DISTRICT OF NORTH SAANICH

BYLAW NO. 1607

A BYLAW TO PROVIDE FOR THE USE OF AUTOMATED VOTING MACHINES FOR GENERAL LOCAL ELECTIONS AND OTHER VOTING OPPORTUNITIES

WHEREAS Section 112 of the *Local Government Act*, authorizes a local government to, by bylaw, provide for the use of automated voting machines, voting recorders or other devices for voting in an election;

AND WHEREAS the Council of the District of North Saanich wishes to establish various procedures and requirements under that authority;

NOW THEREFORE, the Council of the District of North Saanich, in open meeting assembled, enacts as follows:

1. CITATION

1.1 This Bylaw may be cited as "North Saanich Automated Voting Machines Authorization Bylaw No. 1607 (2026)".

2. DEFINITIONS

2.1 In this Bylaw:

"**Acceptable mark**" means a completed oval 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 other voting question.

"**Automated voting system**" means an automated system that records and counts votes and processes and stores election results. The system is housed in two hardware components, the upper half being the vote tabulator and the lower half being the ballot box.

"**Ballot**" means a single automated ballot card designed for use in an automated voting system, which may be a composite ballot for two or more elections to be voted for, including all choices available to the electors and containing spaces in which the electors mark their votes.

"**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 the location used for the preparation and operation of the election.

"**Memory card**" means the electronic storage device that plugs into the vote tabulating unit that contains:

a) the names of the candidates or questions being voted on; all the permanent results for the vote tabulating unit;
b) the alternative "yes" and "no" for each referendum question; and,
c) a mechanism to count votes for each voting opportunity being conducted.

"**Portable ballot box**" means a ballot box used for transporting ballots.

"**Register tape**" means the printed record generated from a vote tabulating unit at the close of voting on general voting day which shows:

a) the number of ballots received;
b) the number of ballots accepted;
c) the number of ballots rejected; and,

d) the number of votes for each candidate; and for an 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 enclosure**" 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 other voting question.

3. USE OF VOTING MACHINES

3.1 The Chief Election Officer of the District of North Saanich is hereby authorized to conduct general local elections and other voting opportunities in the District using an automated voting system.

4. AUTOMATED VOTING PROCEDURES

4.1 The Chief Election Officer shall ensure election officials are trained to demonstrate voting procedures, issue ballots and accept marked ballots at the vote tabulator and ballot box, in addition to other general responsibilities for the supervision and control of the voting place.

4.2 Each elector is entitled to a demonstration of voting procedures from an election official assigned to perform such demonstrations.

4.3 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; and
(ii) completes the voting book as required by the *Local Government Act*; and

b) upon fulfilment of the requirements of subsection (a), shall provide a ballot to the elector, a secrecy enclosure if requested by the elector, and any further instructions the elector requests.

4.4 Upon receiving a ballot, and secrecy enclosure if so requested, the elector shall immediately proceed to a voting compartment to vote.

4.5 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 office; 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.

4.6 Once the elector has finished marking the ballot, the elector must place the ballot into the secrecy enclosure, if applicable, proceed to the vote tabulating unit and under the supervision of the election official in attendance, insert the ballot directly from the secrecy enclosure, if applicable, into the vote tabulating unit without the acceptable marks on the ballot being exposed.

4.7 If a vote tabulating unit will not accept a ballot because it contains unacceptable marks or is otherwise spoiled, in accordance with Section 128 of the *Local Government Act*, the elector may:

a) obtain a replacement ballot by giving the spoiled ballot to the presiding election official; and,
b) the presiding election official must immediately mark as spoiled a ballot replaced and retain the spoiled ballot for return to the Chief Election Officer.

4.8 If an elector makes a request under section 4.7 of this Bylaw, the Chief Election Officer 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 incorrectly.

4.9 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 under a judicial recount.

4.10 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.

4.11 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 a portable ballot box, provided that if the vote tabulating unit:

a) becomes operational, or
b) is replaced with another vote tabulating unit,

the ballots in the portable ballot box shall, as soon as reasonably possible, be removed by an election official and under the supervision of the Chief Election Officer be inserted into the vote tabulating unit to be counted.

4.12 Any ballots temporarily stored in a portable ballot box 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 Chief Election Officer, be reinserted into the vote tabulating unit to ensure that any acceptable marks are counted.

5. ADVANCE VOTING OPPORTUNITY PROCEDURES

5.1 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 4 of this Bylaw.

5.2 At the close of voting at each advance voting opportunity the election official in each case shall ensure that:

a) no additional ballots are inserted in the vote tabulating unit;
b) the portable ballot box is sealed to prevent insertion of any ballots;
c) the register tapes in the vote tabulating unit are not generated; and
d) the memory card of the vote tabulating unit is secured.

5.3 At the close of voting at the final advance voting opportunity the election official shall:

a) ensure that any remaining ballots in the portable ballot box 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 card and all other materials used in the election to the Chief Election Officer at election headquarters.

6. PROCEDURES AFTER 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 voting opportunities, the Chief Election Officer shall ensure that:

a) any remaining ballots in the portable ballot box are inserted into the vote tabulating unit;
b) the vote tabulating unit is secured so that no more ballots can be inserted;
c) three copies of the register tape are generated from the vote tabulating unit;
d) the ballot account is completed, attaching one copy of the register tape;

e) the unused, spoiled, rejected and voted ballots are counted and placed, packaged and sealed separately, into the election materials transfer box along with one copy of the register tape;
f) the ballot account is completed and the duplicate copy is placed in the election materials transfer box;
g) the election materials transfer box is sealed;
h) the voting books, the original copy of the ballot account, one copy of the register tape, completed registration cards (if applicable), keys and all completed administrative forms are placed into the Chief Election Officer portfolio; and
i) all equipment and materials are transported to election headquarters.

6.2 At the close of voting on general voting day the Chief Election Officer shall direct the election official for the advance voting opportunities where vote tabulating units were used, to proceed in accordance with Section 6.1 of this Bylaw.

6.3 At the close of voting on general voting day all portable ballot boxes used in the election will be opened under the direction of the Chief Election Officer and all ballots shall be removed and inserted into a vote tabulating unit to be counted, after which the provisions of Sections 6.1, so far as applicable, shall apply.

7. RECOUNT PROCEDURE

7.1 If a recount is required it shall be conducted under the direction of the Chief Election Officer using the automated voting system and generally in accordance with the following procedures:

a) the memory cards of all vote tabulating units will be cleared;
b) vote tabulating units will be designated for the voting place;
c) all ballots will be removed from the sealed ballot boxes; and
d) all ballots, except spoiled ballots, will be reinserted into the appropriate vote tabulating units under the supervision of the Chief Election Officer.

8. REPEAL

8.1 Bylaw No. 992, being "North Saanich Automated Counting Machines Authorization Bylaw No. 992 (2002)" and all amendments thereto, are hereby repealed.

READ A FIRST TIME the 25th day of May, 2026

READ A SECOND TIME the 25th day of May, 2026

READ A THIRD TIME the 25th day of May, 2026

FINALLY ADOPTED the 15th day of June, 2026

MAYOR

CORPORATE OFFICER