

**REDLINED VERSION FOR THE PROPOSED AMENDMENTS
REGARDING MAIL BALLOTS AND SPECIAL VOTING**

ELECTION BY-LAW NO. 9070

Definitions

1.2 In this By-law:

"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; or
- ~~(c)~~(d) in the case of a mail ballot, a ballot that is determined to be spoiled in accordance with the adjudication system established in section 6A of this By-law;".

**SECTION 3
ELECTION PROCEDURES**

Voting at special voting opportunities

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

- (a) have a disability, illness or injury that significantly affects their ability to vote at another voting opportunity, or the elector is largely confined to their residence, or the elector is a resident caregiver to such an elector; or
- (b) are users of an emergency shelter or social service centre, or
- (c) are residents or patients of a hospital, care facility or similar facility or institution located in the City that has beds for 30 or more persons who qualify as electors.

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 to 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; and
- ~~(b)~~(c) if the special voting opportunity is conducted at a place where no vote counting unit is made available, then the ballot is to be sealed and transported securely to the election office and inserted into a vote counting unit in accordance with the mail ballot provisions of this By-law.

MAIL BALLOT PROCEDURE

Mail ballot package

4.3 Upon receipt of an application for a mail ballot during the period that begins on the 18th day before general voting day and ends at noon on the fourth day before general voting day, the chief election officer must:

- (a) make available to the applicant, a mail ballot package that must be picked up no later than noon the day before general voting day; 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, if any, in which such person is registered as an elector or as a “new elector” if that person is not on the register of electors.

(Proposed new section 4.3A)

Early mail ballot package

4.3A If the chief election official authorizes applications for mail ballots to be submitted prior to the 18th day before general voting day in accordance with section 4.2, all applications received prior to the 18th day are not to be processed in accordance with section 4.3 until the form of ballot has been finally determined in accordance with this By-law and the Vancouver Charter.

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, may be opened at any time after it has been received at the election office, but may only be opened by the presiding officer after which time the chief election officer~~ official must open the certification envelope containing the secrecy envelope in the presence of at least one other person.

SECTION 6 AUTOMATED VOTE COUNTING SYSTEM

Validity of ballot

6.21 Subject to the result of a judicial recount, and the adjudication of ballots under section 6A, any ballot accepted by a vote counting unit is valid and any acceptable marks contained ~~on~~ in such ballot must count in the election.

(Proposed new sections 6.23A and 6.23B)

If elector leaves

6.23A If an elector tells an election official they intend to leave a polling place before their ballot is inserted into a vote counting machine, the elector may give the ballot to an election official who must insert the ballot into the emergency ballot compartment.

6.23B Any ballot inserted into an emergency ballot compartment for any reason is to be counted in accordance with section 6A as if the ballot was a mail ballot.

~~Rejection of ballot stored in emergency ballot compartment~~

6.24 **DELETED** ~~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.~~

Return of mail ballots

6.30 ~~**DELETED** 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.~~

(Proposed new section 6A)

SECTION 6A COUNTING MAIL BALLOTS

Counting mail ballots

6A.1 Mail ballots are to be counted in the same manner as in person ballots, except as otherwise provided in this By-law.

6A.2 If a mail ballot is returned by a vote counting unit only because the ballot is not marked in any way or the ballot includes an over-vote for any elected office or for any ballot question, then the presiding election official must use the ballot return over-ride procedure.

6A.3 If a mail ballot is returned by a vote counting unit because it is unreadable or if the mail ballot cannot be inserted into a vote counting unit, the ballot should be placed in a “For Adjudication” box.

6A.4 Only a presiding election official may remove a mail ballot from a “For Adjudication” box, and may only do so in the presence of another person.

6A.5 A presiding election official may inspect any mail ballot in a “For Adjudication” box, but may only do so in the presence of another person.

Voter intention

6A.6 Following an inspection of a mail ballot that had been placed in a “For Adjudication” box, if the presiding election official determines that the intention of the voter is unclear for every elected office and every ballot question, then the presiding election official must allow a present scrutineer or present candidate representative to view the ballot.

6A.7 If a present scrutineer or a present candidate representative agrees with the presiding election official’s determination that the intention of the voter is unclear for every elected office and every ballot question, then the presiding election official must place the ballot in the “Spoiled Ballots” box.

6A.8 If a present scrutineer or a present candidate representative disagrees with the presiding election official’s determination that the intention of the voter is unclear for every elected office and every ballot question, then the presiding election official must mark a replacement ballot

representing the voter intention upon which there is agreement, unless there is no agreement in which case then the presiding election official must place the ballot in the “Spoiled Ballots” box.

6A.9 Following an inspection of a mail ballot that had been placed in a “For Adjudication” box, if the presiding election official determines that the intention of the voter is clear for every elected office and for every ballot question, then the presiding election official must allow a present scrutineer or present candidate representative to view the ballot.

6A.10 If a present scrutineer or a present candidate representative agrees with the presiding election official’s determination that the intention of the voter is clear for every elected office and every ballot question, then the presiding election official must mark a replacement ballot representing the voter intention upon which there is agreement.

6A.11 If a present scrutineer or a present candidate representative disagrees with the presiding election official’s determination that the intention of the voter is clear for every elected office and every ballot question, then the presiding election official must mark a replacement ballot representing the voter intention upon which there is agreement.

6A.12 Following an inspection of a mail ballot that had been placed in a “For Adjudication” box, if the presiding election official determines that the intention of the voter is clear for any elected office or for any ballot question, then the presiding election official must allow a present scrutineer or present candidate representative to view the ballot.

6A.13 If a present scrutineer or a present candidate representative agrees with the presiding election official’s determination that the intention of the voter is clear for any elected office or any ballot question, then the presiding election official must mark a replacement ballot representing the voter intention upon which there is agreement.

6A.14 If a present scrutineer or a present candidate representative disagrees with the presiding election official’s determination that the intention of the voter is clear for any elected office or any ballot question, then the presiding election official must mark a replacement ballot representing the voter intention upon which there is agreement, unless there is no agreement in which case then the presiding election official must place the ballot in the “Spoiled Ballots” box.

6A.15 Before inserting a replacement ballot into a vote counting unit, a presiding election official must allow a present scrutineer or a present candidate representative to view the replacement ballot and compare it to the original ballot.

6A.16 If the presiding election official confirms that the voter intention on the replacement ballot replicates the voter intention on the original ballot, then the original ballot is to be placed in the “Adjudicated Ballots – Originals” Box, and the replacement ballot is to be inserted into a vote counting unit.

6A.17 If a present scrutineer or a present candidate representative disputes that the replacement ballot is a replica, then the ballot is to be reviewed by the presiding election official, and the presiding election official may create another replacement ballot or affirm the disputed replacement ballot is a replica.

6A.18 If the presiding election official marks a replacement ballot pursuant to sections 6A.8, 6A.10, 6A.11, 6A.13 and 6A.14 they must then:

- (a) log the replacement ballot in the Statement of Adjudicated Ballot Account;
- (b) initial the replacement ballot outside the registration marks;
- (c) stamp “replaced” on the front of the original ballot;
- (d) place the original in the “Adjudicated Ballots - Originals” box.

6A.19 The “Adjudicated Ballots – Originals” Box must be kept secure at all times.