

CITY OF WHITEHORSE
BYLAW 2018-01

A bylaw to provide for the use of an automated vote counting system for municipal elections in the City of Whitehorse

WHEREAS section 104 of the *Municipal Act* provides that council may, with the approval of the Minister, provide by bylaw for the taking of the votes of the electors by means of voting machines, vote recorders or automated voting systems, or other devices;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "**Automated Vote Counting System Bylaw**".

INTERPRETATION

2. In this bylaw,

"City" means the corporation of the City of Whitehorse.

"Council" means the elected council of the City of Whitehorse.

"Election Officials" means the Deputy Returning Officers, Poll Clerks and Tabulator Operators appointed and sworn in by the Returning Officer to assist in the conduct of the municipal election.

"Elector" means a person qualified to vote in a municipal election pursuant to the *Municipal Act*.

"Returning Officer" means the person appointed by bylaw to be responsible for the administration of the election.

"Tabulator" means a device that scans marked paper ballots, interprets voter marks on the paper ballot, and safely stores and tabulates each vote from each paper ballot.

3. Except as otherwise provided in this bylaw, municipal elections and by-elections in the City of Whitehorse shall be conducted in accordance with the provisions of Part 3 of the *Municipal Act*.
4. Notwithstanding section 3 of this bylaw, in accordance with sections 53, 56 and 63 of the *Municipal Act*, the City will in each election year bring forward an election procedures bylaw to otherwise regulate the conduct of the municipal election. Procedures and precautions to ensure that each elector votes only once in the election will be included in the election procedures bylaw.

TABULATOR SYSTEM

5. The City will use a poll-based ballot scanning and tabulation system for the 2018 municipal election and for future elections and by-elections.
6. A paper ballot will be marked by the elector and then scanned by a tabulator.

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7. One ballot will be used for the election of one mayor and up to six councillors. In the event that council opts to include referendum or plebiscite questions at the time of the election, such questions would be included on that same ballot.
8. At each polling place, electors will mark their selections on a paper ballot by filling in the voting targets next to their choices.
9. The elector will insert the completed paper ballot into a secrecy folder and return the folder with the ballot inside to the election official operating the tabulator.
 - (1) In the presence of the elector (if desired) the election official will insert the paper ballot into the tabulator. The secrecy folder ensures the security of the ballot. The tabulator will:
 - (a) Scan the ballot;
 - (b) Indicate that the ballot was read correctly, and may, if desired, also indicate if the ballot is valid;
 - (c) Redundantly store and tally the results; and
 - (d) After the polls have closed, print cumulative totals of all votes cast.

COUNTING PROCEDURES

10. A results tally and reporting module will be installed on a computer at City Hall. This module will integrate election results including:
 - (1) Results for each contest at each polling place; and
 - (2) Contest overview results
11. Reports from the results tally and reporting module will be generated based on filter fields including:
 - (1) Contest (mayor, councillor, plebiscite, etc.);
 - (2) Tabulator identifier;
 - (3) Polling location; and
 - (4) Counting group (the number of polls at the polling location).
12. Following the close of the polls, the senior deputy returning officer at each polling place will direct the election official manning the tabulator to print a paper tape from the tabulator showing the preliminary results. The paper tape will be printed in the presence of, and immediately delivered to, the senior deputy returning officer.
13. Following the close of the polls, each tabulator's memory card will be physically delivered to City Hall. Thereafter each memory card will be inserted into a memory card reader attached to the results tally computer.
 - (1) The results files will be loaded into the results tally module and consolidated results will be verified, tabulated, and published.
 - (2) Consolidated results will be published for public review via results reports in PDF format or an internet-based real-time graphical report display.

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VOTING PROCEDURES

14. Eligible electors will be given a ballot and a secrecy folder and will be advised that in the event that they make a mistake when marking the ballot, they should request a new ballot.
15. Electors will be directed to a privacy booth and instructed to use only the pen provided in the privacy booth when marking the ballot. Additionally the elector will be
 - (1) Advised to mark the appropriate section of the ballot for one mayor and up to six councillors;
 - (2) Given additional instructions if referendum or plebiscite questions are included on the ballot; and
 - (3) Instructed to insert the completed ballot into the secrecy folder and take the secrecy folder with the ballot inside to the election official manning the tabulator.

FORM OF THE BALLOT

16. A sample of a standard ballot form is attached hereto as Appendix "A" and forms part of this bylaw. A ballot similar to this sample will be customized to meet the needs of each election or by-election in the City of Whitehorse.

RECOUNT PROCEDURES

17. In the event of a recount the tabulators will be used to speed up the process, but the paper ballots will be available to be counted and examined.

SPECIAL BALLOTS

18. Due to the time constraints imposed by the *Municipal Act*, special ballots for municipal elections may need to be traditional paper ballots. In the event that traditional paper ballots are used for a special ballot poll, that poll will not be subject to the ballot handling provisions of this bylaw.

COMING INTO FORCE

19. This bylaw shall come into full force and effect upon the final passing thereof.

FIRST and SECOND READING: January 15, 2018

MINISTERIAL APPROVAL: January 22, 2018

AMENDED by Resolution 2018-02-12 January 29, 2018

THIRD READING and ADOPTION: January 29, 2018

ORIGINAL BYLAW SIGNED BY:

"Dan Curtis"

Dan Curtis, Mayor



"N. L. Felker"

Norma L. Felker, Assistant City Clerk

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Appendix "A"

Sample Ballot Form

	City of Whitehorse 2015 Municipal Election Thursday, October 15, 2015	
To vote, fill in the square <input type="checkbox"/> next to your choice(s), like: <input type="checkbox"/> or: <input checked="" type="checkbox"/>		
Use only the marking pen provided.		

Election of Mayor	
Select one (1) candidate	
Mandeep SIDHU	<input type="checkbox"/>
Wilf CARTER	<input type="checkbox"/>
Dan CURTIS	<input type="checkbox"/>

Election of Councillors	
Select up to six (6) candidates	
Louis GAGNON	<input type="checkbox"/>
Helen GEISLER	<input type="checkbox"/>
Rob FENDRICK	<input type="checkbox"/>
Philippe PRAPROTNIK	<input type="checkbox"/>
Mike TRAVILL	<input type="checkbox"/>
Patrick SINGH	<input type="checkbox"/>
George ARCAND	<input type="checkbox"/>
Betty IRWIN	<input type="checkbox"/>
Ken GIAM	<input type="checkbox"/>
Micah QUINN	<input type="checkbox"/>
Roslyn WOODCOCK	<input type="checkbox"/>
Dave STOCKDALE	<input type="checkbox"/>
Peter JICKLING	<input type="checkbox"/>
Samson HARTLAND	<input type="checkbox"/>
Dan BOYD	<input type="checkbox"/>
Jens NIELSEN	<input type="checkbox"/>
Francine THIVIERGE	<input type="checkbox"/>
Serge MICHAUD	<input type="checkbox"/>
Cam KOS	<input type="checkbox"/>
Jocelyn CURTEANU	<input type="checkbox"/>
Garth BROWN	<input type="checkbox"/>
Keith ELLERT	<input type="checkbox"/>