



## DISTRICT OF HIGHLANDS BYLAW NO. 473

### A BYLAW TO PROVIDE FOR THE DETERMINATION OF VARIOUS PROCEDURES FOR THE CONDUCT OF LOCAL GOVERNMENT ELECTIONS AND ASSENT VOTING

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The Council of the District of Highlands, in open meeting assembled, enacts as follows:

#### 1. CITATION

This Bylaw may be cited as “Election and Voting Procedure Bylaw No. 473, 2026”.

#### 2. DEFINITIONS

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.

“**Automated vote counting system**” means a system that records and counts votes, processes and stores election results, consisting of **vote counting units** and **ballot boxes**.

“**Ballot**” means a single **ballot** card designed for use in an **automated vote counting system**, showing all candidates and choices for offices and questions.

“**Ballot box**” means a container for **ballots** that have been marked by electors.

“**Ballot return override procedure**” means the use, by an election official, of a device on a **vote counting unit** to accept a **returned ballot**.

“**Chief Election Officer**” means a person appointed by Council, including their deputy.

“**District**” means the **District** of Highlands.

“**Election headquarters**” means the location designated by the **Chief Election Officer**, or Highlands **District** Office if not otherwise designated.

“**Memory card**” means the storage device that stores all permanent results for the **vote counting unit**.

“**Portable ballot box**” means a **ballot box** used at a voting place where a **vote counting unit** is not being used or is not functioning.

**“Results tape”** means the printed record generated from a **vote counting unit** at the close of voting, showing the number of votes for each candidate and for/against each question.

**“Returned ballot”** means a voted **ballot** not accepted by the **vote counting unit** and returned to the elector with an explanation.

**“Secrecy sleeve”** means an open-ended folder or envelope used to cover **ballots** to conceal choices.

**“Storage ballot compartment”** means a **ballot box** under each **vote counting unit** into which voted **ballots** are temporarily deposited if the unit ceases to function.

**“Vote counting unit”** means the device into which voted **ballots** are inserted, which scans and records votes for each candidate and question.

### 3. APPLICATION

This Bylaw applies to all **District** elections and all other voting opportunities required or permitted to be held under the *Local Government Act*.

### 4. NUMBER OF NOMINATORS

The minimum number of qualified nominators required to make a nomination for office as a member of Council shall be ten (10).

### 5. ACCESS TO NOMINATION DOCUMENTS

Pursuant to the *Local Government Act*, the **Chief Election Officer** must make nomination documents and elector organization endorsement documents available for public inspection, in person at the **District** office and in paper form, from the time of delivery until 30 days after the declaration of election results, and no person other than a District officer or employee acting in the course of their duties may inspect the documents without first signing a statement confirming lawful use of the information.

### 6. REGISTER OF ELECTORS

The most current available Provincial List of Voters prepared under the *Elections Act* shall form the register of resident electors for the **District** no later than 52 days before general voting day for any election or assent voting of the **District** to which this bylaw applies.

### 7. REQUIRED ADVANCED VOTING OPPORTUNITIES

An advance voting opportunity must be held:

- a) on the 10th day before general voting day from 8:00 am. until 8:00 pm, and
- b) on the 3rd day before general voting day from 8:00 am until 8:00 pm

## 8. ADDITIONAL VOTING OPPORTUNITIES

The **Chief Election Officer** may:

- a) establish additional advance voting opportunities in advance of general voting day; and
- b) designate the voting places and set the voting hours for these opportunities.

## 9. ORDER OF NAMES ON BALLOT

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

## 10. USE OF VOTING MACHINES

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

## 11. AUTOMATED VOTING PROCEDURES

- 11.1. 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 the **ballot** is issued.
- 11.2. 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 **ballot** to the elector, a **secrecy sleeve** if applicable, the **ballot** marking instrument, and any further instructions the elector requests.
- 11.3. Upon receiving a **ballot**, and **secrecy sleeve** if so requested, the elector must immediately proceed to a voting compartment to vote.
- 11.4. 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 the office of Mayor, for each office of Councillor, and each office of School Trustee, if applicable; 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.
- 11.5. Once the elector has finished marking the **ballot**, the elector must proceed to the **vote counting unit**, and under the supervision of the election official in attendance, insert the **ballot** directly from the **secrecy sleeve**, if applicable, into the **vote counting unit** without exposing the marks on the **ballot**.

- 11.6. 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 request a replacement **ballot** by advising the election official in attendance.
- 11.7. Upon being informed of the replacement **ballot** request, the presiding election official shall:
  - a) issue a replacement **ballot** to the elector and mark as "spoiled"; and
  - b) retain all spoiled **ballots** separately from all other **ballots**; and
  - c) not count the spoiled **ballots**.
- 11.8. 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 overage procedure, reinsert the **returned ballot** into the vote counting until to count any **acceptable marks** which have been made correctly.
- 11.9. Any **ballot** counted by the **vote counting unit** is valid and all **acceptable marks** contained on such **ballots** will be counted in the election subject to any determination made under a judicial recount.
- 11.10. Once the **ballot** has been inserted into the **vote counting unit** and the unit indicates that the **ballot** has been accepted, the elector must immediately leave the voting place.
- 11.11. During any period that a vote counting 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**, 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** shall, as soon as reasonably possible, be removed by the election official and, under the supervision of the presiding election official, shall be inserted into the **vote counting unit** to be counted.
- 11.12. Any **ballots** which were temporarily stored in the **storage ballot compartment** during the 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.

## 12. ADVANCED VOTING OPPORTUNITY PROCEDURES

- 12.1. ***Vote counting units*** shall be used at all advance voting opportunities and voting procedures at advance voting opportunities must follow, as closely as possible, those described in this Bylaw.
- 12.2. At the close of voting at each advance voting opportunity the presiding election official in each case must ensure that:
  - a) no additional ***ballots*** are inserted in the ***vote counting unit***;
  - b) the ***storage ballot compartment*** is locked to prevent insertion of any ***ballots***;
  - c) the ***results tapes*** in the ***vote counting unit*** are not generated; and
  - d) the ***memory card*** of the ***vote counting unit*** is secured.
- 12.3. At the close of voting at the final advance voting opportunity the presiding election official must:
  - 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; and
  - c) deliver the ***vote counting unit*** together with the ***memory card*** and all other materials used in the election to the ***Chief Election Officer***.

## 13. PROCEDURES AFTER CLOSE OF GENERAL VOTING

- 13.1. After the close of voting on general voting day, each presiding election official, except those responsible for advanced voting opportunities, shall undertake all of the following:
  - 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) account for the unused, spoiled and voted ***ballots*** and place them, packaged and sealed separately, together with the ***memory card*** from the ***vote counting unit*** and one copy of the ***results tape***, into the ***ballots*** and results box;
  - e) complete the ***ballot*** account and place the duplicate copy in the ***ballots*** and results box;
  - f) seal the ***ballots*** and results box; and
  - g) place the voting books, list of electors, the original copy of the ***ballot*** account, one copy of the ***results tape***, completed registration cards (if

applicable), keys and all completed administrative forms into election materials box.

- 13.2. At the close of voting on general voting day, the **Chief Election Officer** shall direct the presiding election official for the advance voting opportunity where **vote counting units** were used, to proceed in accordance with this Bylaw.
- 13.3. All **portable ballot boxes** used in the election will be opened, under the direction of the **Chief Election Officer**, at the close of general voting day and all **ballots** shall be removed and inserted into a **vote counting unit** to be counted.
- 13.4. Upon the fulfillment of the procedures at the close of voting on general voting day, the **Chief Election Officer** shall, to obtain the election results, direct an election official to use the **results tapes** produced from the vote counting machine for each advance voting day and general voting day and place the results into a spreadsheet, which may be used for display at the **election headquarters**, indicating the total results.

#### 14. RECOUNT PROCEDURE

- 14.1. 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 cards** of all **vote counting units** must be cleared;
  - b) **vote counting units** will be designated for each recount voting place;
  - c) all voted **ballots** for the applicable **vote counting units** will be removed from the sealed election materials boxes, except spoiled **ballots**, and reinserted in 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 in the **vote counting unit** to ensure that any **acceptable marks** are counted.

#### 15. DETERMINATION OF RESULTS OF A TIE VOTE

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

#### 16. ENACTMENT

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.

**17. SEVERABILITY**

If a section, subsection, paragraph, subparagraph, or phrase of this Bylaw is for any reason declared invalid by a competent jurisdiction, the decision will not affect the validity of the remaining portions of this Bylaw.

**18. REPEAL**

“District of Highlands Election and Voting Procedures Bylaw No. 302, 2008” and all amendments thereto are hereby repealed.

**READ A FIRST TIME** on the 2<sup>nd</sup> day of February, 2026

**READ A SECOND TIME** on the 2<sup>nd</sup> day of February, 2026

**READ A THIRD TIME** on the 2<sup>nd</sup> day of February, 2026

**ADOPTED** on the 17<sup>th</sup> day of February, 2026



*[Handwritten signature of J. Williams]*

MAYOR

*[Handwritten signature]*

CORPORATE OFFICER