CITY OF **VANCOUVER**

ADMINISTRATIVE REPORT

Report Date: June 27, 2005
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Meeting Date: July 12, 2005

TO: Vancouver City Council

FROM: City Clerk

SUBJECT: Election By-laws

RECOMMENDATION

THAT Council approve the consolidation and modernization of the Automated Vote Counting By-law #7600, Mail Ballot Procedures By-law #7170, the Voting Divisions By-law #7168, the Nomination Deposit By-law #8071 and the Election Procedures By-law #7169, into a consolidated by-law to be called the Election By-law, substantially in the form attached as Appendix A to this Report.

AND THAT Council authorize the Director of Legal Services to bring forward the new Election By-law, substantially in the form attached as Appendix A, for enactment by Council.

CITY MANAGER'S COMMENTS

The City Manager RECOMMENDS approval of the foregoing.

COUNCIL POLICY

There is no applicable Council Policy.

PURPOSE

This report provides Council with a rationale for the consolidation and modernization of five existing by-laws related to elections.

BACKGROUND

The following election-related by-laws require updating into more modern by-law language and minor "housekeeping" amendments:

- #7600 Automated Vote-Counting By-law
- #7168 Voting Divisions By-law
- #7169 Election Procedures By-law
- #7170 Mail Ballot Procedures By-law
- #8071 Nomination Deposit By-law

DISCUSSION

In working with the election by-laws over recent years, several suggested improvements to the election by-laws have been identified:

- Minor wording amendments are required to make instructions clearer
- Consolidation of the by-laws would make reference easier
- The by-laws require modernization of language and format
- The by-laws require headings and a table of contents
- Improved elector challenge provisions are required for mail balloting

The Vancouver Charter allows a person to challenge another person's right to vote up until the time the person receives a ballot, that is, until 8 p.m. on general voting date. For consistency, the proposed revisions will extend mail ballot challenges to 8 p.m. as well.

Other than the change related to elector challenge of ballots submitted by mail, the modernization, amendments and consolidation reflect no procedural changes of any substance.
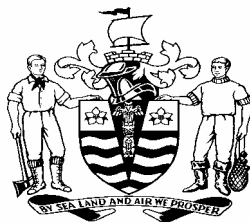
FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Modernization and amendments to by-laws are a continuous improvement process, ensuring that by-laws remain useful and relevant, and support the intent of the Vancouver Charter to the fullest possible extent.

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CITY OF VANCOUVER

BRITISH COLUMBIA

ELECTION BY-LAW NO. _____

ELECTION BY-LAW

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A By-law to regulate elections and other voting

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

SECTION 1
INTERPRETATION

Name of By-law

1.1   The name of this By-law, for citation, is the "Election By-law".

Definitions

1.2   In this By-law:

"acceptable mark" means a mark that:

(a)   an elector makes in the space provided on a ballot opposite the name of any candidate or opposite either "yes" or "no" on any question, and

(b)   the vote counting unit is able to identify;

"automated vote counting system" means a system that:

(a)   counts and records votes,

(b)   processes and stores election results, and

(c)   consists of a number of ballot scan vote counting units, each of which rests on a two compartment ballot box:

(i)   one compartment of which is for voted ballots, and for returned ballots which persons have re-inserted using the ballot over-ride procedure, and

(ii)   the other compartment of which is for the temporary storing of ballots on which an elector has indicated a choice during such time as the vote counting unit is not functioning;

"ballot" means a ballot card, printed on one or both sides, that includes:

(a)   the names of all candidates for all contested offices in the election, and

(b)   all questions;

"ballot return over-ride procedure" means the use, by an election official, of a procedure on a vote counting unit that causes the unit to accept a returned ballot;

"ballot transfer case" means a container provided by the chief election officer for the transfer and storage of ballots;

"counting centre" means the area designated by the chief election officer for conduct of the vote accumulation;

"emergency ballot compartment" means a designated compartment in a ballot box under each vote counting unit for the temporary deposit of ballots on which an elector has indicated a choice if the unit ceases to function;

"memory card" means a hardware device inserted into a vote counting unit, and programmed:

> (a)   with the name of each candidate for each contested office in the election,
>
> (b)   with the alternatives of "yes" or "no" for each question, and
>
> (c)   to record and retain information on the number of acceptable marks made for each candidate or for each question;

"portfolio" means a container into which the presiding election official places election documents for delivery to the chief election officer;

"results tape" means a printed record, generated from a vote counting unit at the close of voting on general voting day, that shows:

> (a)   the number of votes for each candidate for each contested office in the election, and
>
> (b)   the number of votes for or against any question;

"returned ballot" means a ballot inserted into a vote counting unit but rejected by the vote counting unit with an explanation of the ballot marking error that caused the unit not to accept the ballot;

"secrecy sleeve" means a device into which a person may place a ballot so as to conceal the names of candidates and marks made by the elector;

"spoiled ballot" means a ballot:

> (a)   on which an elector has not correctly marked a choice of candidate,
>
> (b)   on which an elector has not correctly marked an answer to a question, or
>
> (c)   to which damage has occurred so as to prevent the vote counting unit from reading the ballot;

"voted ballot " means a ballot:

      (a)   on which an elector has indicated a choice, and

      (b)   which a vote counting unit has successfully read and deposited into a ballot box;

"vote counting unit" means a device:

      (a)   into which a person inserts a ballot,

      (b)   which scans each ballot, and

      (c)   which counts and records the number of votes for each candidate and for or against each question; and

"zeros tape" means a printed record:

      (a)   generated from a vote counting unit before the acceptance of any ballot at the opening of the voting places, or at the beginning of any recount procedure, and

      (b)   which indicates as "zero" the number of votes for each candidate and, if applicable, the number of votes for or against each question.

Table of contents

1.3   The table of contents for this By-law is for convenient reference only, and is not for assistance in interpreting or enforcing this By-law.

Schedules

1.4   The schedules attached to this By-law form part of this By-law.

Severability

1.5   A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

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SECTION 2
VOTING DIVISIONS

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Authorization for voting divisions

2.1   Council authorizes the chief election officer to establish voting divisions.

SECTION 3
ELECTION PROCEDURES

Provincial list of voters

3.1   The register of resident electors for the city must be the most current available provincial list of voters prepared under the Election Act of British Columbia existing in the case of a general local election, any other election, or other voting, 52 days prior to the time of holding the general local election, other election, or other voting.

Required advance voting opportunities

3.2   Required advance voting opportunities are to occur on each of the 10th day and 4th day before general voting day.

Additional advance voting opportunities

3.3   Council authorizes the chief election officer to:

  (a)   establish dates for additional advance voting opportunities in advance of general voting day; and

  (b)   designate voting places and set voting hours for additional advance voting opportunities established by the chief election officer under section 3.3(a) of this By-law.

Establishment of special voting opportunities

3.4   Council authorizes the chief election officer to establish dates, voting hours, and places for the conduct of special voting opportunities.

Voting at special voting opportunities

3.5   Electors may vote at a special voting opportunity only if they:

  (a)   have a physical disability, illness, or injury that affects their ability to vote at another voting opportunity; and

  (b)   are patients in an acute care hospital or residents of a personal care home, long term care facility, or special residential care facility registered under the Community Care Facility Act of British Columbia that is situate in the city and that provides accommodation for 50 or more persons who qualify as electors but who are otherwise unable to vote at another voting opportunity.

Special voting opportunity procedures

3.6   The procedures for voting and counting the vote at a special voting opportunity include the following exceptions:

(a)   an elector who is unable to proceed to a voting compartment because of impaired mobility may request to vote elsewhere in the facility and, after receiving the request, the presiding election official or a person designated by the presiding election official must attend the elector for the purpose of allowing the elector to receive and mark a ballot; and

(b)   instead of signing the list of registered electors or voters book, an elector who wishes a ballot may complete a form prescribed by the chief election officer, and the completion and signing of the form is deemed to meet the requirements of section 87(l)(c) of the Vancouver Charter.

Representative at special voting opportunity

3.7   Only one candidate representative, chosen by agreement of the candidates for the election or, failing such agreement, by the chief election officer, may be present at a special voting opportunity.

Resolution of tie after judicial recount

3.8   If, at the completion of a judicial recount, the chief election officer cannot declare the results of the election because there is an equality of valid votes for two or more candidates, the chief election officer must arrange for determination of the results by lot in accordance with section 113 of the Vancouver Charter.

SECTION 4
MAIL BALLOT PROCEDURE

Authorization for mail ballot procedure

4.1   Council authorizes voting by mail ballot and elector registration by mail in conjunction with mail ballot voting.

Application procedure

4.2   An elector who wishes to vote by mail ballot must apply to the chief election officer in writing, using the form required by the chief election officer, within the time limits required by the chief election officer, which time limits Council authorizes the chief election officer to establish.

Mail ballot package

4.3 Upon receipt of an application for a mail ballot, the chief election officer, during the period that begins on the 12th day before general voting day and ends at 8:00 p.m. on general voting day, must:

(a) make available to the applicant, a mail ballot package; and

(b) immediately record, and, upon request in person by an election official, candidate representative or elector, make available for inspection by any such person:

(i) the name and address of the person to whom the chief election officer issued the mail ballot package, and

(ii) the number of the voting division in which such person is registered as an elector or as a "new elector" if that person is not on the register of electors.

Marking mail ballot

4.4 In order to vote using a mail ballot, the elector must mark the ballot in accordance with the instructions contained in the mail ballot package provided by the chief election officer.

Sealing and delivering mail ballot

4.5 After marking the ballot, the elector must:

(a) place the ballot in the secrecy envelope provided, and then seal the secrecy envelope;

(b) place the secrecy envelope in the certification envelope, 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 deliver the outer envelope and its contents to the chief election officer at the address specified so that the chief election officer receives it no later than the close of voting on general voting day.

Receipt of certification envelope

4.6 Prior to 8:00 p.m. on general voting day, the chief election officer must either accept or reject the certification envelope in accordance with section 4.7 or 4.8 of this By-law.

Acceptance of certification envelope

4.7   Upon receipt of the outer envelope, the chief election officer must immediately:

    (a)   record the date of such receipt;

    (b)   open the outer envelope;

    (c)   remove and examine the certification envelope and completed elector registration application, if applicable; and

    (d)   if satisfied as to:

        (i)   the identity and entitlement to vote of the elector who has submitted the mail ballot,

        (ii)   the completeness of the certification, and

        (iii)   if a person is registering as a new elector, fulfilment of the requirements of section 28 of the Vancouver Charter,

    mark the certification envelope as "accepted".

Rejection of certification envelope

4.8   If the chief election officer:

    (a)   is not satisfied as to the identity and entitlement to vote of the elector who has submitted the mail ballot, or the completeness of the certification;

    (b)   is not satisfied that a person registering as a new elector has fulfilled the requirements of section 28 of the Vancouver Charter; or

    (c)   receives the outer envelope after 8:00 p.m. on general voting day;

the chief election officer must:

    (d)   not open the certification envelope;

    (e)   mark the envelope as "rejected";

    (f)   note the reason for the rejection; and

    (g)   not count the ballot contained in the certification envelope in the election.

Disposition of rejected certification envelope

4.9   A certification envelope rejected under section 4.8 of this By-law must remain unopened.

Opening of certification envelope

4.10   Each unopened certification envelope accepted under section 4.7 must remain in the custody of the chief election officer until 8:00 p.m. on general voting day, after which time the chief election officer must open the certification envelope containing the secrecy envelope in the presence of at least one other person.

Custody of certification envelope

4.11   Despite section 4.10 of this By-law, each certification envelope must remain in the custody of the chief election officer for the purpose of dealing with any challenge.

Placement of secrecy envelope in ballot box

4.12   After opening a certification envelope from an elector, if:

(a)   no other person has challenged the elector's right to vote using a mail ballot; or

(b)   the elector, after resolution of such challenge, has the right to vote using a mail ballot;

the chief election officer, in the presence of at least one other person, must supervise the opening of each secrecy envelope, and the insertion of each ballot contained in each envelope into the automatic vote counting unit.

Elector's name already used

4.13   If the chief election officer determines that another person has voted or has already received a mail ballot in that elector's name, section 89 of the Vancouver Charter applies to the extent applicable.

Replacement of spoiled mail ballot

4.14   If an elector:

(a)   unintentionally spoils a mail ballot before returning it to the chief election officer; and

(b)   gives the spoiled ballot package in its entirety to the chief election officer;

the elector may request a replacement ballot.

Recording of spoiled mail ballot package

4.15   Upon receipt of a spoiled ballot package, the chief election officer must record such fact, and proceed in accordance with section 4.3 of this By-law.

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SECTION 5
NOMINATION DEPOSITS
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Mayor's nomination deposit

5.1   A person who makes a nomination for mayor must, at the same time make a nomination deposit of $100.00 by cash, certified cheque, or bank draft.

Councillor's nomination deposit

5.2   A person who makes a nomination for councillor must, at the same time make a nomination deposit of $100.00 by cash, certified cheque, or bank draft.

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SECTION 6
AUTOMATED VOTE COUNTING SYSTEM
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Authorization for automated vote counting

6.1   Council authorizes the use of automated voting machines and an automated vote counting system in an election or for other voting.

Arranging for vote counting unit

6.2   The chief election officer must program a vote counting unit for each voting division, advance and special voting opportunity, and mail balloting.

Programming vote counting unit

6.3   The chief election officer must program the vote counting unit to return to the elector any ballot that the elector has:

(a)   marked with more candidates than the election calls for, or with more choices in other voting than are available;

(b)   not marked; or

(c)   marked such that the vote counting unit is unable to tabulate the markings accurately.

Testing vote counting unit

6.4　Before voting day, the chief election officer must test each vote counting unit to ascertain that it can accurately count the votes cast for all offices and all questions, and conduct of the test must include:

(a)　loading memory cards into the vote counting unit;

(b)　processing a pre-audited group of ballots that have recorded on them a predetermined number of valid votes for each candidate and each question, and that must include for each office one or more ballots:

(i)　that have votes in excess of the number allowed by law, and

(ii)　that have no votes recorded;

(c)　assigning a logical sequence of valid votes which may be readily identified to each candidate for each office and for or against each question; and

(d)　comparing the output of the processing against the pre-audited results.

Investigating vote counting unit testing errors

6.5　If the chief election officer detects any errors in the test referred to in section 6.4, the chief election officer must:

(a)　ascertain the cause of the error;

(b)　correct the error; and

(c)　repeat the test until the chief election officer is able to certify an errorless count.

Sealing memory card

6.6　Upon successful completion of the test referred to in section 6.4, the chief election officer must seal the memory card in the vote counting unit.

Printing zeros tape

6.7　One hour or less before the opening of a voting place, the presiding election official, in front of all scrutineers present, must cause the vote counting unit to print a zeros tape.

Affixing zeros tape

6.8　If the totals are zero for all candidates and questions, the presiding election official must ensure that the zeros tape remains affixed to the vote counting unit until printing of the final results after closing of the voting place.

Totals not zero

6.9   If the totals are not zero for all candidates and questions, the presiding election official must:

(a)   notify the chief election officer or appointed election official immediately; and

(b)   conduct the poll using the emergency ballot compartment of the ballot box until repair or replacement of the vote counting unit occurs.

Number of ballots

6.10   The chief election officer must arrange for printing of a sufficient number of ballots to enable the vote of the election to take place.

Type of ballot

6.11   A ballot must be of a type that a vote counting unit is capable of reading, and the vote counting unit is to automatically examine and total the votes recorded on the ballot.

Code for ballot

6.12   The chief election officer must arrange for preprinting of a code on the ballot to allow a person who examines a ballot to identify it as an official ballot.

Use of sides of ballot

6.13   If a ballot includes a clear instruction to the elector to 'turn card over and continue voting', or other similar statement, the use of both sides of the ballot for voting is acceptable.

List of names of candidates

6.14   The list of names of all candidates for an office must be on only one side of a ballot.

Other lists

6.15   If space on a ballot permits, the ballot may list two or more offices or questions, or a combination of them.

Demonstration of ballot

6.16   Before receiving a ballot to vote, each elector who attends at a voting place to vote is to have an opportunity to observe a demonstration of the proper method of marking a ballot.

Designated voting area

6.17   Upon receiving a ballot, an elector must immediately:

(a)   proceed to the designated voting area;

(b)   using the special marking pen provided, mark choices on the ballot in the space provided next to each choice desired;

(c)   after completing the voting, insert the ballot into the secrecy sleeve provided;

(d)   leave the compartment; and

(e)   deliver the secrecy sleeve containing the ballot to the election official stationed at the ballot box.

Insertion of ballot

6.18   The election official stationed at the ballot box, in the presence of the elector, and without removing the ballot from the secrecy sleeve, must insert the ballot into the feed area of the vote counting unit, until the unit draws the ballot into the ballot box.

Return of ballot

6.19   If the vote counting unit returns a ballot to the elector, the election official stationed at the ballot box must:

(a)   immediately insert the ballot into the secrecy sleeve;

(b)   return the ballot contained in the secrecy sleeve to the elector;

(c)   determine the reason why the vote counting unit returned the ballot;

(d)   advise the elector why the vote counting unit returned the ballot;

(e)   request the elector to review the ballot; and

(f)   advise the elector to correct the ballot so that the vote counting unit can read it, or, if necessary, to obtain a new ballot.

Re-insertion of returned ballot

6.20   If the elector:

(a)   declines the opportunity to correct a returned ballot or to obtain a replacement ballot for a spoiled ballot; and

(b)   has not damaged the ballot to the extent that re-insertion of the ballot into the vote counting unit is impossible;

the election official must use the ballot return over-ride procedure to re-insert the returned ballot into the vote counting unit to count any acceptable marks.

Validity of ballot

6.21   Subject to the result of a judicial recount, any ballot accepted by a vote counting unit is valid and any acceptable marks contained on such ballot must count in the election.

Leaving the voting place

6.22   Once the election official has inserted the ballot into the vote counting unit and the unit indicates that it has accepted the ballot, the elector must leave the voting place immediately.

Non-functioning vote counting unit

6.23   During any period that a vote counting unit is not functioning, the election official supervising the unit must:

(a)   insert all ballots into the emergency ballot compartment;

(b)   after the close of voting, remove such ballots from the emergency compartment; and

(c)   under the supervision of the presiding election official, insert such ballots into the vote counting unit for counting.

Rejection of ballot stored in emergency ballot compartment

6.24   If a vote counting unit returns a ballot inserted under section 6.23(c), an election official, under the supervision of the presiding election official, must use the ballot return over-ride procedure to re-insert the ballot into the vote counting unit.

Use of vote counting units

6.25   All advance and special voting opportunities must use vote counting units, and their voting procedures, including procedures when a vote counting unit is not functioning, must follow, as closely as possible and to the extent applicable, the procedures described in sections 6.17 to 6.24.

Close of advance or special voting opportunity

6.26   At the close of voting at each advance or special voting opportunity, the presiding election official must ensure that:

(a)   a person does not insert additional ballots into either the vote counting unit or emergency ballot compartment; and

(b)   the vote counting unit does not generate the results tape.

Duties of presiding election official at final advance voting or special voting opportunity

6.27   At the close of voting at a final advance voting opportunity or final special voting opportunity, the presiding election official must:

(a)   ensure the insertion into the vote counting unit of any remaining ballots in the emergency ballot compartment;

(b)   secure the vote counting unit so as to prevent the insertion of more ballots;

(c)   prepare the ballot account substantially in the form attached as Schedule A; and

(d)   deliver the vote counting unit and the secured ballot box containing the voted ballots and all other election materials, to a site designated by the chief election officer.

Duties of presiding election official at general voting day

6.28   At the close of voting on general voting day, each presiding election official, except those responsible for advance and special voting opportunities, and for mail ballot voting, must, with the assistance of the election officials:

(a)   remove all ballots contained in the emergency ballot compartment of the ballot box, and feed them into the vote counting unit;

(b)   secure the vote counting unit against receiving any more ballots;

(c)   generate a results tape of the votes given for each candidate, and, if applicable, the votes given for or against other questions;

(d)   sign the certificate portion of the results tape, and cause one other election official to sign it;

(e)   allow any scrutineers present who wish to sign the certificate portion of the results tape to do so;

(f)   remove the results tape from the vote counting unit, and place it in a ballot transfer case;

(g)   provide additional results tapes to be:

(i)   sealed in an envelope to be transported to the counting centre, and

(ii)   locked in the ballot box to be left secured at the voting place;

(h)   count all spoiled and unused ballots;

(i)   open the ballot box, and remove all voted ballots;

(j)   prepare a ballot account in duplicate, indicating:

(i)   the total number of ballots received from the chief election officer,

(ii)   the number of voted ballots reported by the vote counting unit,

(iii)   the number of spoiled ballots returned to the presiding election official, and

(iv)   the number of unused ballots; and

(k)   sign the completed ballot account, and cause one other election official to sign it.

Duties of chief election officer

6.29   After the close of voting on general voting day, the chief election officer must:

(a)   to the extent that subsections (c) to (g) of 6.28 apply to advance and special voting opportunities, direct an election official to proceed in accordance with those provisions; and

(b)   direct an election official to insert all mail ballots into a vote counting unit for counting, after which subsections (b) to (k) of 6.28 are to apply to the extent they are applicable.

Return of mail ballots

6.30   If a vote counting unit returns any mail ballots during the counting process, the election official must use the ballot return over-ride procedure to re-insert such ballots into the vote counting unit.

Collection and packaging of election materials

6.31   Each presiding election official must:

(a)   place in the ballot transfer case:

(i)   all voted ballots,

(ii)   original ballot account specified in section 6.28(k), and

(iii)   results tape referred to in section 6.28(c);

(b)   together with one other election official, and any scrutineer present who wishes to do so, sign and seal the ballot transfer case so that a person cannot re-open the case without breaking the seal;

(c)   place in the portfolio:

(i)   a copy of the ballot account referred to in section 6.28(k),

(ii)   appointment of election officials form (pay sheet),

(iii)   ballot account in sealed envelope,

(iv)   elector registration forms,

(v)   presiding election official memo book, and

(vi)   keys for the vote counting unit and ballot box;

(d) place in the ballot box:

   (i) unused ballots,

   (ii) lists of electors, and

   (iii) all other forms, supplies, and other materials used in connection with the election; and

(e) personally deliver the vote counting unit, sealed ballot transfer cases, and portfolio to the location designated by the chief election officer.

Counting centre location

6.32 The chief election officer must determine a location for the counting centre.

Proceedings at counting centre

6.33 All proceedings at the counting centre are to be under the direction of the chief election officer or any person designated by the chief election officer.

Presence at counting centre

6.34 No person may be present at the counting centre except for the chief election officer, persons authorized by the chief election officer, candidates, and agents of candidates.

Testing of automated vote accumulation equipment

6.35 Within seven days before general voting day, the chief election officer must test the automated vote accumulation equipment to ascertain that it can accurately accumulate the votes cast for all offices and other voting.

Safeguards during testing or actual vote accumulation

6.36 Whenever testing or actual vote accumulation is to occur, the chief election officer must put in place adequate safeguards to ensure:

(a) isolation from all other applications or programs of the system used for the processing and tabulation of votes; and

(b) that no remote devices will be capable of gaining access to the system.

Conduct of testing

6.37 The test referred to in section 6.35 must include:

(a) loading the required accumulation programs into the computer for use in the accumulation of votes;

(b)   processing a pre-audited group of memory cards which have recorded on them a number of predetermined valid votes for each candidate and, if applicable, for or against each question; and

(c)   manually comparing the output of the processing against the pre-audited results.

Errors in testing

6.38   If the chief election officer detects any errors in the test, the chief election officer must:

(a)   ascertain the cause of the error;

(b)   correct the error; and

(c)   repeat the test until the chief election officer is able to certify an errorless count.

Testing certification

6.39   The chief election officer must certify all tests as correct before certification of any election returns as official.

Accumulation of vote totals

6.40   After the close of voting on general voting day, the chief election officer must:

(a)   upon arrival at the counting centre, receive the vote counting unit and presiding election officer's portfolio from the presiding election official;

(b)   review the ballot account prepared under section 6.28(k);

(c)   inspect the vote counting unit to ensure that the memory card is in place, and that the seal has not been broken;

(d)   break the memory card seal, and remove the memory card from the vote counting unit; and

(e)   insert the memory card into a memory card reader in order to accumulate the vote totals; and

(f)   if a memory card fails to transfer the vote totals, obtain the vote totals from the results tape contained in the portfolio, and manually input the totals into the automatic accumulating equipment.

Report on progress of accumulation of votes

6.41   The chief election officer may report the progress of the accumulation of votes cast for each candidate or question during the accumulation process.

Certification of accumulation of vote totals

6.42   The chief election officer must certify the results produced from the accumulation process under section 6.40(e) and from any manual count under section 6.43, and those certified results are to constitute the official results of the election.

Manual counting

6.43   If it becomes impracticable to count all or part of the ballots with the automatic vote counting system, the chief election officer may order the manual counting of the cards, following, to the extent practicable, sections 100, 101, and 102 of the Vancouver Charter.

Ordering of recount

6.44   The chief election officer may order the conduct of a recount for any one or more voting division, advance or special voting opportunity.

Conduct of recount

6.45   The chief election officer must conduct any recount using the automated vote counting system, and must arrange for:

(a)   the clearing of all memory cards of all affected vote counting units;

(b)   the designation of vote counting units for each voting division, advance or special voting opportunity affected;

(c)   the removal of all voted ballots from the sealed ballot transfer cases for the voting division concerned, except spoiled ballots, and re-insertion in the appropriate vote counting units under the supervision of the chief election officer;

(d)   the re-insertion, through use of the ballot return over-ride procedure, into the vote counting unit of any ballots returned by the vote counting unit during the recount process, to ensure the counting of any acceptable marks are counted; and

(e)   the processing, in accordance with subsections (e) and (f) of section 6.28, of the memory cards for all voting units in order to obtain the election results.

SECTION 7
ENFORCEMENT

Offences under By-law

7.1   A person who:

(a)   violates any provision of this By-law, or does any act or thing which violates any provision of this By-law, or suffers or allows any other person to do any act or thing which violates any provision of this By-law;

(b)   neglects to do or refrains from doing anything required to be done by any provision of this By-law; or

(c)   fails to comply with an order, direction, or notice given under any provision of this By-law, or suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law;

is guilty of an offence against this By-law, and liable to the penalties imposed under this Section 7.

Fine for offence

7.2   Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than $500.00 and not more than $2,000.00 for each offence.

Fine for continuing offence

7.3   Every person who commits an offence of a continuing nature against this By-law is liable to a fine not exceeding $50.00 for each day such offence continues.

SECTION 8
REPEAL AND ENACTMENT

Repeal

8.1   Council repeals Election Procedures By-law No. 7169, Mail Ballot Procedure By-law No. 7170, Automated Vote Counting System By-law No. 7600, Automated Vote Counting System Adoption By-law No. 7612, and Election Procedures – Nomination Deposit By-law No. 8071.

Force and effect

8.2   This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this   day of   , 2005

_____
                                                                                        Mayor

_____
                                                                                        Clerk

Voting Division: _____

BALLOT ACCOUNT

CITY OF **VANCOUVER**   Date: _____

Ballots Supplied to Presiding Election Official

A	Original Ballots Issued	
B	Additional Ballots (if supplied)	
C	TOTAL BALLOTS (A + B)	

Disposition of Ballots

D	Voted ballots	
E	Spoiled ballots returned to presiding election official	
F	Unused ballots	
G	Unaccounted for ballots	
H	TOTAL BALLOTS (D,E,F + G)	

Total ballots "C" should equal total ballots "H"

We hereby certify that this is a correct statement of ballot account.

_____   _____
Signature of presiding election official   Signature of other official

Original:	Copy 1. Place in transfer box with voted ballots
	Copy 2. Place in presiding election official envelope