



Bylaw No. 10197

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

Office Consolidation

THE AUTOMATED VOTE COUNTING BYLAW

Bylaw No. 10197

Including Amendments to July 29, 2020

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

- a) the original bylaw and of all bylaws amending it; and**
- b) the fact of passage of the original and all amending bylaws.**

AMENDMENTS

Bylaw No. 2016-20

Bylaw No. 2020-12

Bylaw No. 2020-52

DATE PASSED

March 29, 2016

February 26, 2020

July 29, 2020

BYLAW NO. 10197

THE AUTOMATED VOTE COUNTING BYLAW

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Definitions

1. In this Bylaw:

“acceptable mark” means any mark made by a voter on a ballot which the voting machine is able to record;

“Act” means *The Local Government Election Act, 2015*;

“automated vote counting system” means a system that counts and records votes and processes and stores election results including:

- (a) software programs and hardware applications including devices for the storage of electronic information;
- (b) an automated voting machine that has:
 - (i) a main ballot box for voted ballots;
 - (ii) an emergency ballot box for the temporary storage of voted ballots during such time as the voting machine is not functioning; and
 - (iii) portable ballot boxes into which voted ballots are deposited where a voting machine is not being used at the polling place, but where a voting machine is used for counting votes.

“ballot” means a ballot form designed for use in an automated vote counting system;

“blank ballot” means a ballot without any votes in the voting areas as determined by a voting machine;

“clerk” means the City Clerk of the City of Regina;

“deputy returning officer” means a deputy returning officer appointed pursuant to section 48 of the Act;

“election headquarters” means the municipal election office, as determined by the returning officer;

“election official” includes a returning officer, deputy returning officer, poll clerk, revising officer, associate returning officer, nomination officer, enumerators and any other supervisory officers and assistants appointed pursuant to section 47 or 48 of the Act;

“emergency ballot box” means a separate compartment on the ballot box into which voted ballots are temporarily deposited in the event that a voting machine ceases to function;

"host computer" means the computer at election headquarters containing the election software, which is used for compiling election results;

“mail-in ballot” means a mail-in ballot used pursuant to Bylaw 2012-42 being *The Mail-in Ballot Bylaw 2012*;

“main ballot box” means the ballot box used with the voting machine for holding counted ballots;

“mobile poll” means a polling place established under section 30 of the Act;

"over voted ballot" means a ballot on which one or more of the voting areas has more than the allowed number of acceptable marks as determined by the voting machine;

“portable ballot box” means a ballot box that is used at a polling place where a voting machine is not being used;

“register tape” means the printed record generated from a voting machine that shows:

- (a) the total number of ballots received;
- (b) the number of blank ballots;
- (c) the number of over voted ballots;
- (d) the number of votes for each candidate; and
- (e) if there is a vote on a bylaw, resolution or question, the number of votes for and against each bylaw, resolution or question;

“returning officer” means a person specified or appointed as a returning officer pursuant to section 47 of the Act;

“**secrecy sleeve**” means an open-ended folder or envelope used to cover ballots to conceal the choices made by each voter;

“**special poll**” means a polling place established under section 29 of the Act;

“**USB media**” means a device used to store electronic information which plugs into the voting machine and into which is pre-programmed the information necessary to conduct the election and record the votes, and a mechanism to record and retain the information set out on the register tape;

“**voting machine**” means any device that records how ballots are marked and produces election results by tabulating votes;

“**zero register**” means a printed register tape of all totals on the voting machine’s programmed secured USB media that indicates zero for all candidates.

(#2016-20, ss. 4, 5, 7, 9, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 2016)

Purpose

2. The purpose of this Bylaw is to provide for the use, at elections, of voting machines or other devices used in an automated vote counting system, to authorize the form of the ballot and the procedures for voting and counting votes, pursuant to section 90 the Act.

(#2016-20, ss. 4, 8 and 25, 2016)

Authorization

3. (1) The Council of the City of Regina hereby authorizes the use of an automated vote counting system at general elections, by-elections and votes on bylaws, resolutions or questions.

(2) Where this Bylaw does not provide for any matter, an election to which this Bylaw applies shall be conducted as far as practicable in accordance with the Act.

(#2016-20, s. 10, 2016)

Form of Ballot

4. The ballot shall be a paper ballot that is substantially the same as the sample ballot attached as Schedule “A” and forming part of this Bylaw.

(#2016-20, s. 26, 2016)

Programming USB media

5. (1) The USB media that is inserted into the voting machine shall be programmed so that a printed record of the following can be reproduced:
 - (a) the number of blank ballots;
 - (b) the number of over voted ballots;
 - (c) the number of votes for each candidate; and
 - (d) if there is a vote on a bylaw, resolution or question, the number of votes for and against each bylaw, resolution or question;
 - (2) The USB media shall not be programmed until 24 hours after the close of the nomination period.
- (#2016-20, s. 27, 2016)

Security, Storage and Transport of Machines

- 5.1 (1) All voting machines shall be tracked by serial number and voting machines and USB media shall be locked in a secure location at all times when unattended by an appointed election official.
 - (2) All voting machines and USB media shall be securely sealed once they have been programmed for an election and the pre-poll logic and accuracy testing have been completed.
 - (3) All voting machines and USB media shall be secured with unique passwords that can only be accessed by assigned election officials at each polling station.
 - (4) When transporting voting machines and USB media, the machines shall be tracked with a delivery pick up and drop off signing document in which a signature shall be required by the individual receiving and the individual releasing the voting machines.
- (#2016-20, s. 28, 2016)

Pre-poll logic and accuracy testing

6. (1) Prior to the advance poll date but no earlier than 24 hours after the close of the nomination period, an election official shall conduct the pre-poll logic and accuracy testing required by the Act and *The Local Government Election Regulations, 2015*.

- (2) The following sets out the general testing process and procedures:
- (a) A test deck of every ballot style is created and then is marked by the election official so that all combinations of votes for the different candidates or for a bylaw, resolution or question have been included and then each test deck is inserted through each voting machine.
 - (b) The test deck includes blank and over voted ballots which are also inserted into each voting machine.
 - (c) A register tape for each voting machine is printed that identifies the results from the testing.
 - (d) For each register tape, the election official conducting the testing writes the serial number of the voting machine, the date the testing was conducted and the official's initials.
 - (e) The election official conducting the testing compares the register tape for each machine to ensure that the USB media in each voting machine is accurately recording the blank ballots, over voted ballots and votes for candidates or for or against a bylaw, resolution or question as set out in the test deck of ballots.
 - (f) Where a voting machine and its USB media is not accurately recording the ballots, the machine is not used in the election.
 - (g) Where there is a programming issue with the USB media, the USB media is re-programmed and re-tested until it accurately records the test deck of ballots.
 - (h) The register tape from the testing for each voting machine and USB media and the document that sets out the test deck of ballots that were used is retained until the next general election and may be viewed by the candidates or their agents if requested.
 - (i) After the testing is completed and the voting machines and USB media accurately record the ballots, the voting machines and the USB media inserted into each machine are sealed.

Accommodating voters with disabilities

- 6.1 Voters with disabilities are accommodated through the use of special polls, mobile polls, the mail-in ballot system provided for in Bylaw 2012-42 being *The Mail-in Ballot Bylaw, 2012* and through the procedures set out in section 123 of the Act. (#2016-20, s. 29, 2016)

Procedure at the Poll

7. (1) All polling places where a voting machine is being used shall be supplied with at least one ballot box that contains two separate secure compartments: one compartment to be used as the main ballot box and the other compartment to be used as an emergency ballot box
- (2) The election official shall, in the presence of another election official and any candidates or candidates' agents present, cause the voting machine to print a register tape prior to the opening of the poll and display to all those present a zero total for all candidates, bylaws, resolutions or questions.
- (3) The zero total printout shall remain attached to the voting machine printer until a register tape is printed by the voting machine after the close of the poll. The zero total printout and the register tape shall be retained for the purposes of documenting the election results at the polling place.
- (4) Pursuant to subsection (2), if the totals are not zero for all candidates, bylaws, resolutions or questions, the election official shall immediately notify the returning officer and shall conduct the poll using the emergency ballot box until the voting machine is repaired or replaced.
- (5) When it has been confirmed that a voter is at the correct polling place and he or she has been registered as a voter, the election official shall provide the voter with a secrecy sleeve and the ballot, which includes all of the offices, bylaws, resolutions or questions on which he or she is entitled to vote. The reverse side of the ballot issued to the voter shall display in a designated area the initials of the election official who issued the ballot.
- (6) If, before delivery of a voted ballot to the designated election official, the voter determines that an error may have been made in marking the ballot, or if the ballot is damaged for any reason, the voter may request a replacement ballot from the election official who issued the original ballot.

- (7) After marking the ballot, the voter shall place the ballot in the secrecy sleeve and deliver it to a designated election official who shall, in the presence of the voter and without removing the ballot from the secrecy sleeve, verify that the ballot bears the initials of one of the election officials at the polling place who is responsible for issuing ballots. The election official shall:
 - (a) if a voting machine is available at the polling place, insert the secrecy sleeve containing the ballot, with the initials of the election official face up, into the feed area of the voting machine until the voting machine draws the ballot from the secrecy sleeve;
 - (b) if a voting machine fails to operate, insert the ballot, with the initials of the election official face up, directly into the emergency ballot box from the secrecy sleeve;
 - (c) if a voting machine is not available at the polling place, insert the ballot, with the initials of the election official face up, directly into the portable ballot box from the secrecy sleeve.
- (8) In situations where it is noted that the ballot does not have the required initials of an election official, the voter shall be asked to return to the election official who issued the ballot to have the ballot initialled before the ballot is inserted into the voting machine.
- (9) On receiving a request pursuant to subsection (6), the election official shall issue a replacement ballot, mark the returned ballot "spoiled" and retain the spoiled ballot separately from all other ballots. Spoiled ballots shall not be counted in the election.
- (10) Repealed #2016-20, s. 31, 2016
- (11) If a voting machine has been used to tabulate the votes cast at a polling place, the election official shall follow the procedures for closing the poll in accordance with subsection 10(1) of this Bylaw.
- (12) If a voting machine is not used at a polling place, the ballots shall be held in a portable ballot box and the poll shall be closed in accordance with subsection 10(2) of this Bylaw.
- (13) The supervisory officials at each poll shall perform a balancing check at the polling location throughout the day during the advance poll and election day to ensure that the unused ballots and ballots that have been inserted into the voting machines along with the declined and spoiled ballots equal the original number of ballots that were provided to that polling location.

- (14) The supervisor and receiving deputy returning officer at each poll shall monitor the voting machines to ensure that they are secure and not tampered with.

(#2016-20, s. 4, 6, 7, 10, 30, 31 and 32, 2016)

Advance Poll

8. (1) Voting machines shall be used at the advance poll and the voting procedures at the poll shall be the same as set out in section 7 of this Bylaw.
- (2) The election official shall:
- (a) ensure that the voting machine, the main and emergency ballot boxes and all ballots and other election material are secured when not in use;
 - (b) on the final day of the advance vote after the close of the poll, insert the mobile poll ballots into the advance poll voting machine; and
 - (c) on the final day of advance voting after the mobile poll ballots have been inserted into the voting machine, follow the procedures for closing the poll in accordance with clauses 10(1)(a), (f) and (h) to (j) of this Bylaw.
- (3) The register tape for the advance poll shall not be printed and the results for the poll shall not be reported until after 8:00 p.m. on election day.

(#2016-20, ss. 7 and 8, 2016)

Mobile and Special Polls

9. (1) Voting machines shall not be used at a mobile or special poll but ballots received at these polls shall be placed in a portable ballot box and then later inserted into a voting machine in accordance with this Bylaw.
- (2) Procedures at the mobile or special poll shall be conducted in accordance with clauses 7(5) to (9) and (12) of this Bylaw.
- (3) The election official shall:
- (a) ensure that the portable ballot box and all ballots and other election material are secured when not in use;
 - (b) after the mobile poll has closed:

- (i) follow the procedures for closing the poll under clauses 10(2)(a) to (d) of this Bylaw; and
- (ii) deliver the sealed ballot boxes and other election material to the election official at the advance poll;
- (c) (i) after the close of the advance poll, follow the procedure in subclauses 10(2)(g)(i) and (iii) of this Bylaw for counting the mobile poll ballots; and
- (ii) at the advance poll, turn in the sealed ballot boxes and other election material for the mobile poll to the returning officer along with the sealed ballot boxes and other election material from that poll; and
- (d) for a special poll, follow the procedures for closing the poll in accordance with subsection 10(2) of this Bylaw.

Mail-in Ballots

- 9.1 (1) For mail-in ballots, the election official shall follow the procedures outlined in Bylaw 2012-42, *The Mail-in Ballot Bylaw, 2012* including the processes for examining confirmation envelopes and extracting ballots.
- (2) After following the procedures outlined in subsection (1), the election official shall insert the ballots into the voting machine used for:
- (a) special poll ballots where there are less than 100 mail-in ballots in total; or
 - (b) mail-in ballots where there are 100 or more mail-in ballots.
- (3) The mail-in ballots shall be inserted into the voting machines in accordance with subsection 10(2) of this Bylaw.
- (4) Where mail-in ballots are inserted into the voting machines the next business day after the advance poll dates, the register tape shall not be printed and the results for the poll shall not be reported until the close of polls on election day.
(#2016-20, ss. 33 and 34, 2016)(#2020-52, s.17, 2020)

Procedures for Closing the Poll on Election Day

10. (1) After the poll is closed on election day, if a voting machine has been used, the election official shall ensure that all ballots, including any ballots in the emergency ballot box, are inserted into the voting machine to be counted and shall:

- (a) secure the voting machine against receiving any more ballots;
- (b) obtain a printed register tape of the votes given for each candidate and, if applicable, the votes given for and against a bylaw or question;
- (c) sign the certificate portion of the register tape;
- (d) remove the register tape from the voting machine to be placed in a packet in accordance with clauses (1)(h) and (i);
- (e) on request from any candidate or candidate's agent present, provide a printout of the election results from the voting machine;
- (f) complete a statement of ballot account containing the number of ballots:
 - (i) supplied;
 - (ii) spoiled or declined;
 - (iii) unused; and
 - (iv) issued;
- (g) transmit the election results data via modem to the host computer at election headquarters;
- (h) in the presence of another elected official and any candidates or candidates' agents present, prepare separate packets for each of the following items:
 - (i) unused ballots;
 - (ii) spoiled or declined ballots;
 - (iii) register tape and statement of ballot account; and
 - (iv) counted ballots;
- (i) mark each packet with the following information:
 - (i) contents;
 - (ii) polling place number;
 - (iii) date of the vote; and
 - (iv) election official name;
- (j) seal each packet. The packets, along with the registration poll book, shall be placed into empty ballot boxes and sealed. The election

official shall deliver the sealed ballot boxes, voting machines, USB media and other election material to election headquarters;

- (k) if unable to transmit the election results data via modem, complete the poll closing in accordance with clauses (1)(a) to (j) and immediately deliver the sealed ballot boxes, voting machine, USB media and other election material to election headquarters.
- (2) If a voting machine has not been used at a polling place, the election official shall:
- (a) complete a statement of ballot account in accordance with clause (1)(f);
 - (b) in the presence of another elected official and any candidates or candidates' agents present, prepare separate packets for each of the following items:
 - (i) unused ballots;
 - (ii) spoiled or declined ballots;
 - (iii) statement of ballot account; and
 - (iv) voted ballots;
 - (c) mark each packet in accordance with clause (1)(i);
 - (d) seal each packet. The packets along with the registration poll book shall be placed into empty ballot boxes and sealed;
 - (e) advise any candidates or candidates' agents present of the instructions provided by the returning officer on where to take the voted ballots to be counted using a voting machine. All candidates and candidates' agents shall be allowed to attend at the place designated by the returning officer to observe the ballots being inserted into a voting machine to be counted;
 - (f) deliver the sealed ballot boxes and other election material to the location specified by the returning officer where the voted ballots shall be counted using a voting machine;
 - (g) at the location where the voted ballots will be counted using a voting machine:
 - (i) break the seal on the boxes containing the packets with the voted ballots and the statement of ballot account. The

packet containing the voted ballots shall be opened to access the ballots to be counted;

- (ii) prior to inserting the ballots into the voting machine, print a register tape to confirm that the totals in the USB media for each candidate, bylaw or question is zero. If any of the totals are not zero the ballots should not be inserted into the voting machine until the unit is repaired or replaced;
- (iii) in the presence of the deputy returning officer, insert the ballots into the voting machine to be counted;
- (iv) after all of the ballots for the poll have been counted a register tape of the votes for each candidate and, if applicable, the votes for and against a bylaw or question will be produced from the voting machine;
- (v) sign the certificate portion of the register tape;
- (vi) remove the register tape from the voting machine and place it in a new packet with the statement of ballot account for the poll;
- (vii) on request from any candidate or candidate's agent present, provide a printout of the election results from the voting machine;
- (viii) transmit the election results in accordance with clause (1)(g);
- (ix) seal the counted ballots into a new packet and place the packets with the counted ballots, the register tape and the statement of ballot account for the poll into a ballot box and seal the box; and
- (x) turn in the sealed ballot boxes and other election material to the returning officer.

(#2020-52, s.18, 2020)

(2.1) At the close of poll, the register tape must be printed and both the register tape and zero tape for each voting machine must be attached to the Deputy Returning Officer's Statement of Results found in Form AA of Appendix C of *The Local Government Election Regulations, 2015*.

(3) Repealed (#2016-20, s. 36, 2016)
 (#2016-20, ss. 7, 8, 9, 35, 36 and 37, 2016)

Recount of Votes

11. (1) The recount of ballots pursuant to Part X of the Act shall be conducted in the same manner as the votes were counted.
- (2) A voting machine shall be programmed and tested before the recount in the manner described in sections 5 and 6 of this Bylaw, and shall be programmed to recount only the race that is in question.
- (3) Pursuant to section 166 of the Act, the judge shall examine all ballots rejected by the voting machine by defect or otherwise and exclude any ballot from the results pursuant to subsection 134(2) of the Act.

(#2016-20, ss. 7, 38, and 39, 2016)

Election Record Retention

12. The clerk shall retain any registration poll books, ballots and any electronic election results data for a period of three months after the day on which the election or vote on a bylaw or question has occurred, and as soon as possible thereafter, unless otherwise ordered by a judge, shall cause them to be destroyed in accordance with section 142 of the Act.

(#2016-20, s. 40, 2016)

Effective Date

13. This Bylaw comes into force on the day of passage.

READ A FIRST TIME THIS 6th DAY OF MARCH, 2000.

READ A SECOND TIME THIS 6th DAY OF MARCH, 2000.

READ A THIRD TIME AND PASSED THIS 6th DAY OF MARCH, 2000.

D.R. ARCHER
Mayor

R.M. MARKEWICH
City Clerk

(SEAL)

CERTIFIED A TRUE COPY

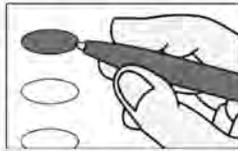
City Clerk

Schedule "A"
Front of Ballot

Municipal/School Board Election
Regina, Saskatchewan
Date of Election

Instructions

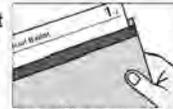
Making Selections



Fill in the oval to the right of the candidate of your choice. You must blacken the oval completely, and do not make any marks outside the oval. You do not have to vote in every race.

Do not cross out or erase, or your vote may not count. If you make a mistake or stray mark, ask for a new ballot from the poll workers.

Turning in the Ballot



Insert the completed ballot sleeve. Hand in the ballot to be counted. **Do not fold the ballot.**

Ballot for the office of:

MAYOR

You are entitled to vote for a maximum of ONE (1) candidate.

- LAST NAME, First Name

Ballot for the office of:

**COUNCILLOR
WARD 1**

You are entitled to vote for a maximum of ONE (1) candidate.

- LAST NAME, First Name

WARD 1

Sample

DRO Initials

Name of Printer
Address
Province, Postal Code

(# 2016-20, s. 41, 2016, #2020-12, s. 4, 2020)

ABSTRACT

BYLAW NO. 10197

THE AUTOMATED VOTE COUNTING EQUIPMENT BYLAW

PURPOSE: To provide for the use, at elections, of vote tabulator units or other devices used in an automated vote counting system, to authorize the form of the ballot and the procedures for voting and counting of votes.

ABSTRACT: Section 59.1(2) of *The Local Government Elections Act* authorizes Council to create a bylaw to provide for the use of the vote counting equipment. The Bylaw includes information on ballot form, procedures for programming and testing the tabulating units, procedures during the election and at the close of the polls.

PUBLIC HEARING: None Required

REFERENCE: EX00-6, March 1, 2000

AMENDS/REPEALS: N/A

CLASSIFICATION: Administrative

ORIGINATING DEPT.: City Clerks