

CITY OF BURNABY

BYLAW NO. 13909

A BYLAW to amend the 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 NO. 1, 2018.**
2. Burnaby Automated Vote Counting System Bylaw, as amended, is further amended:
 - (a) by repealing the definition of “acceptable mark” and replacing it with the following:

““acceptable mark” means a filled oval or oval marked with an “x” that the vote tabulating 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 either “yes” or “no” on any voting question;”
 - (b) by repealing section (a) in the definition of “Ballot” and replacing it with the following:

“(a) the names of all of the candidates for each of the offices of Mayor, Councillor, and School Trustee, and with written consent of the candidate, an elector organization endorsement for the candidate, and”
 - (c) by repealing Section 4(1) and replacing it with the following:

“4. (1) An election official may and, if requested by an elector, must explain to an elector the proper method for voting by ballot and provide a demonstration to an elector of how to vote using an automated vote counting system.”

- (d) by repealing Section 4(2)(a)(ii) in its entirety;
- (e) at Section 4(2)(a)(iii), by replacing “*Municipal Act*” with “*Local Government Act*”;
- (f) by repealing Section 8 in its entirety and replacing it with the following:

“APPLICATION FOR JUDICIAL RECOUNT

- 8. (1) An application may be made in accordance with Section 148 of the *Local Government Act* for a judicial recount, to be undertaken by the Provincial Court of British Columbia, of some or all of the votes in the election.
- (2) An application for judicial recount must be made by the chief election officer if, at the end of the determination of official election results, a candidate cannot be declared elected because there is an equality of valid votes for 2 or more candidates.
- (3) In addition to an application pursuant to subsection (2), an application for judicial recount may be made on one or more of the following bases:
 - (a) that votes were not correctly accepted or ballots were not correctly rejected as required by the rules of section 139 of the *Local Government Act*;

- (b) that a ballot account does not accurately record the number of valid votes for a candidate;
 - (c) that the final determination of official election results did not correctly calculate the total number of valid votes for a candidate.
- (4) An application for judicial recount pursuant to subsection (3) may be made by:
- (a) an elector;
 - (b) a candidate or a candidate representative of a candidate in the election; or
 - (c) the chief election officer.”
- (g) by adding the following after Section 8:

“RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

9. In the event of an equality of valid votes for two or more candidates following a judicial recount, the results will be determined by lot in accordance with section 151 of the *Local Government Act*.”
- (h) by repealing “Schedule A” and replacing it with “Schedule A” attached to this bylaw.

Read a first time this	day of	2018
Read a second time this	day of	2018
Read a third time this	day of	2018
Reconsidered and adopted by Council this	day of	2018

MAYOR

CLERK

Schedule "A"

 **City of Burnaby**
Local Government Election
Date

To vote, fill in the oval next to your choice(s), like this:  or:  Use only the marking pen provided.

Candidates for MAYOR Vote for no more than ONE (1)	Candidates for COUNCILLOR Vote for no more than EIGHT (8)	Candidates for SCHOOL TRUSTEE Vote for no more than SEVEN (7)
Jennifer ABEL <input type="radio"/>	Jeremiah BROWN <input type="radio"/>	Ivan BIKOV <input type="radio"/>
Phil BROWN <input type="radio"/>	Douglas CSIMA <input type="radio"/>	Alexandre GILLODEAU <input type="radio"/>
Patrick CHAN <input type="radio"/>	Alex HARVEY <input type="radio"/>	Belles BROWN <input type="radio"/>
Sidney CROSBY <input type="radio"/>	Kaillie HUMPHRIES <input type="radio"/>	DEMEZ <input type="radio"/>
Drew DOUGHTY <input type="radio"/>	Haley IRWIN <input type="radio"/>	Brenda LEEN <input type="radio"/>
Meagan DUHAMEL <input type="radio"/>	Chris KUNITZ <input type="radio"/>	Janine HANSON <input type="radio"/>
	Geneviève LACASSE <input type="radio"/>	Na HOWELL <input type="radio"/>
	David MORRISON <input type="radio"/>	Carol HUYNH <input type="radio"/>
	Anthony PHELPS <input type="radio"/>	Brad JACOBS <input type="radio"/>
	Eric RABARD <input type="radio"/>	Perianne JONES <input type="radio"/>
	Tom RANDALL <input type="radio"/>	Zina KOCHER <input type="radio"/>
	Mike MIDDLE <input type="radio"/>	Kim LAMARRE <input type="radio"/>
	Shirley SCHWARTZ <input type="radio"/>	Patrick MARLEAU <input type="radio"/>
	Patrick SHARP <input type="radio"/>	Rick NASH <input type="radio"/>
	Chris SINCLAIR <input type="radio"/>	Mark OLDERSHAW <input type="radio"/>
	Nathan SMITH <input type="radio"/>	Scott PERRAS <input type="radio"/>
	Andy SORESENSEN <input type="radio"/>	Trevor PHILP <input type="radio"/>
	Natalie SPOONER <input type="radio"/>	

COMMUNITY OPINION QUESTIONS		
ORANGE PARK The proposed dedication is an area of approximately 0.00 acres (0.00 hectares) located in the central region of Burnaby. Do you agree to the dedication of the subject lands within Orange Park?	LEMON PARK The proposed dedication is an area of approximately 0.00 acres (0.00 hectares) located in the central region of Burnaby. Do you agree to the dedication of the subject lands within Lemon Park?	APPLE PARK The proposed dedication is an area of approximately 0.00 acres (0.00 hectares) located in the central region of Burnaby. Do you agree to the dedication of the subject lands within Apple Park?
Yes <input type="radio"/>	Yes <input type="radio"/>	Yes <input type="radio"/>
No <input type="radio"/>	No <input type="radio"/>	No <input type="radio"/>