

TOWN OF LAKE COWICHAN

BYLAW NO. 1133-2026

ELECTION and ASSENT VOTING BYLAW

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A BYLAW TO ESTABLISH PROCEDURES FOR
THE CONDUCT OF ELECTIONS AND ASSENT VOTING
AND TO PROVIDE FOR THE USE OF AUTOMATED VOTING MACHINES

WHEREAS the Local Government Act provides that the Council of the Town of Lake Cowichan may establish, by bylaw, various procedures and requirements to be applied in the conduct of elections and assent voting;

AND WHEREAS under the Local Government Act, the Council of the Town of Lake Cowichan may provide for, by bylaw, the use of automated voting machines, voting recorders or other devices for voting in elections and assent voting;

AND WHEREAS the Council of the Town of Lake Cowichan wishes to establish voting procedures and requirements under those authorities, and use automated voting machines in elections and assent voting;

NOW THEREFORE, the Council of the Town of Lake Cowichan, in open meeting assembled, enacts as follows:

PART 1 -- INTERPRETATION

1 . Title

This Bylaw may be cited for all purposes as the "Town of Lake Cowichan Election and Assent Voting Bylaw No. 1133-2026".

2. Definitions

In this Bylaw, the following terms have the following meanings:

Acceptable Mark means a completed mark that the Vote Counting Unit is able to identify, and that has been made by an elector in the space provided on the Ballot opposite the name of any candidate or opposite the choices of any questions on which the assent or opinion of the electors is sought.

Automated Vote Counting System means a system that counts and records votes, processes and stores Election and assent voting results and consists of a number of Vote Counting Units, each of which rests on and deposits the voted Ballots into a two-compartment Ballot Box;

(i) one compartment of which is for voted Ballots and for Returned Ballots which voters have re-inserted using the ballot Return Override Procedure, and

(ii) the other compartment of which is for the temporary storage of voted Ballots deposited during such time as the Vote Counting Unit is not functioning;

Ballot means a single automated ballot card designed for use in an Automated Vote Counting System, which shows

(i) the names of all candidates for each of the offices of Mayor, Councillor and, if applicable, School Trustee; and

(ii) all of the choices on all of the questions on which the assent or opinion of the electors is sought.

Ballot Box means a container for voted Ballots.

Ballot Return Override Procedure means the use, by an Election Official, of a device on a Vote Counting Unit that causes the unit to accept a Returned Ballot.

Election Official means the persons appointed under subsection 58(2) of the Local Government Act for the administration and conduct of the election.

Election Headquarters means Lake Cowichan Town Hall, 39 South Shore Road, Lake Cowichan, BC or any other location designated by the Chief Election Officer.

Election Materials Transfer Box means the container(s) containing Election materials that are to be transported from voting place to Election Headquarters.

Emergency Ballot Compartment means one of two separate compartments in the Ballot Box under each Vote Counting Unit into which voted ballots are temporarily deposited in the event that the Unit ceases to function.

General Local Election means an Election held every fourth (4th) year after 2018 for the offices of Mayor, Councillors and, if applicable, School District Trustee;

General Voting Day means:

(i) for a General Local Election, the third (3 rd) Saturday of October in the year of the Election;

(ii) for other Elections, the date set under Sections 54 or 55 of the Local Government Act; and

(iii) for assent voting, the date set under Section 174 of the Local Government Act

Memory Card means a computer software cartridge that plugs into the Vote Counting Unit that contains

(i) the names of all of the candidates for each of the offices of Mayor, Councillor and, if applicable, School Trustee;

(ii) all of the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought; and

(iii) a mechanism to record and retain information on the number of Acceptable Marks made for each.

Portable Ballot Box means a Ballot Box that is used at a voting place where a Vote Counting Unit is not being used.

Results Box means the box used to contain, transfer and retain the Results Tapes, Memory Cards, spoiled and unused Ballots and ballot accounts.

Results Tape means the printed record generated from a Vote Counting Unit at the close of voting on General Voting Day, which shows

(i) the number of votes for each candidate for each of the office of Mayor, Councillor and, if applicable, School Trustee; and

(ii) the number of votes for each choice on all of the bylaws or other matters on which the opinion or assent of the electors is sought.

Returned Ballot means a voted Ballot that was inserted into the Vote Counting Unit by the elector but was not accepted and was returned to the elector with an explanation of the Ballot marking error that caused the Ballot not to be accepted.

Town means the Town of Lake Cowichan.

Vote Counting Unit or **Unit** means the device into which voted Ballots are inserted, and that scans each Ballot and records the

(i) number of votes for each candidate for each of the office of Mayor, Councillor and, if applicable, School Trustee; and

(ii) number of votes for each choice on all of the bylaws or other matters on which the opinion or assent of the electors is sought.

Voting Book means the book for recording the names of electors.

Voting Compartment means an area that is arranged in such a manner that electors may mark their Ballots screened from observation by others and without interference.

PART 2 -- ELECTION PROCEDURES

3. Use of Automated Vote Counting System

Council hereby authorizes the use of an Automated Vote Counting System for the conduct of General Local Elections and assent voting in the Town.

4. Register of Resident Electors

For the purposes of all local elections and assent voting, the most current available Provincial list of voters prepared under the Election Act shall become the register of

resident electors on the 52nd day prior to the General Voting Day for such elections and assent voting.

5. Public Access to Election Documents

(1) In addition to public access to election documents required under section 89(7) of the Local Government Act, Council authorizes the publication on the Town Internet of

(a) nomination documents, and

(b) endorsement documents

from as soon as possible after the time of delivery to the Chief Election Officer until at least 30 days after the declaration of the election results.

6. Advance Voting Opportunities

(1) As required under section 107 of the Local Government Act, the following advance voting opportunities must be held:

(a) one on the 10th day before General Voting Day, and

(b) one on the 3rd day before General Voting Day.

(2) As authorized under section 108 of the Local Government Act, the Chief Election Officer is hereby authorized to

(a) establish additional advance voting opportunities, and

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

7. Order of Names on Ballot

As authorized under section 117 of the Local Government Act, the order of names of candidates on the Ballot shall be determined by lot.

8. Number of Scrutineers at Voting Places

(1) In accordance with section 120 of the Local Government Act, the maximum number of scrutineers for each candidate that may attend at each voting place is one scrutineer for each Ballot Box in use.

(2) In accordance with 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, in assent voting, that may attend each voting place is one scrutineer.

9. 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.

PART 3 MAIL BALLOT

10. Authorization

(1) Voting by Mail Ballot is not allowed.

PART 4 -- AUTOMATED VOTE COUNTING SYSTEM AND PROCEDURES

11. Automated Voting Procedures

(1) At voting places where a Vote Counting Unit is being used, the Chief Election Officer must, if requested, ensure that a demonstration is provided on how to vote using a Vote Counting Unit as soon as an elector enters the voting place and before a Ballot is issued.

(2) Upon completion of the voting demonstration, if any, the elector shall proceed as instructed to the Election Official responsible for issuing Ballots, who shall

(a) ensure that the elector

(i) is qualified to vote in the Election, and
(ii) completes the Voting Book as required by the Local Government Act, and then;

(b) provide, upon fulfilment of the requirements of subsection (a), a Ballot to the elector, the Ballot marking instrument, and any further instructions the elector requests.

(3) Upon receiving a Ballot, the elector shall immediately proceed to a Voting Compartment to vote.

(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 the choices of any questions on which the assent or opinion of the electors is sought.

(5) Once the elector has finished marking the Ballot, the elector must

(a) turn the Ballot face down, and

(b) proceed to the Vote Counting Unit and, under the supervision of the Election Official in attendance, run the Ballot directly through the Vote Counting Unit and into the Ballot Box without the Acceptable Marks on the Ballot being exposed.

(6) If, before running the Ballot through the Vote Counting Unit, an elector determines that a mistake has been made when marking a Ballot, or if the Ballot is returned by the Vote Counting Unit before depositing it into the Ballot Box, the elector may request a replacement Ballot by advising the Election Official in attendance.

(7) Upon being advised of the replacement Ballot request, the Chief Election Officer or Deputy Chief Election Officer must

(a) issue a replacement Ballot to the elector and mark the Returned Ballot "spoiled", and

(b) retain all such spoiled Ballots separately from all other Ballots and they shall not be counted in the Election.

(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 re-run through the Vote Counting Unit, the Election Official must, using the Ballot Return Override Procedure, re-run the Returned Ballot through the Vote Counting Unit to count any Acceptable Marks that have been made correctly.

(9) Any Ballot counted by the Vote Counting Unit is valid, and any Acceptable Marks contained on such Ballots will be counted in the Election subject to any determination made under a judicial recount.

(10) Once the Ballot has been run through the Vote Counting Unit and the Unit indicates that the Ballot has been accepted, the elector must immediately leave the voting place.

(11) During any period that a Vote Counting Unit is not functioning, the Election Official supervising the Unit shall direct electors to insert all voted Ballots into the Emergency Ballot Compartment on the understanding that if the Vote Counting Unit

(a) becomes operational, or

(b) is replaced with another Vote Counting Unit

then the Ballots in the Emergency Ballot Compartment shall, as soon as reasonably possible, be removed by an Election Official and, under the

supervision of the Chief Election Officer or Deputy Chief Election Officer, be run through the Vote Counting Unit and into the Ballot Box to be counted.

(12) Any Ballots that were temporarily stored in the Emergency Ballot Compartment during a period when the Vote Counting Unit was not functioning, and that are returned by the Vote Counting Unit when being run through in subsection(11) shall, through the use of the Ballot Return Override Procedure and under the supervision of the Chief Election Officer or Deputy Chief Election Officer, be re-run through the Vote Counting Unit to ensure that any Acceptable Marks are counted.

12. Advance Voting Opportunity Procedures

(1) Vote Counting Units shall be used to conduct the vote at all advance voting opportunities, and voting procedures shall follow as closely as possible to those described in section 11 of this Bylaw.

(2) At the close of voting at each advance voting opportunity, the Chief Election Officer must

(a) ensure that the Emergency Ballot Compartment is sealed to prevent any insertion of Ballots,

(b) seal the Ballot Box in a manner to prevent the addition or withdrawal of Ballots,

(c) ensure the Vote Counting Unit does not generate the Results Tapes,

(d) secure the Memory Card in the Vote Counting Unit, and

(e) deliver the Vote Counting Unit containing the Memory Card, the Ballot Box and all other election materials to the Chief Election Officer at Election Headquarters.

(3) At the close of voting at the final advance voting opportunity the Chief Election Officer must

(a) ensure that any remaining Ballots in the Emergency Ballot Compartment are run through the Vote Counting Unit and into the Ballot Box,

(b) seal the Emergency Ballot Compartment to prevent any insertion of Ballots,

(c) seal the Ballot Box in a manner to prevent the addition or withdrawal of Ballots,

(d) remove the Memory Card from the Vote Counting Unit, place into the Results Box and place the Results Box into the Election Materials Transfer Box;

(e) complete a preliminary ballot account for advanced voting and place into the Election Materials Transfer Box;

(f) ensure the Vote Counting Unit does not generate the Results Tapes, and

(g) deliver the Election Materials Transfer Box, Vote Counting Unit, sealed Ballot Box and all other election materials to the Chief Election Officer at Election Headquarters.

13. Procedures after the Close of Voting on General Voting Day

(1) After the close of voting on General Voting Day, the Chief Election Officer shall, for each Vote Counting Unit and Ballot Box in use:

(a) ensure that any remaining Ballots in any Emergency Ballot Compartment are run through the applicable Vote Counting Unit and into the Ballot Box;

(b) seal the Ballot Box to prevent the addition or withdrawal of Ballots;

(c) generate two copies of the Results Tape from each Memory Card and

(i) place one copy into the Results Box, and

(ii) retain one copy to calculate the Election results;

(d) remove the Memory Card from the Vote Counting Unit and place into the Results Box;

(e) account for the unused and spoiled Ballots and place them, packaged and sealed separately, into the Results Box;

(f) complete two copies of the ballot account and place

(i) one copy into the Results Box, and

(ii) the duplicate copy into the Election Materials Transfer Box;

(g) Seal the Results Box and place into the Election Materials Transfer Box;

(h) place the Voting Books, List of Electors, keys and all completed forms into the Election Materials Transfer Box; and

(i) deliver the Election Materials Transfer Box, Vote Counting Units, sealed Ballot Boxes and all other equipment and materials to Election Headquarters.

(2) After the close of voting on General Voting Day, the Chief Election Officer shall ensure that certification envelopes, if any, are processed in accordance with this Bylaw, as applicable, for each of

(a) the advance voting opportunity, and

(b) any special voting opportunities where Vote Counting Units were used.

(3) After the close of voting on General Voting Day, all Portable Ballot Boxes used in the Election shall be opened, under the direction of the Chief Election Officer, and all Ballots shall be removed and run through a Vote Counting Unit and into a Ballot Box to be counted, after which the provisions of Section 13, subsection (1)(b) to (i), as far as applicable, shall apply.

14. Recount Procedure

(1) If a recount is required, it 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 Cards of all Vote Counting Units will be cleared;

(b) Vote Counting Units will be designated for each voting place;

(c) all voted Ballots for the applicable Vote Counting Units will be removed from the sealed Ballot Boxes, except spoiled Ballots, and reinserted into the Vote Counting Unit under the supervision of the Chief Election Officer; and

(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 into the Vote Counting Unit to ensure that any Acceptable Marks are counted.

PART 5 -- GENERAL AND REPEAL

15. General

(1) Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.

(2) If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder, which shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

16. Repeal

The "Town of Lake Cowichan Local Government Election Bylaw No. 1069-2022." is hereby repealed.

READ A FIRST TIME on the 26th day of May, 2026.

READ A SECOND TIME on the 26th day of May, 2026.

READ A THIRD TIME on the 26th day of May, 2026.

FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 23rd day of June, 2026.

Original Signed

Tim McGonigle
Mayor

Original Signed

John Thomas
Corporate Officer