

# City of Port Moody

## Bylaw No. 3367

A Bylaw to provide for the determination of various procedures for the conduct of local government elections, by-elections, and other voting.

WHEREAS under Parts 3 and 4 of the *Local Government Act*, the Council for the City of Port Moody may, by bylaw, determine various procedures and requirements to be applied in the conduct of general local elections, by-elections, and other voting;

AND WHEREAS Council wishes to establish various procedures and requirements under that authority;

NOW THEREFORE, the Council of the City of Port Moody enacts as follows:

### 1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody General Local Government Election Bylaw, 2022, No. 3367”.

### 2. Repeal

- 2.1 City of Port Moody General Local Government Election Bylaw, 2011, No. 2897 and all amendments thereto are hereby repealed.

### 3. Definitions

- 3.1 In this Bylaw:

“Acceptable mark” means a mark that the vote tabulating unit is able to identify, and that has been made by an elector in the designated space provided on the ballot opposite the name of any candidate or opposite either “yes” or “no” on any other voting question.

“Automated vote counting system” means a system that counts and records votes and processes and stores election results and comprises the following:

- a) vote tabulating units;
- b) ballot boxes for storing voted ballots, and which may include separate compartments for the temporary storing of voted ballots during such time when the vote tabulating unit is not functioning; and
- c) portable ballot boxes into which voted ballots are deposited where a vote tabulating unit is not being used.

“Ballot” means a single automated ballot card designed for use in an automated vote counting system, which shows:

- a) the names of all the candidates and their elector organizations, if applicable, for each of the offices to be filled; and
- b) all of the choices on other matters on which the opinion or assent of the electors is sought.

“Ballot return override procedure” means the use by an election official of a device or function on a vote tabulating unit that causes the unit to accept a returned ballot.

“Candidate representative” means candidate representative as defined in the *Local Government Act* and includes official candidate agents and scrutineers.

“Chief Election Officer” means the election official appointed under Section 58 of the *Local Government Act* to conduct the election.

“Election headquarters” means City of Port Moody City Hall, located at 100 New Port Drive, Port Moody, B.C.

“Election officials” means individuals appointed by the Chief Election Officer to assist the presiding election official at election proceedings.

“Election materials transfer box” means a box issued to presiding election officials for transfer of election materials between election headquarters and voting locations into which is deposited prescribed election materials and documents for safe and secure transfer of such materials and documents.

“Elector” means a resident elector or non-resident property elector of the City of Port Moody as defined under the *Local Government Act*.

“Emergency ballot compartment” means a designated compartment, box, envelope, or receptacle into which voted ballots are temporarily deposited in the event that the vote tabulating unit ceases to function.

“General local election” means elections provided for in the *Local Government Act* and includes school trustee elections, by-elections and other voting.

“General voting day” means general voting day as defined in the *Local Government Act* and includes by-elections.

“Memory unit” means a computer software cartridge or data storage device that plugs into the vote tabulator unit and that contains:

- a) the names of all of the candidates for each of the offices to be filled; and
- b) the alternatives of ‘yes’ or ‘no’ for each bylaw or other matter on which the assent or opinion of the electors is being sought;

and a mechanism to record and retain information on the number of acceptable marks made for each.

“Presiding Election Official” means the election official appointed by the Chief Election Officer to conduct election proceedings where the Chief Election Officer is not acting as presiding election official.

“Results tape” means the printed record generated from a vote tabulating 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 or opinion of the electors is sought.

“Returned ballot” means a voted ballot that was inserted into the vote tabulating unit by the elector but was not accepted and was returned to the elector with an explanation of the ballot marking error which caused the ballot to not be accepted.

“Secrecy sleeve” means an open-ended folder or envelope used to cover ballots to conceal the choices made by each elector.

“Vote tabulating unit” means the part of an automatic vote counting system into which voted ballots are inserted and scanned, and which records the number of votes for each candidate and for and against each bylaw or other matter on which the assent or opinion of the electors is sought.

“Voting book” means the book for recording the names of electors.

#### 4. Use of Provincial List of Voters as the Register of Resident Electors

- 4.1 For the purposes of all general local elections and assent voting under Parts 3 and 4 of the *Local Government Act*, the most current available Provincial list of voters prepared under the *Election Act* shall become the register of resident electors on the 52<sup>nd</sup> day prior to general voting day for such election and assent voting.

#### 5. Electronic Access to Nomination Documents, Disclosure Statements, and Supplementary Reports

- 5.1 Public access to nomination documents will be made available on the City of Port Moody’s website from the time of filing until 30 days after the declaration of the election results as authorized by the *Local Government Act*.
- 5.2 Public access to disclosure statements, signed declarations and supplementary reports required by the *Local Government Act* will be made available on the City of Port Moody’s website from the time of filing until 7 years after general voting day for the election to which they relate as authorized by the *Local Government Act*.

#### 6. Authorization for Use of Automated Vote Counting System

- 6.1 Council hereby authorizes the use of an automated vote counting system for the conduct of general local elections and other voting that may, from time to time, be required.

## 7. Voting Procedures

- 7.1 The Chief Election Officer will select a presiding election official for each voting place whose duties are to ensure election officials demonstrate voting procedures, issue ballots, and accept marked ballots at the vote tabulator unit and ballot box, in addition to other general responsibilities for the supervision and control of the voting place.
- 7.2 Upon entering the voting place, an elector must be instructed to proceed to the election official(s) responsible for issuing ballots, who:
- a) must ensure that the elector:
    - i) is qualified to vote in the election;
    - ii) completes the voting book; and
  - b) upon fulfillment of the requirements of clause a) must:
    - i) offer a demonstration of how to use the automated vote counting system; and
    - ii) provide a ballot to the elector, a secrecy sleeve if requested by the elector, and any further instructions the elector requests.
- 7.3 Immediately after receiving a ballot, the elector must proceed to a voting booth to mark the ballot.
- 7.4 The elector shall 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.
- 7.5 If the elector is unable to mark a ballot because of a physical disability or difficulties in reading or writing or is unable to enter the voting place because of physical disability or impaired mobility, the elector may vote in accordance with the procedures outlined in Sections 131 and 132 of the *Local Government Act*.
- 7.6 Once the elector has finished marking the ballot, the elector must place the ballot into the secrecy sleeve, 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 sleeve, if applicable, into the vote tabulating unit without the marks on the ballot being exposed.
- 7.7 An elector shall be advised of the opportunity to obtain a replacement ballot by the election official in attendance, and may request a replacement ballot, if:
- a) the elector has unintentionally spoiled a ballot or made a mistake before the ballot is inserted into the vote tabulator unit; or
  - b) the ballot is returned by the vote tabulating unit.

- 7.8 The presiding election official must issue a replacement ballot to the elector requesting a replacement ballot and mark the returned ballot as “spoiled” and shall retain all such spoiled ballots separately from all other ballots and they shall not be counted in the election results.
- 7.9 If a ballot is returned by the vote tabulating unit and the elector declines the opportunity to obtain a replacement ballot, and the ballot has not been damaged to the extent that it cannot be reinserted into the vote tabulating unit, the election official shall, using the ballot return override procedure, reinsert the returned ballot into the vote tabulating unit to count any acceptable marks that have been made.
- 7.10 Any ballot accepted 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 made under a judicial recount.
- 7.11 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.
- 7.12 During any period that a vote tabulating unit is not functioning, the election official supervising the unit must direct electors to insert their ballots into an emergency ballot compartment.
- 7.13 When the vote tabulator unit which was not functioning becomes operational, or is replaced with another vote tabulating unit, the ballots in the emergency ballot compartment must, as soon as the voting place is closed, and prior to generating the results tape, be removed by an election official and under the supervision of the presiding election official be inserted into the vote tabulating unit to be counted.
- 7.14 Any ballots which were temporarily stored in the emergency ballot compartment and which are returned by the vote tabulating unit when being counted must, through the use of the ballot return override procedure, and under the supervision of the presiding election official, be reinserted into the vote tabulating unit to ensure that any acceptable marks are counted.
- 7.15 A sample of the ballot that may be used in an automated vote counting system is attached as Schedule A to this Bylaw.

## 8. Advance Voting Opportunities and Procedures

- 8.1 As authorized under the *Local Government Act*, an additional required advance voting opportunity will be held on the seventh day before general voting day.
- 8.2 The Chief Election Officer is authorized to establish additional advance voting opportunities for each election or other voting, to be held in advance of general voting day and, subject to the *Local Government Act*, to designate the voting places, and establish the date and the voting hours for these voting opportunities.

- 8.3 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 7 of this Bylaw.
- 8.4 At the close of voting at each advance voting opportunity, the presiding election official shall ensure that:
- a) no additional ballots are inserted into the vote tabulating unit or emergency ballot compartment;
  - b) the ballot box and emergency ballot compartment are sealed to prevent insertion of additional ballots; and
  - c) the results tape for the advance voting opportunity is not generated.
- 8.5 At the close of voting at the final advance voting opportunity, the presiding election official must:
- a) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote tabulating unit;
  - b) secure the vote tabulating unit so that no more ballots can be inserted;
  - c) ensure that the results tape in the vote tabulating unit is not generated;
  - d) ensure that the memory unit of the vote tabulating unit is secured; and
  - e) deliver the vote tabulating unit, together with the memory unit and all other election materials, to the Chief Election Officer at election headquarters.

## 9. Additional General Voting Opportunities and Procedures

- 9.1 The Chief Election Officer is authorized to establish additional general voting opportunities for general voting day for each election or other voting and, subject to the *Local Government Act*, to designate the voting places, voting hours, and voting procedures for such voting opportunities.

## 10. Special Voting Opportunities and Procedures

- 10.1 The Chief Election Officer is authorized to establish special voting opportunities for each election or other voting and to designate the locations, the date and the voting hours for the special voting opportunities.
- 10.2 Special voting opportunities will be restricted to electors who are, on the date on which the special voting opportunity is held and before the end of the voting hours for that special voting opportunity, residents or patients of the facility at which the special voting opportunity is held.
- 10.3 The Chief Election Officer is authorized to limit the number of candidate representatives who may be present at each special voting opportunity.
- 10.4 Unless the Chief Election Officer determines it is practical to use a vote tabulating unit, portable ballot boxes shall be used for all special voting

opportunities in which the ballots containing the votes at the special voting opportunities will be placed.

- 10.5 Presiding election officials appointed to attend at each special voting opportunity shall proceed in accordance with Section 7 of this Bylaw so far as applicable, and ensure that patients or residents shall mark the ballot in privacy to the extent that can reasonably be arranged.
- 10.6 The presiding election official at a special voting opportunity shall ensure that the portable ballot box is secured when not in use, and at the close of voting at the final special voting opportunity, the presiding election official shall seal the portable ballot box and return it along with all other election materials to the Chief Election Officer or designate.
- 10.7 If a vote tabulating unit is in use at a special voting opportunity, the presiding election official appointed to attend the special voting opportunity shall follow the procedures outlined in Section 8 of this Bylaw as if it were an advance voting opportunity.
- 10.8 The portable ballot box shall be opened at a time determined by the Chief Election Officer and all ballots will be removed and inserted into a vote tabulating unit.

## 11. Mail Ballot Voting Authorization

- 11.1 As authorized under Section 110 of the *Local Government Act*, voting and elector registration may be done by mail for each election or other voting.
- 11.2 The following procedures for voting and registration must apply:
  - a) sufficient record will be kept by the Chief Election Officer so that challenges of the elector's right to vote may be made in accordance with the intent of the *Local Government Act*; and
  - b) a person exercising the right to vote by mail under the provisions of the *Local Government Act* may be challenged in accordance with section 126 of the *Local Government Act*.
- 11.3 The time limits and procedures in relation to voting by mail ballot will be determined by the Chief Election Officer for each election.
- 11.4 A mail ballot must be received by the Chief Election Officer before the close of voting on general voting day in order to be counted for an election.

## 12. Procedures After the Close of Voting on General Voting Day

- 12.1 Immediately after the close of voting on general voting day and the voting place is closed, each presiding election official shall:
  - a) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote tabulating unit;
  - b) secure the vote tabulator unit so that no more ballots can be inserted;

- c) generate two copies of the results tape from the vote tabulator unit;
- d) remove the memory unit from the vote tabulator unit and have the alternate presiding election official, or another designated election official, deliver it along with one copy of the results tape to the Chief Election Officer at election headquarters;
- e) complete the ballot account in duplicate to account for the unused, spoiled, and voted ballots and place one copy in the election materials transfer box;
- f) package and seal separately the unused, spoiled, and voted ballots and place them, along with the following items, into the election materials transfer box for return to election headquarters:
  - i) one copy of the ballot account
  - ii) one copy of the results tape;
  - iii) any keys used to secure the vote tabulating unit;
  - iv) the voting books and/or copies of the List of Registered Electors;
  - v) any solemn declarations taken and any signed forms and written statements required by or under the *Local Government Act* in relation to voting proceedings;
- g) seal the ballot box and election materials transfer box; and
- h) ensure that all election materials, including all interior and exterior signage, notices, and supplies, are removed from the voting place before returning custody of the voting place to the facility operator and delivering the election materials to election headquarters.

12.2 The results tapes from the vote tabulating units used at the advance voting opportunities, special voting opportunities, and for mail ballot voting will be generated by the Chief Election Officer or designate after the close of voting on general voting day.

### **Recount Procedure**

- 12.3 If a recount is required, it shall be conducted under the direction of the Chief Election Officer using the automated vote counting system and in accordance with the following procedure:
- a) the memory unit of all vote tabulating units will be cleared;
  - b) vote tabulating units will be designated for each voting place;
  - c) all ballots will be removed from the sealed ballot boxes;
  - d) all ballots, except spoiled ballots, will be reinserted in the appropriate vote tabulator units under the supervision of the Chief Election Officer; and



- e) any ballots returned by the vote tabulator unit during the recount process must, through the use of the ballot return override procedure, be reinserted into the vote tabulator unit to ensure that any acceptable marks are counted.

### **Resolution of Tie Votes after Judicial Recount**

12.4 In the event of a tie vote after a judicial recount, the results of the election are to be determined by lot in accordance with the *Local Government Act*.

## **13. Advertising by Federal, Provincial, or Municipal Candidates**

13.1 No person shall advertise a candidate or other voting issue by way of the use of a mobile amplification system, except that a mobile amplification system may be used to provide a sound amplification system at an outdoor rally or meeting, provided that the mobile amplification system remains in a stationary position.

13.2 No campaign advertising signs or posters shall be erected or placed:

- a) on any freeway, expressway, major highway, or bridge or overpass structure;
- b) on any City building;
- c) in any park;
- d) in any median garden or boulevard garden;
- e) in any internal median except those indicated in the attached Schedule B;
- f) on any public property except in the areas set out in the attached Schedule B;
- g) within 6 meters of a fire hydrant;
- h) within 0.5 meters of a sidewalk;
- i) in such a manner as to obstruct vision of any traffic control device;
- j) within 7.5 meters of an intersection;
- k) on a boulevard unless the permission of the adjacent property owner(s) who maintains that boulevard area is first obtained for the installation of the sign;
- l) that would simulate any traffic control device;
- m) closer to the traveled portion of the highway than existing signs; and
- n) that has more than two supporting posts (no triangulated structures).

13.3 Political signs promoting any candidate or party or issue at a civic election or referendum are permitted, provided that:

- a) no person shall;

- i) in the case of a civic election or referendum, erect a sign more than fourteen (14) days prior to general voting day, and
  - ii) in the case of federal and provincial elections, before the election is officially declared;
- b) where signs are permitted on public property, no person shall erect more than one sign per candidate or other voting issue per location;
  - c) no candidate shall allow his or her signs to remain posted more than seven days after general voting day;
  - d) no person shall erect a sign that is larger than 1.48 square meters (16 square feet);
  - e) no person shall erect a sign that is larger than 0.37 square meters (4 square feet) where only small signs are permitted;
  - f) no person shall erect a sign between the hours of 10pm and 7am;
  - g) two-sided signs are permitted providing that only one image can be seen from any one direction and signs attached to the principle sign are not permitted; and
  - h) any person erecting a sign that requires any digging on public property shall have obtained clearance to proceed from BC One Call prior to commencing any digging.

13.4 The Chief Election Officer or designate may require a candidate to remove an offending sign that the Chief Election Officer or designate has reasonable grounds to believe is:

- a) erected or placed in contravention of this Bylaw; or
- b) considered hazardous.

13.5 In accordance with Section 13.4 of this Bylaw, a candidate is required to remove an offending sign by 10am the following morning after initial notification from the Chief Election Officer or designate, and if the candidate fails to do so, the Chief Election Officer or designate may remove the offending sign and may store it until one week after general voting day, following which the material may be destroyed or otherwise disposed of by the Chief Election Officer who may bill the candidate for expenses of removal, storage, and disposal, except if the sign had been vandalized.

13.6 A candidate or candidate agent may claim an election sign which has been removed and stored in accordance with Section 13.5 of this Bylaw.

13.7 No person shall, within 100 metres of a building, structure, or other place where voting proceedings are being conducted at the time:

- a) canvas or solicit votes or otherwise attempt to influence how an elector votes;

- b) carry, wear, or supply a button, sticker, badge, or other thing indicating that the person using it is a supporter of a particular candidate, elector organization, or a result in the voting;
- c) display, distribute, or post a sign, pamphlet, document, banner, flag, or other materials regarding a candidate, elector organization, or a result in the voting, except as authorized by the Chief Election Officer; and
- d) display, distribute, post, or openly leave a representation of a ballot marked for a particular candidate or result in an election.

13.8 The Chief Election Officer shall arrange for installation of Election Awareness signage in the following locations shown on Schedule C.

## 14. Attachments and Schedules

14.1 The following schedules are attached to and form part of this Bylaw:

- Schedule A – Sample Ballot
- Schedule B – Locations for Election Candidate Signage
- Schedule C – Locations for City Election Awareness Signage

## 15. Severability

15.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

**Read a first time** this 24<sup>th</sup> day of May, 2022.

**Read a second time** this 24<sup>th</sup> day of May, 2022.

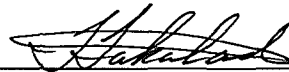
**Read a third time** this 24<sup>th</sup> day of May, 2022.

**Adopted** this 14<sup>th</sup> day of June, 2022.



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R. Vagramov  
Mayor



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T. Takahashi  
Acting Corporate Officer

# Schedule A – Sample Ballot

## BMW DEMO BALLOT

### COUNTY NAME, STATE

### ELECTION DATE

### PRECINCT 1

**BMW (English and Spanish) DEMO**

**INSTRUCTIONS TO VOTERS:** To vote complete the oval to the LEFT of your choice, like this (●). To cast a write-in vote complete the oval to the LEFT of the blank space provided and print the candidate's name in that space. For specific information, refer to the card of instructions posted in the voting booth. If you tear, soil, deface or otherwise mark this ballot, return it to the Election Judge and obtain another.

**INSTRUCCIONES PARA VOTAR:** Llena el círculo con esta marca para el candidato por quien quieras votar así: (●). Para votar "voto escrito", llena el círculo con el nombre del candidato "escrito" y escribe el nombre del candidato en la misma línea. Para más información, lee las instrucciones fijadas en el compartimiento de votación o prepárate al trabajador del precinto. Si acaso rompas, ensucias, o marcas el boleto incorrecto, regrésalo al Jefe de Elección y obtenga otro boleto.

<b>BEST AUTOMOBILE MANUFACTURER</b> Vote For ONE <b>MEJOR FABRICANTE DE AUTOMOVILES</b> Vote por UNO	<b>BEST VOCAL ARTIST</b> Vote For Not More Than THREE <b>MEJOR ARTISTA VOCAL</b> Vote para no más que TRES	<b>BEST ICE-CREAM FLAVOR</b> Vote For ONE <b>MEJOR SABOR DEL HELADO</b> Vote por UNO
BMW MERCEDES GENERAL MOTORS HONDA FERRARI JAGUAR FORD VOLVO	FRANK SINATRA ELVIS PATSY CLINE JAMES BROWN BECKY HOLLY BARRY WHITE BILLIE HOLIDAY STEVE RAY VAUGHAN "MAMA" CASS ELLIOT	CHOCOLATE STRAWBERRY VANILLA

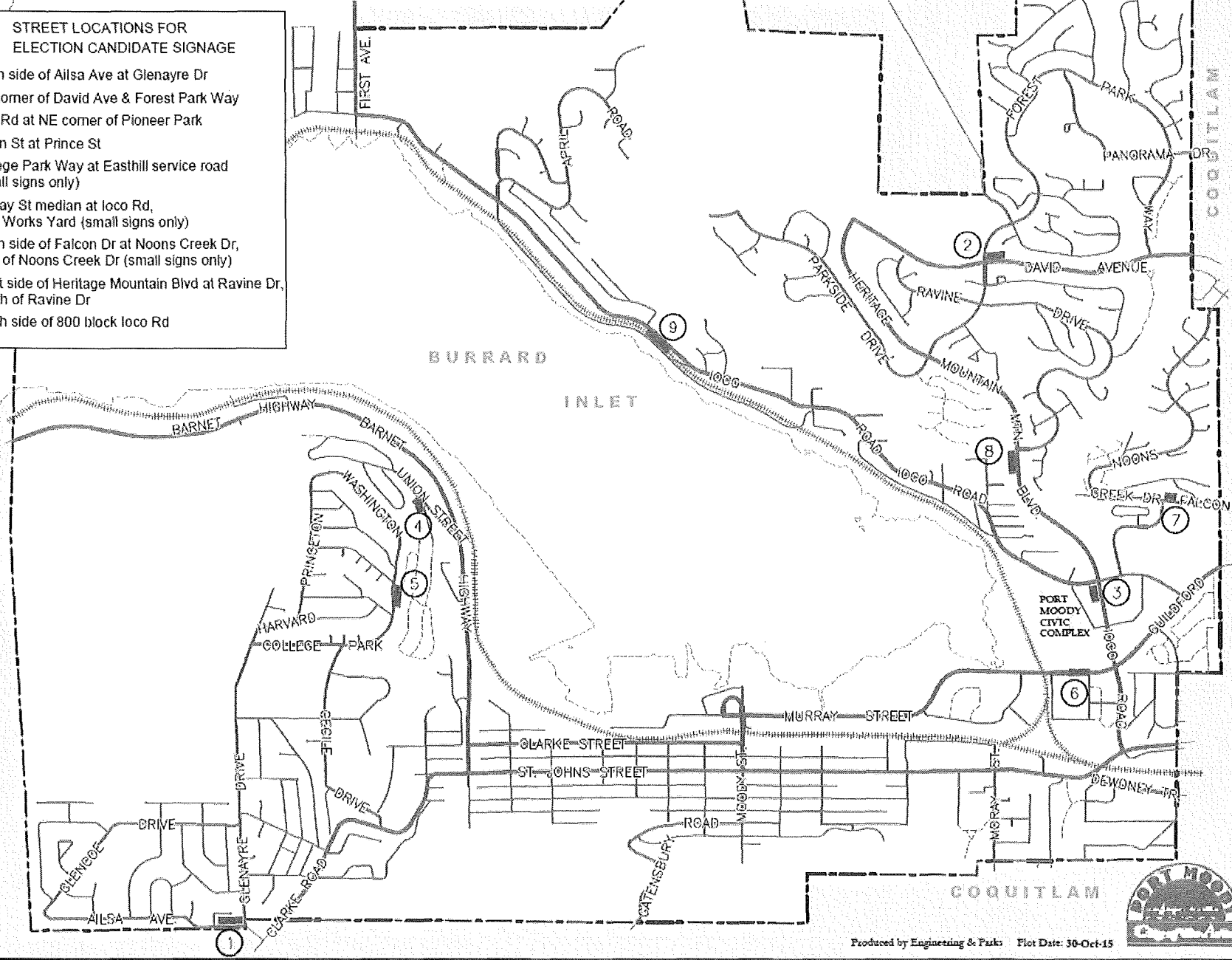
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# SCHEDULE B LOCATIONS FOR ELECTION CANDIDATE SIGNAGE

STREET LOCATIONS FOR  
ELECTION CANDIDATE SIGNAGE

- 1 North side of Ailsa Ave at Glenayre Dr
- 2 NE corner of David Ave & Forest Park Way
- 3 loco Rd at NE corner of Pioneer Park
- 4 Union St at Prince St
- 5 College Park Way at Easthill service road (small signs only)
- 6 Murray St median at loco Rd, near Works Yard (small signs only)
- 7 North side of Falcon Dr at Noons Creek Dr, East of Noons Creek Dr (small signs only)
- 8 West side of Heritage Mountain Blvd at Ravine Dr, South of Ravine Dr
- 9 South side of 800 block loco Rd



M Mapping Requests - Internal - CORPORATE SERVICES - Election Maps 2014 Municipal Elections Candidates Campaign Election Sign Areas 2015 Proposed Change City



Produced by Engineering & Parks Plot Date: 30-Oct-15

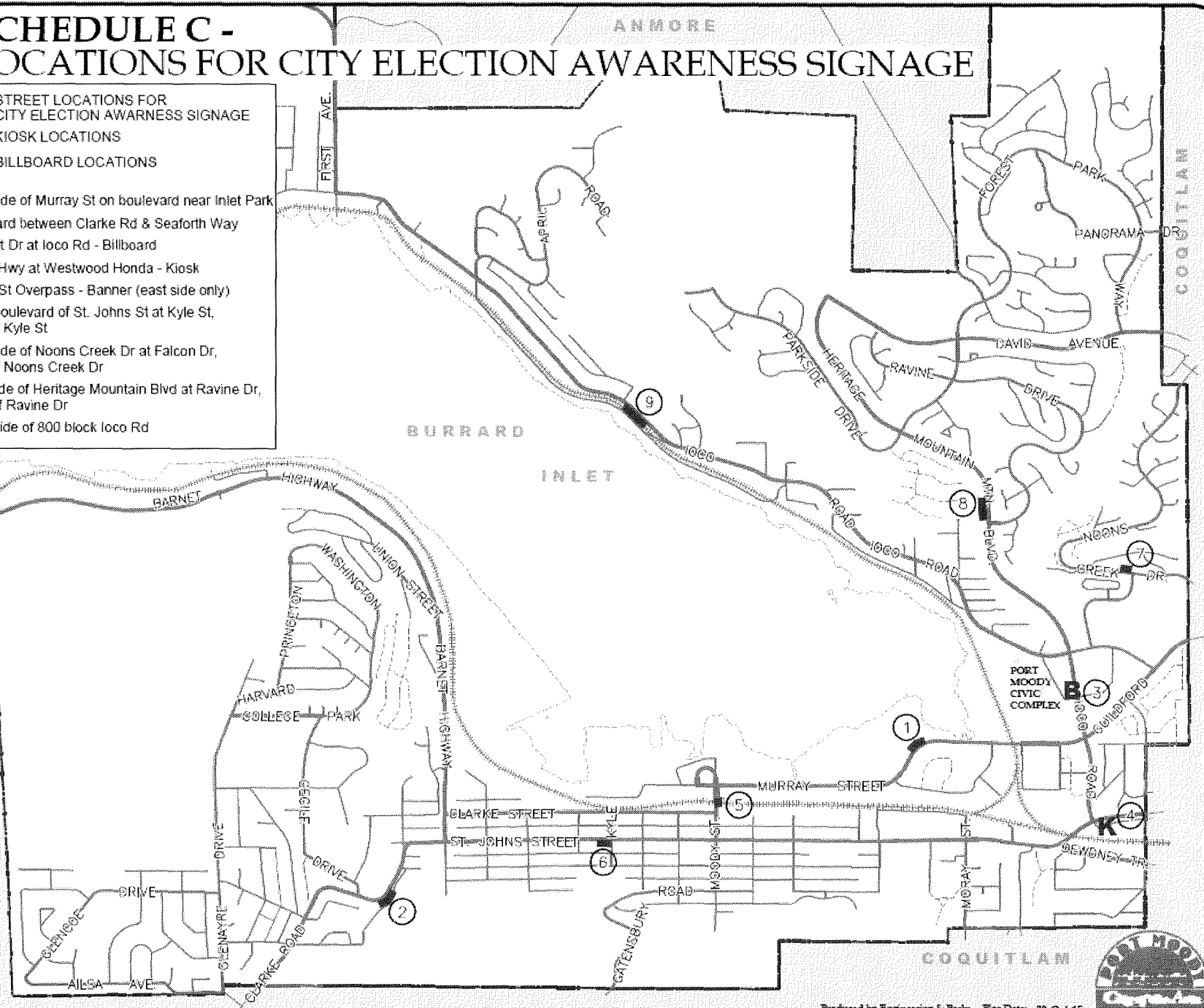


# SCHEDULE C - LOCATIONS FOR CITY ELECTION AWARENESS SIGNAGE

-  STREET LOCATIONS FOR CITY ELECTION AWARENESS SIGNAGE
- K** KIOSK LOCATIONS
- B** BILLBOARD LOCATIONS

- 1 North side of Murray St on boulevard near Inlet Park
- 2 Boulevard between Clarke Rd & Seaforth Way
- 3 Newport Dr at loco Rd - Billboard
- 4 Barnet Hwy at Westwood Honda - Kiosk
- 5 Moody St Overpass - Banner (east side only)
- 6 South boulevard of St. Johns St at Kyle St, West of Kyle St
- 7 North side of Noons Creek Dr at Falcon Dr, West of Noons Creek Dr
- 8 West side of Heritage Mountain Blvd at Ravine Dr, North of Ravine Dr
- 9 South side of 800 block loco Rd

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Produced by Engineering & Parks Flor Date: 30-Oct-15

