

THE CORPORATION OF THE CITY OF VERNON
BYLAW NUMBER 6078

A bylaw to provide for the determination of various procedures and the use of voting machines for the conduct of local general elections and assent voting

WHEREAS pursuant to the *Local Government Act*, the Council may, by bylaw, determine and set out procedures and requirement to be applied in the conduct of local government elections and assent voting;

NOW THEREFORE, the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Election Procedures and Automated Vote Counting System Authorization Bylaw 6078, 2026.”

2. DEFINITIONS

2.1 In this Bylaw,

Acceptable mark means a completed mark as defined in s. 139 of the *Local Government Act* and which the **vote counting unit** is able to identify, which has been made by an elector in the space provided on the **ballot** opposite the name of any candidate or opposite either ‘yes’ or ‘no’ on any other voting question.

Applicant means an elector who wants to vote by mail and makes a request for a mail ballot application.

Automated vote counting system means a system that counts and records votes and processes and stores election or any voting results which comprises:

- (a) a number of **ballot scan vote counting units**, each of which typically rests on a two-compartment **ballot** box, one compartment of which is for:
 - (i) voted ballots; and
 - (ii) returned ballots which have been reinserted using the ballot override procedure;
 - (iii) and the other compartment is for the temporary storage of voted ballots during such time as the vote counting unit is not functioning; and
- (b) a number of **storage ballot compartments** into which voted **ballots** are deposited where a **vote counting unit** is not functioning or being used

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which will therefore be counted after the close of voting on general voting day.

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

- (a) the names of all of the candidates for each of the offices to be filled; and
- (b) all of the choices on all of the bylaws or 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 on a **vote counting unit**, which causes the unit to accept a **returned ballot**.

Election headquarters may be City of Vernon City Hall, 3400 30 St, Vernon BC, or the location determined by the Chief Election Officer to be the main point of contact during an election.

Memory Card means a flash memory card that is separate from the memory pack.

Memory pack means a computer software cartridge which is inserted into the **vote counting unit** and into which is pre-programmed the names of all the candidates for each of the offices to be filled, and the alternatives of “yes” or “no” for each question on the **ballot**, and which records and retains information on the number of acceptable marks made for each.

Portable ballot box means a ballot box, for use in the election, where a **vote counting unit** is not being used at the time of voting.

Results tape means the printed record generated from a **vote counting 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 matters on which the opinion or assent of the electors is sought.

Returned ballot means a voted **ballot** which was inserted into the **vote counting unit**, but which was not accepted, and which was returned to the elector with an explanation of the **ballot** marking error which caused the **ballot** not to be accepted.

Secrecy enclosure means an open-ended folder, sleeve, envelope or item which is used to cover **ballots** to conceal the choices made by each elector.

Storage ballot compartment means a ballot box under each **vote counting unit** into which voted **ballots** may be temporarily deposited in the event that the unit ceases to function.

Vote counting unit means the device into which voted **ballots** are inserted and which scans each **ballot** and records the number of votes for each candidate and

for and against each question on which the opinion or assent of the electors is sought.

3. MINIMUM NUMBER OF NOMINATORS

In accordance with section 86(2) of the *Local Government Act*, the minimum number of qualified nominators required to make a nomination for office as a member of Council shall be 10.

4. ACCESS TO NOMINATION AND ENDORSEMENT DOCUMENTS

(a) The Chief Election Officer shall give public access to nomination documents for public inspection at City Hall 3400 30 St, Vernon during regular office hours of 8:30 am to 4:30 pm Monday to Friday. The Chief Election Officer may provide access to nomination documents on the City's website, and these documents may be redacted to remove personal information at the discretion of the Chief Election Officer. Nomination documents will be publicly available from the time of delivery until 30 days after the declaration of the election results.

(b) The Chief Election Officer must give public access to elector organization endorsement documents as specified in 4(a) above.

5. ELECTOR REGISTRATION

A person may register as an elector only at the time of voting for all elections and assent voting.

6. ADVANCE VOTING OPPORTUNITIES

6.1 Required Advance Voting

As required by the *Local Government Act*, the following advance voting opportunities are established for each election, to be held in advance of general voting day for each election:

(a) the tenth (10th) day before general voting day; and

(b) the third (3rd) day before general voting day.

6.2 Additional Advance Voting

The Chief Election Officer may:

(a) establish additional voting opportunities to be held in advance of general voting day; and

(b) designate the voting places and set the voting hours for these voting opportunities.

7. SPECIAL VOTING OPPORTUNITIES

- (a) The Chief Election Officer may establish the dates, locations, and voting hours within the limits set out in the *Local Government Act*, for the special voting opportunities.
- (b) The persons who may vote at a special voting opportunity shall be qualified electors who are residents, patients or family members at the facility, or qualified electors who are employed at the facility being used as a special voting opportunity.
- (c) Pursuant to section 109 of the *Local Government Act*, the Chief Election Officer may prescribe a form to be complete by qualified electors who are residents or patients at a facility that has been identified as a special voting opportunity, and completion and signing of the form is deemed to meet the requirements of section 72 of the *Local Government Act*,
- (d) The Chief Election Officer may limit the number of candidate representatives who may be present at the special voting opportunity in accordance with Section 109 of the *Local Government Act*.

8. ADDITIONAL GENERAL VOTING OPPORTUNITIES

The Chief Election Officer may designate the voting places and set the voting hours within the limits set out in the *Local Government Act* for additional general voting opportunities.

9. MAIL BALLOT VOTING

- 9.1 Mail ballot voting shall be permitted in accordance with Section 110 of the *Local Government Act*, and elector registration shall be permitted to be conducted in conjunction with this voting.
- 9.2 The Chief Election Officer shall keep sufficient records so that challenges of the elector's right to vote may be made in accordance with the intent of section 126 of the *Local Government Act*.
- 9.3 The Chief Election Officer shall determine the time limits in relation to voting by mail ballot and the **applicant** must apply in writing within the established time limits, and using the form established by the Chief Election Officer.
- 9.4 If, upon receiving a request for a mail ballot, the Chief Election Officer determines that another person has voted or has already been issued a mail ballot in the elector's name, the Chief Election Officer will comply with Section 127 of the *Local Government Act*.

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- 9.5 Upon the **applicant** making a request for a mail ballot, the Chief Election Officer will, commencing as soon as practicable after the printed ballots are available, make available to the **applicant**, a mail ballot package in accordance with Section 110 (7) of the *Local Government Act*.
- 9.6 As per the **applicant's** direction, the Chief Election Officer may distribute the mail ballot package in any of the following ways:
- (a) sending the mail ballot package by Canada Post;
 - (b) sending the mail ballot package by courier or other delivery at the expense of the applicant;
 - (c) having the mail ballot package picked up by the applicant at a designated time and location; or
 - (d) having the mail ballot package picked up by an Authorized Person at a designated time and location.

In the event of a postal disruption, the Chief Election Officer will determine the distribution of mail ballot packages.

- 9.7 The Chief Election Officer may request that the Authorized Person show identification and sign a form before providing the Authorized Person with the mail ballot package.
- 9.8 The Chief Election Officer may establish authorized mail ballot drop off locations.
- 9.9 The Chief Election Officer will record in the Mail Ballot Register and, upon request, make available for inspection:
- (a) the names and addresses of the electors to whom the mail ballot packages were issued; and
 - (b) any other information that the Chief Election Officer deems necessary to maintain the Mail Ballot Register.
- 9.10 To vote by mail ballot, the elector will mark the ballot in accordance with the instructions contained in the mail ballot package and return the marked ballot to the Chief Election Officer before the close of voting on general voting day.
- 9.11 The Chief Election Officer will, upon receipt of the return envelope and its contents:
- (a) record the date of receipt in the Mail Ballot Register as well as any other information deemed pertinent by the Chief Election Officer; and
 - (b) open the return envelope.

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9.12 When the Chief Election Officer examines the certification envelope, they will:

- (a) confirm the identity of the elector as an applicant on the Mail Ballot Register;
- (b) determine the fulfilment of the requirements in Section 70 of the *Local Government Act* and the completeness of any application to register, if required; and
- (c) determine the completeness of the certification envelope.

9.13 If the Chief Election Officer is satisfied that the elector has met the requirements in Section 9.14, they will:

- (a) mark the certification envelope as “accepted”, and
- (b) place the accepted certification envelope with the other certification envelopes.

9.14 If the Chief Election Officer determines that:

- (a) they are not satisfied as to the identity or eligibility of the elector; or
- (b) the certification envelope is incomplete; or
- (c) the elector has not completed their registration as an elector in accordance with this bylaw; or
- (d) the return envelope is received by the Chief Election Officer after the close of voting on general voting day,

the Chief Election Officer will mark the certification envelope as “rejected”, indicate the reason for the rejection, set aside the rejected certification envelope unopened, and ensure the mail ballot therein is not counted in the election.

9.15 The Chief Election Officer will retain in their custody all accepted and rejected certification envelopes until the ballots are processed.

9.16 A person who qualifies under Section 126 of the *Local Government Act* may challenge the right of a person to vote by mail ballot on the grounds set out in Section 126 of the *Local Government Act*, up until 4:00 p.m. two days before general voting day.

9.17 After 4:00 p.m. two days before general voting day, and in the presence of at least one other person, including any candidate representatives, the Chief Election Officer will:

- (a) deal with any challenges to the electors in regard to the accepted

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certification envelopes;

- (b) open the accepted certification envelopes;
- (c) remove the secrecy envelopes containing the ballots;
- (d) open the secrecy envelopes and deposit the ballots into the designated Portable Ballot Box.

9.18 If the Chief Election Officer receives a return envelope with its contents after 4:00 p.m. 2 days before general voting day but before the close of general voting day, the Chief Election Officer shall:

- (a) handle those return envelopes in accordance with section 9.13 at the time that they are received;
- (b) retain all accepted certification envelopes until the close of general voting day; and
- (c) process the accepted certification envelopes in accordance with section 9.14 to 9.17.

9.19 As soon as possible after all of the secrecy enclosures have been placed in the ballot box, in the presence of at least 1 other person and any candidate representatives, the Chief Election Officer shall supervise:

- (a) The opening of the ballot box;
- (b) The opening of the secrecy envelopes; and
- (c) The counting of the ballots in accordance with the provisions of the *Local Government Act*.
- (d) If the ballot is returned by the vote counting unit, the re-insertion of the returned ballot into the vote counting unit using the ballot return override procedure to count any acceptable marks which have been made clearly will be performed.

9.20 If an elector unintentionally spoils a mail ballot before returning it to the Chief Election Officer, the elector may request a replacement ballot by:

- (a) Advising the Chief Election Officer of the ballot spoilage; and
- (b) Mailing or otherwise delivering by an appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer.

9.21 As provided in the *Local Government Act*, to be counted, a mail ballot shall be received by the Chief Election Officer before the close of voting on general voting

day. At the close of voting on general voting day, the provisions of Section 18 Procedures after Close of Voting on General Voting Day as far as applicable, will apply.

- 9.22 The Chief Election Officer may delegate to other election officials the Chief Election Officer's duties and powers related to mail ballot voting, subject to any restrictions or conditions specified by the Chief Election Officer.

10. ORDER OF NAMES ON BALLOT

The order of names of candidates on the ballot will be determined by lot in accordance with section 117 of the *Local Government Act*.

11. NUMBER OF SCRUTINEERS AT VOTING PLACES

The number of scrutineers for each candidate that may attend at an election is 1 scrutineer for each ballot box in use in accordance with section 120 of the *Local Government Act*.

12. NUMBER OF SCRUTINEERS FOR ASSENT

As authorized under section 181 of the *Local Government Act*, for assent voting, the number of scrutineers for the question and the number of scrutineers against the question that may attend at each voting place is 1 scrutineer for each side of the question.

13. RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with section 151 of the *Local Government Act*.

14. USE OF VOTE COUNTING UNIT

The Chief Election Officer may use an **automated vote counting system** for the conduct of elections and voting on matters on which the opinion or assent of the elector is sought.

15. AUTOMATED VOTING PROCEDURES

- 15.1 The presiding election official for each voting place shall offer, and if requested, ensure that a demonstration of how to vote using a **vote counting** unit is provided to an elector as soon as such elector enters the voting place and before a **ballot** is issued.
- 15.2 Upon completion of the voting demonstration, if any, the elector shall proceed as instructed, to the election official responsible for issuing **ballots**, who, upon fulfilment of the requirements of the *Local Government Act*, shall then provide a

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ballot to the elector, a **secrecy enclosure** if requested by the elector, the ballot marking instrument, and any further instructions the elector requests.

- 15.3 Upon receiving a **ballot** the elector shall immediately proceed to a voting compartment to vote.
- 15.4 The elector may 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.
- 15.5 Once the elector has finished marking the **ballot**, the elector shall either place the **ballot** into the **secrecy enclosure**, if one has been requested, or turn the ballot upside down and proceed to the **vote counting unit**, and under the supervision of the election official in attendance, insert the **ballot** directly from the **secrecy enclosure**, if applicable, into the **vote counting unit** without the **acceptable marks** on the **ballot** being exposed.
- 15.6 If, before inserting the **ballot** into the **vote counting unit**, an elector determines that a mistake has been made when marking the **ballot**, or if the **ballot** is returned by the **vote counting unit**, the elector may return to the voting compartment to correct the ballot or request a replacement **ballot** by informing the election official in attendance.
- 15.7 Upon being informed of the replacement **ballot** request, the presiding election official shall:
- (a) issue a replacement **ballot** to the elector and mark the **returned ballot** "spoiled".
 - (b) and shall retain all such spoiled **ballots** separately from all other **ballots**; and
 - (c) not count the spoiled ballots.
- 15.8 If the elector declines the opportunity to obtain a replacement **ballot** and has not damaged the **ballot** to the extent that it cannot be reinserted into the **vote counting unit**, the election official shall, using the **ballot return override procedure**, reinsert the **returned ballot** into the **vote counting unit** to count any **acceptable marks** which have been made correctly.
- 15.9 Any **ballot** counted by the **vote counting unit** is valid and any acceptable marks contained on such **ballots** will be counted, subject to any determination made under a judicial recount.

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15.10 Once the **ballot** has been inserted into the **vote counting unit** and the vote counting unit indicates that the **ballot** has been accepted, the elector shall immediately leave the voting place.

15.11 During any period that a **vote counting unit** is not functioning, the election official supervising the unit shall insert all **ballots** delivered by the electors during this time,
into the **storage ballot compartment**, or a **portable ballot box** on the understanding that if the **vote counting unit**:

(a) becomes operational, or

(b) is replaced with another **vote counting unit**,

the **ballots** in the **storage ballot compartment** or a **portable ballot box** shall, as soon as reasonably possible, be removed by an election official and, under the supervision of the presiding election official, shall be inserted into the **vote counting unit** to be counted.

15.12 Any **ballots** which were temporarily stored in the **storage ballot compartment** or **portable ballot box** during a period when the **vote counting unit** was not functioning, which are returned by the **vote counting unit** when being counted shall, through the use of the **ballot return override procedure** and under the supervision of the presiding election official, be reinserted into the **vote counting unit** to ensure that any **acceptable marks** are counted.

16. ADVANCE VOTING OPPORTUNITY PROCEDURES

16.1 **Vote counting units** may be used at all advance voting opportunities and voting procedures at the advance voting opportunities shall follow, as closely as possible, those described in Part 15 of this Bylaw.

16.2 At the close of voting at each advance voting opportunity, the presiding election official in each case shall ensure that:

(a) no additional **ballots** are inserted in the **vote counting unit**;

(b) the **storage ballot compartment** is being secured to prevent insertion of any **ballots**;

(c) the **results tapes** in the **vote counting unit** are not generated; and

(d) the **memory pack** of the **vote counting unit** is secured.

16.3 At the close of voting at the final advance voting opportunity, the presiding election official shall:

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- (a) ensure that any remaining **ballots** in the **storage ballot compartment** or **portable ballot box** are inserted into the **vote counting unit**;
- (b) secure the **vote counting unit** so that no more **ballots** can be inserted; and
- (c) deliver the **vote counting unit** together with the **memory pack** and all other materials used in the election to the chief election officer at **election headquarters**.

17. SPECIAL VOTING OPPORTUNITY PROCEDURES

- 17.1 Unless the Chief Election Officer determines it is practical to use a **vote counting unit**, a **portable ballot box**, shall be used for all special voting opportunities. The presiding election official appointed to attend at each special voting opportunity shall proceed in accordance with Part 15 of this Bylaw as far as applicable, except that the voted **ballots** may be deposited into the **portable ballot box** supplied by the presiding election official.
- 17.2 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 together with all other election materials to the custody of the chief election officer.
- 17.3 If a **vote counting 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 Part 16 of this Bylaw as if it were an advance voting opportunity.

18. PROCEDURES AFTER CLOSE OF VOTING ON GENERAL VOTING DAY

- 18.1 After the close of voting on general voting day, each presiding election official, except those responsible for advance and special voting opportunities, shall undertake all of the following, generally in the order stipulated:
 - (a) ensure that any remaining **ballots** in the **storage ballot compartment** are inserted into the **vote counting unit**;
 - (b) secure the **vote counting unit** so that no more **ballots** can be inserted;
 - (c) generate two copies of the **results tape** from the **vote counting unit**;
 - (d) communicate the result to **election** headquarters immediately;
 - (e) account for the unused, spoiled and voted **ballots** and place them, packaged, and sealed separately, together with the **memory pack** from the **vote**

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counting unit and one copy of the **results tape**, into the ballots and results box;

- (f) complete the ballot account and place the duplicate copy in the ballots and results box;
- (g) seal the ballots and results box;
- (h) place the voting books, list of electors, the original copy of the ballot account, one copy of the results tape, completed registration cards, keys and all completed forms into the election materials box; and
- (i) deliver, or have available for pick-up, the sealed ballots and results box, **vote counting unit** and the election materials box, to the chief election officer at election headquarters.

18.2 At the close of voting on general voting day, the Chief Election Officer shall direct the presiding election official for the advance voting opportunity and any special voting opportunities where **vote counting units** were used, to proceed in accordance with Section 18.1 of this Bylaw.

18.3 All **portable ballot boxes** used in the election will be opened, under the direction of the Chief Election Officer, at the close of voting on general voting day and all ballots shall be removed and inserted into a **vote counting unit** to be counted, after which the provision of Sections 18.1 (a) to (h), as far as applicable, shall apply.

19. RECOUNT PROCEDURE

19.1 As part of the official determination of election results, any recount after the preliminary election results are announced shall be conducted under the direction of the chief election officer using the **automated vote counting system** and generally in accordance with the following procedure:

- (a) the **memory packs** of the applicable **vote counting units** will be cleared.
- (b) a **vote counting unit** will be designated for each voting place.
- (c) all voted **ballots** for the applicable voting counting units will be removed from the sealed election boxes, except spoiled ballots, and reinserted in the **vote counting unit** under the supervision of the Chief Election Officer.
- (d) any **ballots** returned by the **vote counting unit** during the recount process shall, through the use of the **ballot return override procedure**, be reinserted in the **vote counting unit** to ensure that any **acceptable marks** are counted.

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- (e) at the conclusion of the recount proceedings, the Chief Election Officer shall proceed to ensure all ballot boxes and **vote counting units** are closed, sealed, and secured in accordance with section 7 of this bylaw.
- (f) the Chief Election Officer shall ensure that the recount results are tallied and recorded in a spreadsheet indicating the total results.

20. REPEAL

Election Procedure Bylaw Number 3971, 1993 and Automated Voting Machines Authorization Bylaw Number 4539, 1999 and all amendments are hereby repealed.

21. SEVERABILITY

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and remainder of the Bylaw deemed valid.

READ A FIRST TIME this	27 th day of April, 2026.
READ A SECOND TIME this	27 th day of April, 2026.
READ A THIRD TIME this	27 th day of April, 2026.
ADOPTED this 11 th day of May, 2026.	

Victor I. Cumming

Sue Wood

Mayor

Corporate Officer