

CITY OF BURNABY

BYLAW NO. 12487

A BYLAW to amend Burnaby Automated
Vote Counting System Bylaw

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY AUTOMATED VOTE COUNTING SYSTEM BYLAW, AMENDMENT BYLAW 2008.**

2. Subsections (6), (7) and (8) of section 4 of the said Bylaw are repealed and the following substituted:

“(6) If before inserting the ballot into the vote tabulating unit an elector determines that he or she made a mistake when marking the ballot, the elector may request a replacement ballot by advising the election official in attendance.

(7) If a ballot is returned by the vote tabulating unit, the election official shall state the reason for the rejection as shown on the vote tabulating unit and give the elector the option of:

(a) completing a replacement ballot; or

(b) reinserting the returned ballot into the vote tabulating unit using the ballot return override procedure to count any marks that have been made correctly;

and the election official shall proceed in accordance with the elector’s choice.

(8) Upon being advised of the replacement ballot request under subsections (6) or (7) (a) the election official shall direct the elector to the presiding election official who shall issue a replacement ballot to the elector and mark the returned ballot “spoiled” and shall retain all such spoiled ballots separately from all other ballots and they shall not be counted in the election.

(8A) An election official shall not visually inspect a returned ballot.

(8B) The presiding election official may assist an elector if requested by the elector but only if the elector appears to be unable to understand the ballot instructions because of difficulties with reading or writing or other disability. ”

3. Subsection (11) of section 4 of the said Bylaw is repealed and the following substituted:

“(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 the emergency ballot compartment, and such ballots shall be counted after the close of voting in accordance with section 7(1) (a). ”

4. Subsection (2)(d) of section 5 of the said Bylaw is amended by adding thereto, after the word “secured”, the words “and sealed in such a manner that it cannot be accessed without breaking the seal”.

5. Subsection (3)(b) of section 5 of the said Bylaw is repealed and the following substituted:

“(b) secure and seal the vote tabulating unit so that ballots cannot be added or withdrawn without breaking the seal, and ”

6. Subsection (1) of section 6 of the said Bylaw is amended by striking out “section 3” where it appears and substituting “section 4”.

7. Subsection (2) of section 6 of the said Bylaw is amended by adding after the words “seal the portable ballot box” the words “so that ballots cannot be added or withdrawn without breaking the seal”.

8. Section 8 of the said Bylaw is repealed and the following substituted:

“RECOUNT

8(1) If on the initial ballot count after the close of voting on the general voting day the difference between the votes received by the candidate apparently elected with the lowest number of votes and the candidate or candidates with the next highest number of votes is less than 1/1000 of the total ballots considered, the chief election officer shall proceed to recount the ballots in accordance with the following procedures:

- (a) the memory packs 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; and
- (d) all ballots, except spoiled ballots, will be reinserted in the appropriate vote tabulating units under the supervision of the chief election officer;

and the results shall be declared the official election results.

- (2) If after a recount under subsection (1) the votes received by the candidate declared elected with the lowest number of votes and the candidate or candidates with the next highest number of votes is less than 1/1000 of the total ballots considered, the chief election officer shall make application for a judicial recount. The judicial recount shall be conducted manually in accordance with the procedures set out in the *Local Government Act* for the manual counting of votes, and the cost of the recount, excluding any legal costs incurred by the candidates, shall be paid by the City.



- (3) The chief election officer shall notify the candidates of the time and place of any recount conducted under subsection (1) and any judicial recount. ”

Read a first time this 7th day of July 2008

Read a second time this 7th day of July 2008

Read a third time this 7th day of July 2008

Reconsidered and adopted this 21st day of July 2008


MAYOR

P. CLERK

CERTIFIED TRUE COPY
THIS 22ND DAY OF JULY 2008


AUTHORIZED SIGNATORY CLERK