

CITY OF BURNABY

BYLAW NO. 14255

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, 2020.**
2. Burnaby Automated Vote Counting System Bylaw, as amended, is further amended:
 - (a) at subsection 2(1) by repealing the definition of “secrecy sleeve” in its entirety.
 - (b) at subsection 2(1) by repealing the definition of “memory pack” in its entirety and substituting the following:

““memory card” means a flash memory card that inserts into the vote tabulating unit and into which is programmed:

 - (a) the names of all of the candidates for each of the offices of Mayor, Councillor, and School Trustee, as applicable, and with written consent of the candidate, an elector organization endorsement for the candidate, and
 - (b) the alternatives of “yes” and “no” for each bylaw or other matter on which the assent of the electors is sought, and a mechanism to record and retain information on the number of acceptable marks made for each;”

- (c) at subsection 2(1) by repealing the definition of “register tape” and substituting the following:

““results tape” means the printed record generated from a vote tabulating unit at the close of voting on general voting day, which shows the number of votes for each candidate for each of the offices of Mayor, Councillor and School Trustee, as applicable, and the number of votes for and against each bylaw or other matter on which the assent of the electors is sought;”

- (d) by repealing subsection 4(2)(b) and the clause beneath it and substituting the following:

“(b) upon fulfilment of the requirements of paragraph (2), shall provide a ballot to the elector and any further instructions the elector requests.”

- (e) by repealing subsection 4(3) and substituting the following:

“(3) Upon receiving a ballot, the elector shall immediately proceed to a voting compartment to vote.”

- (f) by repealing subsection 4(5) and substituting the following:

“(5) When the elector has finished marking the ballot, the elector must proceed to the voting tabulating unit and under the supervision of the election official in attendance insert the ballot directly into the vote tabulating unit without, so far as possible, the acceptable marks on the ballot being exposed.”

- (g) by repealing subsection 4(9) and substituting the following:

“(9) Any ballot counted by the vote tabulating units 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.”

(h) by repealing subsection 4(11) and substituting the following:

“(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 must, as soon as reasonably possible, be removed by an election official in the presence of another election official from the emergency ballot compartment and inserted into the vote tabulating unit.”

(i) by repealing Section 5, including the heading, in its entirety and substituting the following:

**“ADVANCE AND SPECIAL VOTING OPPORTUNITIES
PROCEDURES**

5. (1) Vote tabulating units shall be used to conduct the vote at all advance voting opportunities and special voting opportunities, and voting procedures at the advance voting opportunities and special voting opportunities shall follow as closely as possible those described in section 4 of this Bylaw.

(2) At the close of voting at each advance voting opportunity and special voting opportunity, the presiding election official in each case shall ensure:

(a) that any remaining ballots in the emergency ballot compartment are inserted into the vote tabulating unit;

- (b) that the emergency ballot compartment is sealed to prevent insertion of any ballots, and secure and seal the vote tabulating unit so that ballots cannot be added or withdrawn without breaking the seal;
 - (c) that the results tapes in the vote tabulating unit are not generated; and
 - (d) that the memory card in the vote tabulating unit is secured and sealed in such a manner that it cannot be accessed without breaking the seal.
- (3) The presiding election official shall, at the close of voting at the final advance voting opportunity and final special voting opportunity:
 - (a) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote tabulating unit;
 - (b) secure and seal the vote tabulating unit so that ballots cannot be added or withdrawn without breaking the seal; and
 - (c) deliver the vote tabulating unit together with the memory card and all other materials used in the election to the chief election officer at election headquarters.”
- (j) by repealing Section 6 in its entirety and marking it “Repealed”;
- (k) at subsections 7(1)(a)(iii) and (iv) and 7(b)(i) and (iv), by repealing the words “register tape” and substituting “results tape”;
- (l) at subsection 7(1)(a)(iv), by repealing the words “memory pack” and substituting “memory card”;
- (m) by repealing subsection 7(2) and substituting the following:

“(2) At the close of voting on general voting day, the chief election officer shall direct an election official for the advance voting opportunity and special voting opportunity to proceed in accordance with clauses 7(1)(a)(iii) and (iv) and clauses 7(1)(b)(i) to (iv), so far as applicable.”

Read a first time this day of 2020

Read a second time this day of 2020

Read a third time this day of 2020

Reconsidered and adopted by Council this day of 2020

MAYOR

CLERK