

BYLAW NO. 8191

The Automated Vote Counting Bylaw, 2003

The Council of The City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as The Automated Vote Counting Bylaw, 2003.

Purpose

2. The purpose of this Bylaw is:
 - (a) to repeal The Automated Vote Counting Bylaw, 1997;
 - (b) to provide for the use at elections of voting machines, voting recorders, optical scanning vote tabulators, vote tabulating units or other devices used in an automated vote counting system; and
 - (c) to authorize the form of the ballot and the procedures for voting and counting of votes.

Bylaw No. 7677 Repealed

3. Bylaw No. 7677, being The Automated Vote Counting Bylaw, 1997, is repealed.

Definitions

4. (1) In this Bylaw:
 - (a) “acceptable mark” means any mark made by an elector on a ballot in an election which the vote tabulating unit is able to record;
 - (b) “automated vote counting system” means a system that counts and records votes and processes and stores election results, and which is comprised of:

- (i) optical scanning vote tabulating units which rest on a two-compartment ballot box, one compartment of which is for voted ballots and returned ballots re-inserted using the ballot override procedure and an emergency ballot compartment; and
 - (ii) a number of portable ballot boxes into which voted ballots are deposited where a vote tabulating unit is not being used, for counting after the close of voting on election day;
- (c) “ballot” means a ballot paper or form designed for use in an automated vote counting system;
 - (d) “ballot override procedure” means the use by the receiving deputy returning officer of a device on a vote tabulating unit which causes the unit to accept a returned ballot and count any acceptable marks;
 - (e) “emergency ballot box” means a ballot box into which voted ballots are temporarily deposited if the vote tabulating unit ceases to function;
 - (f) “issuing deputy returning officer” means the deputy returning officer who from time to time, and among other duties, administers the voter registration and declaration process, and provides the voter with a ballot;
 - (g) “memory pack” means a computer software cartridge which plugs into the vote tabulating unit and into which is preprogrammed the information necessary to conduct the election and record the votes;
 - (h) “poll book” means the register of electors who have cast their vote, which book contains the list of electors, information relating to the ballot, and which has the capacity to record information relating to objections and affidavits;
 - (i) “receiving deputy returning officer” means the deputy returning officer who from time to time, and among other duties, receives a voted ballot from a voter and inserts the ballot into the vote tabulating unit;
 - (j) “register tape” means the printed record generated from a vote tabulating unit at the close of voting on election day, which shows the number of votes;

- (k) “returned ballot” means a ballot which was inserted into the vote tabulating unit, but which was not accepted and which was returned to the elector;
- (l) “secrecy sleeve” means an open-ended folder or envelope used to cover ballots to conceal any marks made by the elector on the ballot;
- (m) “special needs poll” means a polling place in a hospital, home for the aged or similar institution where an elector who is currently receiving care may vote; and
- (n) “supervising deputy returning officer” means the deputy returning officer who from time to time, and among other duties, supervises the issuing deputy returning officer and receiving deputy returning officer and is responsible for the conduct of all matters in the polling place;
- (o) “vote tabulating unit” means the device into which ballots are inserted, which device scans each ballot and records the number of votes:
 - (i) for each candidate;
 - (ii) for and against any bylaw or resolution; and
 - (iii) in the affirmative or negative respecting any question;as the case may be.

Authorization

- 5. (1) The Council of The City of Saskatoon hereby authorizes the use of an automated vote counting system in the conduct of elections.
- (2) *The Local Government Election Act* (the “Act”) shall apply where not inconsistent with this Bylaw, and the words and phrases defined in the *Act* shall, unless inconsistent herewith, have the same meaning in this Bylaw.

Form of Ballot

6. Subject to such modifications and deviations as are permitted by the *Act*:
 - (a) the ballot for the election of a member shall be in the form set forth in Schedule “A”;
 - (b) the ballot for a vote on a bylaw or resolution shall be in the form set forth in Schedule “B”; and
 - (c) the ballot for a vote on a question shall be in the form set forth in Schedule “C”.

Pre-Vote Procedure

7. (1) Prior to the opening of the polls on election day, the supervising deputy returning officer shall cause the vote tabulating unit to print a copy of all totals in its memory pack and ensure that those totals indicate zero.
 - (2) The supervising deputy returning officer shall then certify, by signature, on the printout that the totals indicate zero and return the printout to the returning officer.

Voting Procedures

8. (1) If:
 - (a) the elector is qualified to vote in the election;
 - (b) the elector is voting at the correct polling subdivision; and
 - (c) the elector’s name is contained in the poll book;

the issuing deputy returning officer shall provide the elector with a ballot bearing the issuing deputy returning officer’s initials on the reverse side along with a secrecy sleeve.

- (2) After marking the ballot, the elector shall place the ballot in the secrecy sleeve and deliver it to the receiving deputy returning officer, who shall in the presence of the elector, without removing the ballot from the secrecy sleeve, confirm that the ballot bears the initials of the issuing deputy returning officer. The receiving deputy returning officer shall then insert the ballot directly into the vote tabulating unit.
- (3) If, before delivery of the ballot to the receiving deputy returning officer, the elector determines that an error may have been made in marking the ballot, or if the ballot is returned by the vote tabulating unit, the elector may request a replacement ballot from the issuing deputy returning officer.
- (4) Upon a request under subsection (3), the issuing deputy returning officer shall issue a replacement ballot, mark the returned ballot “spoiled” and retain the spoiled ballot separately from all other ballots. Spoiled ballots shall not be counted in the election.
- (5) If the ballot has been returned by the vote tabulating unit and the elector refuses or does not request a replacement ballot, the receiving deputy returning officer shall use the ballot override procedure to re-insert the ballot.
- (6) During any period that the vote tabulating unit is not functioning, the receiving deputy returning officer supervising the unit shall insert all ballots presented by electors into the emergency ballot box, and the ballots in that box shall, after the poll closes, be removed by the receiving deputy returning officer and inserted into the vote tabulating unit to be counted.
- (7) Any ballots returned by the vote tabulating unit during the process outlined in subsection (6) shall be re-inserted by the receiving deputy returning officer using the ballot override procedure.
- (8) Any ballot which does not bear the initials of the issuing deputy returning officer or which is damaged to the extent that it cannot be inserted into the vote tabulating unit and for which no replacement ballot was provided shall be marked “spoiled” and not counted in the election.
- (9) If a vote tabulating unit is not used at an established poll, the ballots shall be kept in the ballot box provided, and shall be counted in accordance with Section 13 of this Bylaw.

Advance Polls

9. (1) Vote tabulating units shall be used to conduct the vote at all advance voting polls and voting procedures at the advance polls shall be the same as those set forth in Section 8 for voting at regular polls.
- (2) At the close of each day at each advance poll, the supervising deputy returning officer shall ensure:
 - (a) that no additional ballots are inserted into the vote tabulating unit;
 - (b) that the emergency ballot compartment is locked to prevent insertion of ballots;
 - (c) that the register tapes in the vote tabulating unit are not generated; and
 - (d) that the memory pack in the vote tabulating unit is secured.
- (3) The supervising deputy returning officer at each advance poll shall at the end of voting on the final day of advance voting:
 - (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; and
 - (c) ensure delivery of the vote tabulating unit, together with the memory pack and all other materials used in the election to the returning officer.

Special Needs Polls

10. The returning officer may establish a special needs poll, and the electors' completed ballots shall be deposited in the ballot box provided, and counted in accordance with Section 13 of this Bylaw.

Procedure for Physically Incapacitated Electors

11. (1) If an elector, because of physical incapacity, is unable to attend at an established polling place to vote, any two of the returning officer, issuing deputy returning officer or receiving deputy returning officer may attend at the residence of the elector in order to take the vote in the election.
- (2) The elector's completed ballot shall be deposited in the ballot box provided, and counted in accordance with Section 13 of this Bylaw.

Procedures for Counting Votes

12. After the close of polls on election day, the supervising deputy returning officer shall:
 - (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) generate two copies, or such other number as is directed by the returning officer, of the register tape from the vote tabulating unit;
 - (d) electronically transmit election data to the returning officer;
 - (e) complete a ballot statement accounting for the unused, spoiled and voted ballots; and
 - (f) ensure delivery of the ballot statement, register tape, poll book and all other election materials to the returning officer.
13. After the close of the polls on election day, the returning officer shall:
 - (a) input ballots from:
 - (i) any established poll at which a vote tabulating unit was not used;
 - (ii) any special needs poll; and
 - (iii) any incapacitated electors taken under Section 11;

- (b) generate copies of the register tape from the vote tabulating unit for the advance polls and the polls referred to in paragraph (a); and
- (c) cause all election results to be tabulated and displayed at the Office of the City Clerk, City Hall, 222 Third Avenue North, Saskatoon, Saskatchewan.

Effective Date

14. This Bylaw comes into effect on the day of final passage.

Read a first time this 24th day of February, 2003.

Read a second time this 24th day of February, 2003.

Read a third time and passed this 24th day of February, 2003.

"James Maddin"

Mayor


"Janice Mann"

City Clerk

Form of Ballot

Election of a Member

Instructions to Voters:

Vote by completely filling in the OVAL to the LEFT of the candidate(s) of your choice. If you tear or wrongly mark your ballot, return it and another will be provided.
VOTE LIKE THIS .

FOR:

MAYOR

YOU ARE ENTITLED TO VOTE FOR ONE CANDIDATE

- CHRISTIE, Gayle**
Nurse
- TONKS, Alan**
Retired

FOR:

COUNCILLOR

YOU ARE ENTITLED TO VOTE FOR ONE CANDIDATE

- HERGERT, Edgar**
Mechanic
- HOWELLS, Dan**
Farmer
- PAGE, Joan**
Lawyer
- RAGNO, Enzo**
Trainman

FOR:

TRUSTEES SEPARATE SCHOOL BOARD

YOU ARE ENTITLED TO VOTE FOR SEVEN CANDIDATES

- BELL, Jay**
Lawyer
- COLLE, Michael**
Union Representative
- GOLDBERG, Dan**
Store Clerk
- NOBLEMAN, Ben**
Teacher
- PETERS, Cathy**
Musician
- REID, James**
Salesperson
- SCOTT, Jack**
Contractor
- THOMPSON, Robert**
Electrician
- WILSON, Pat**
Teacher

FOR:

TRUSTEE PUBLIC SCHOOL BOARD

YOU ARE ENTITLED TO VOTE FOR ONE CANDIDATE


- POLLOCK, Evelyn**
Insurance Agent
- SIMPSON, Doris**
Physician

Schedule "B"

Form of Ballot

Vote on a Bylaw or Resolution

Instructions to Voters:

Vote for or against the bylaw (or resolution) by completely filling in the OVAL to the LEFT of the words which express your intention. If you tear or wrongly mark your ballot, return it and another will be provided. VOTE LIKE THIS .

Vote on bylaw (or resolution) to *(here state object of the bylaw or resolution)*

For the Bylaw (or Resolution)

Against the Bylaw (or Resolution)


Submitted by The City of Saskatoon (or school division) this ____ day of _____, 20__.

Schedule "C"

Form of Ballot

Vote on a Question

Instructions to Voters:

Vote by completely filling in the OVAL to the LEFT of the word which expresses your opinion on the question. If you tear or wrongly mark your ballot, return it and another will be provided. VOTE LIKE THIS .

Vote on the Question:

(here state question)

Yes

No

Submitted by The City of Saskatoon (or school division) this ____ day of _____, 20__.