is not generated;
 - e) Ensure that the memory card of the vote-counting unit remains secured;
 - f) Account for, package separately, and label the unused and spoiled ballots;
 - g) Complete the ballot account and place the duplicate copy in the ballot box;
 - h) Securely seal the ballot box;
 - i) Place the voting books, lists of electors, the original copy of the ballot account, unused ballots, spoiled ballots, completed registration forms, keys and all completed forms into the election materials box; and

- j) Deliver the sealed ballot box, vote-counting unit together with the memory card, election materials box and all other materials used in the election to the Chief Election Officer at election headquarters.

Special Voting Opportunities

- 31. The Chief Election Officer is authorized to:
 - a) Establish special voting opportunities on or in advance of general voting day,
 - b) Designate the voting places, set the dates, and set the voting hours for any special voting opportunities established under this section; and
 - c) Limit the number of candidate representatives who may be present at any special voting opportunities established under this section.
- 32. Only electors who are residents, patients or workers at the special voting place on the date on which the special voting opportunity is held, may vote at a special voting opportunity.
- 33. If an elector is entitled to vote at a special voting opportunity, but is unable to attend the voting place due to physical disability, illness or injury; the presiding election official, another election official and a maximum of one scrutineer must attend the elector's care facility bed with a portable ballot box to receive their vote, upon request.
- 34. Unless the Chief Election Officer determines it is practical to use a vote-counting unit, a portable ballot box shall be used for all special voting opportunities.
- 35. The presiding election official appointed to attend at each special voting opportunity shall proceed in accordance with sections 13 to 26 of this Bylaw so far as applicable.
- 36. The presiding election official at a special voting opportunity shall ensure that the portable ballot box is:
 - a) Secured at all times, and
 - b) Either empty or sealed when not in use.
- 37. At the close of voting at the final special voting opportunity, the presiding election official shall follow the procedures outlined in section 30 f) to j), as applicable.
- 38. If a vote-counting unit is in use at a special voting opportunity, the presiding election official appointed to attend shall follow the procedures outlined in sections 29 to 30 of this Bylaw as if it were an advance voting opportunity.

Procedures After Close of Voting on General Voting Day

- 39. After the close of voting on general voting day, each presiding election official at a general voting place shall undertake all of the following, generally in the order stipulated and as soon as possible:

- a) Ensure that any remaining ballots in a portable ballot box are inserted into the vote-counting unit;
 - b) Secure the vote-counting unit so that no more ballots can be inserted;
 - c) Generate 3 copies of the results tape from the vote-counting unit;
 - d) Communicate the results to election headquarters immediately;
 - e) Account for the unused and spoiled ballots and place them, packaged and sealed separately, together with the memory card from the vote-counting unit and one copy of the results tape, into the ballots and results box;
 - f) Complete the ballot account and place the duplicate copy in the ballots and results box;
 - g) Seal the ballots and results box;
 - h) Place the voting books, lists of electors, the original copy of the ballot account, one copy of the results tape, completed registration forms, keys and all completed forms into the election materials box; and
 - i) Deliver, or have available for pick-up; the sealed ballots and results box, vote-counting unit and the election materials box; to the Chief Election Officer at election headquarters.
40. At election headquarters at the close of voting on general voting day, the Chief Election Officer shall direct or undertake all of the following, generally in the order stipulated and as soon as possible:
- a) Ensure that any remaining ballots in a portable ballot box, including those from special voting opportunities, are inserted into a vote-counting unit to be counted;
 - b) Reconcile the newly counted ballots with the ballot accounts;
 - c) Secure the vote-counting unit so that no more ballots can be inserted;
 - d) Generate 3 copies of the results tape from all vote-counting units at election headquarters which were used in the election;
 - e) Place the memory cards and one copy of each results tape into the ballot box; and
 - f) Securely seal any unsealed ballot boxes which contain voted ballots.
41. To obtain the preliminary election results, the Chief Election Officer shall place the results from each voting opportunity in a spreadsheet.

Informal Recount

42. The Chief Election Officer may conduct an informal recount if:
- a) The request is made in writing by a candidate on the City ballot,
 - b) The request is made after the preliminary election results are announced, and
 - c) The request is received by the Chief Election Officer by end of business day on the last day prior to the day when official election results must be declared in accordance with the *Local Government Act*.

43. If an informal recount is conducted:
- a) The Chief Election Officer must preside over the recount,
 - b) The recount must be conducted at least 24 hours after general voting day,
 - c) All candidates must be informed as soon as possible of the time and place of the recount,
 - d) All voted ballots that are not spoiled must be recounted, and
 - e) All ballots must be recounted using the automated vote-counting system.
44. An informal recount must be performed generally in accordance with the following procedure:
- a) The memory cards of all vote-counting units will be cleared;
 - b) A vote-counting unit will be designated for each voting place;
 - c) All voted ballots will be removed from the sealed ballot boxes, except spoiled ballots, and reinserted in the appropriate vote-counting unit under the supervision of the Chief Election Officer;
 - d) Any ballots returned by the vote-counting unit during the recount process shall, through the use of the ballot return override procedure, be reinserted in the vote-counting unit to ensure that any acceptable marks are counted; and
 - e) To obtain election results, the Chief Election Officer shall place the results of each voting place in a spreadsheet.

Determination of Results if Tie Vote

45. If, at the completion of a judicial recount, the results of the election cannot be declared because there is an equality of valid votes for 2 or more candidates, the results shall be determined by lot in accordance with the procedure established in the *Local Government Act*.

Advertising

46. Political signs that pertain to a local government election or assent voting may only be placed after the start of the campaign period.
47. Sections 48 to 52 of this Bylaw apply to all political signs and political advertising within the City.
48. Political signs must be removed within 48 hours following the election or assent voting to which they pertain.
49. Political signs may only be placed on private property if the property owner has granted permission.
50. Political signs must not create a safety or visual hazard, and must not be:
- a) Flashing or inflatable;
 - b) Placed within 2 metres of a fire hydrant;
 - c) Permitted to become dilapidated or unsightly;
 - d) Permitted to obstruct sightlines at an intersection;

- e) Permitted to obstruct or distract from a traffic control device or traffic sign.
- 51. Political advertising may not be scattered, dropped or broadcast from any vehicle which is in operation, including from aircraft and other aerial vehicles.
- 52. Political advertising may not be conducted and political signs may not be located within 100 metres of a building or other place where voting proceedings are conducted at the time, including but not limited to canvassing, handing out written materials, and placing signs.

Use of City Website

- 53. Nomination documents may be posted to the City website from the time of filing until 30 days after the declaration of the election results.

Severability

- 54. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

Repeal

- 55. The “District of Langford Election and Voting Procedures Bylaw, No. 134, 1996”, the “Election and Voting Procedures Bylaw No. 402, Amendment Bylaw No. 1” and the “Election and Voting Procedures Bylaw No. 674, Amendment Bylaw No. 2, 2002” are hereby repealed.

READ A FIRST TIME THIS 4TH DAY OF FEBRUARY, 2019.

READ A SECOND TIME THIS 4TH DAY OF FEBRUARY, 2019.

READ A THIRD TIME THIS 4TH DAY OF FEBRUARY, 2019.

ADOPTED THIS 19TH DAY OF FEBRUARY, 2019.

Presiding Council Member

Corporate Officer