



City of Port Moody

CONSOLIDATED FOR CONVENIENCE

Bylaw No. 3367

A Bylaw to provide for the determination of various procedures for the conduct of local government elections, by-elections, and other voting.

WHEREAS under Parts 3 and 4 of the *Local Government Act*, the Council for the City of Port Moody may, by bylaw, determine various procedures and requirements to be applied in the conduct of general local elections, by-elections, and other voting;

AND WHEREAS Council wishes to establish various procedures and requirements under that authority;

NOW THEREFORE, the Council of the City of Port Moody enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody General Local Government Election Bylaw, 2022, No. 3367”.

2. Repeal

- 2.1 City of Port Moody General Local Government Election Bylaw, 2011, No. 2897 and all amendments thereto are hereby repealed.

3. Definitions

- 3.1 In this Bylaw:

“Acceptable mark” means a mark that the vote tabulating unit is able to identify, and that has been made by an elector in the designated 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 counts and records votes and processes and stores election results and comprises the following:

- a) vote tabulating units;

- b) ballot boxes for storing voted ballots, and which may include separate compartments for the temporary storing of voted ballots during such time when the vote tabulating unit is not functioning; and
- c) portable ballot boxes into which voted ballots are deposited where a vote tabulating unit is not being used.

“Ballot” means a single automated ballot card designed for use in an automated vote counting system, which shows:

- a) the names of all the candidates and their elector organizations, if applicable, for each of the offices to be filled; and
- b) all of the choices on other matters on which the opinion or assent of the electors is sought.

“Ballot return override procedure” means the use by an election official of a device or function on a vote tabulating unit that causes the unit to accept a returned ballot.

“Candidate representative” means candidate representative as defined in the *Local Government Act* and includes official candidate agents and scrutineers.

“Chief Election Officer” means the election official appointed under Section 58 of the *Local Government Act* to conduct the election.

“Election headquarters” means City of Port Moody City Hall, located at 100 New Port Drive, Port Moody, B.C.

“Election officials” means individuals appointed by the Chief Election Officer to assist the presiding election official at election proceedings.

“Election materials transfer box” means a box issued to presiding election officials for transfer of election materials between election headquarters and voting locations into which is deposited prescribed election materials and documents for safe and secure transfer of such materials and documents.

“Elector” means a resident elector or non-resident property elector of the City of Port Moody as defined under the *Local Government Act*.

“Emergency ballot compartment” means a designated compartment, box, envelope, or receptacle into which voted ballots are temporarily deposited in the event that the vote tabulating unit ceases to function.

“General local election” means elections provided for in the *Local Government Act* and includes school trustee elections, by-elections and other voting.

“General voting day” means general voting day as defined in the *Local Government Act* and includes by-elections.

“Memory unit” means a computer software cartridge or data storage device that plugs into the vote tabulator unit and that contains:

- a) the names of all of the candidates for each of the offices to be filled; and
- b) the alternatives of ‘yes’ or ‘no’ for each bylaw or other matter on which the assent or opinion of the electors is being sought;

and a mechanism to record and retain information on the number of acceptable marks made for each.

“Presiding Election Official” means the election official appointed by the Chief Election Officer to conduct election proceedings where the Chief Election Officer is not acting as presiding election official.

“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 to be filled, and the number of votes for and against each bylaw or other matter on which the assent or opinion of the electors is sought.

“Returned ballot” means a voted ballot that was inserted into the vote tabulating unit by the elector but was not accepted and was returned to the elector with an explanation of the ballot marking error which caused the ballot to not be accepted.

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“Secrecy sleeve” means an open-ended folder or envelope used to cover ballots to conceal the choices made by each elector.

“Vote tabulating unit” means the part of an automatic vote counting system into which voted ballots are inserted and scanned, and which records the number of votes for each candidate and for and against each bylaw or other matter on which the assent or opinion of the electors is sought.

“Voting book” means the book for recording the names of electors.

4. Use of Provincial List of Voters as the Register of Resident Electors

- 4.1 For the purposes of all general local elections and assent voting under Parts 3 and 4 of the *Local Government Act*, the most current available Provincial list of voters prepared under the *Election Act* shall become the register of resident electors on the 52nd day prior to general voting day for such election and assent voting.

5. Electronic Access to Nomination Documents, Disclosure Statements, and Supplementary Reports

- 5.1 Public access to nomination documents will be made available on the City of Port Moody’s website from the time of filing until 30 days after the declaration of the election results as authorized by the *Local Government Act*.

- 5.2 Public access to disclosure statements, signed declarations and supplementary reports required by the *Local Government Act* will be made available on the City of Port Moody's website from the time of filing until 7 years after general voting day for the election to which they relate as authorized by the *Local Government Act*.

6. Authorization for Use of Automated Vote Counting System

- 6.1 Council hereby authorizes the use of an automated vote counting system for the conduct of general local elections and other voting that may, from time to time, be required.

7. Voting Procedures

- 7.1 The Chief Election Officer will select a presiding election official for each voting place whose duties are to ensure election officials demonstrate voting procedures, issue ballots, and accept marked ballots at the vote tabulator unit and ballot box, in addition to other general responsibilities for the supervision and control of the voting place.

- 7.2 Upon entering the voting place, an elector must be instructed to proceed to the election official(s) responsible for issuing ballots, who:

- a) must ensure that the elector:
 - i) is qualified to vote in the election;
 - ii) completes the voting book; and
- b) upon fulfillment of the requirements of clause a) must:
 - i) offer a demonstration of how to use the automated vote counting system; and
 - ii) provide a ballot to the elector, a secrecy enclosure if requested by the elector, and any further instructions the elector requests.

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- 7.3 Immediately after receiving a ballot, the elector must proceed to a voting booth to mark the ballot.
- 7.4 The elector shall 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 each of the offices to be filled; 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.

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- 7.5 If the elector is unable to mark a ballot because of a physical disability or difficulties in reading or writing or is unable to enter the voting place because of physical disability or impaired mobility, the elector may vote in accordance with the procedures outlined in Sections 131 and 132 of the *Local Government Act*.
- 7.6 Once the elector has finished marking the ballot, the elector must place the ballot into the secrecy enclosure, if applicable, proceed to the vote tabulating unit and under the supervision of the election official in attendance, insert the ballot directly from the secrecy enclosure, if applicable, into the vote tabulating unit without the marks on the ballot being exposed.
- 7.7 An elector shall be advised of the opportunity to obtain a replacement ballot by the election official in attendance, and may request a replacement ballot, if:
- a) the elector has unintentionally spoiled a ballot or made a mistake before the ballot is inserted into the vote tabulator unit; or
 - b) the ballot is returned by the vote tabulating unit.
- 7.8 The presiding election official must issue a replacement ballot to the elector requesting a replacement ballot and mark the returned ballot as “spoiled” and shall retain all such spoiled ballots separately from all other ballots and they shall not be counted in the election results.
- 7.9 If a ballot is returned by the vote tabulating unit and the elector declines the opportunity to obtain a replacement ballot, and the ballot has not been damaged to the extent that it cannot be reinserted into the vote tabulating unit, the election official shall, using the ballot return override procedure, reinsert the returned ballot into the vote tabulating unit to count any acceptable marks that have been made.
- 7.10 Any ballot accepted by the vote tabulating unit 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.
- 7.11 Once the ballot has been inserted into the vote tabulating unit and the unit indicates that the ballot has been accepted, the elector must immediately leave the voting place.
- 7.12 During any period that a vote tabulating unit is not functioning, the election official supervising the unit must direct electors to insert their ballots into an emergency ballot compartment.
- 7.13 When the vote tabulator unit which was not functioning becomes operational, or is replaced with another vote tabulating unit, the ballots in the emergency ballot compartment must, as soon as the voting place is closed, and prior to generating the results tape, be removed by an election official and under the supervision of the presiding election official be inserted into the vote tabulating unit to be counted.

- 7.14 Any ballots which were temporarily stored in the emergency ballot compartment and which are returned by the vote tabulating unit when being counted must, through the use of the ballot return override procedure, and under the supervision of the presiding election official, be reinserted into the vote tabulating unit to ensure that any acceptable marks are counted.
- 7.15 A sample of the ballot that may be used in an automated vote counting system is attached as Schedule A to this Bylaw.

8. Advance Voting Opportunities and Procedures

- 8.1 As authorized under the *Local Government Act*, an additional required advance voting opportunity will be held on the seventh day before general voting day.
- 8.2 The Chief Election Officer is authorized to establish additional advance voting opportunities for each election or other voting, to be held in advance of general voting day and, subject to the *Local Government Act*, to designate the voting places, and establish the date and the voting hours for these voting opportunities.
- 8.3 Vote tabulating units shall be used to conduct the vote at all advance voting opportunities and voting procedures at the advance voting opportunities shall follow as closely as possible those described in Section 7 of this Bylaw.
- 8.4 At the close of voting at each advance voting opportunity, the presiding election official shall ensure that:
 - a) no additional ballots are inserted into the vote tabulating unit or emergency ballot compartment;
 - b) the ballot box and emergency ballot compartment are sealed to prevent insertion of additional ballots; and
 - c) the results tape for the advance voting opportunity is not generated.
- 8.5 At the close of voting at the final advance voting opportunity, the presiding election official must:
 - a) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote tabulating unit;
 - b) secure the vote tabulating unit so that no more ballots can be inserted;
 - c) ensure that the results tape in the vote tabulating unit is not generated;
 - d) ensure that the memory unit of the vote tabulating unit is secured; and
 - e) deliver the vote tabulating unit, together with the memory unit and all other election materials, to the Chief Election Officer at election headquarters.

9. Additional General Voting Opportunities and Procedures

- 9.1 The Chief Election Officer is authorized to establish additional general voting opportunities for general voting day for each election or other voting and, subject to the *Local Government Act*, to designate the voting places, voting hours, and voting procedures for such voting opportunities.

10. Special Voting Opportunities and Procedures

- 10.1 The Chief Election Officer is authorized to establish special voting opportunities for each election or other voting and to designate the locations, the date and the voting hours for the special voting opportunities.
- 10.2 Special voting opportunities will be restricted to electors who are, on the date on which the special voting opportunity is held and before the end of the voting hours for that special voting opportunity, residents or patients of the facility at which the special voting opportunity is held.
- 10.3 The Chief Election Officer is authorized to limit the number of candidate representatives who may be present at each special voting opportunity.
- 10.4 Unless the Chief Election Officer determines it is practical to use a vote tabulating unit, portable ballot boxes shall be used for all special voting opportunities in which the ballots containing the votes at the special voting opportunities will be placed.
- 10.5 Presiding election officials appointed to attend at each special voting opportunity shall proceed in accordance with Section 7 of this Bylaw so far as applicable, and ensure that patients or residents shall mark the ballot in privacy to the extent that can reasonably be arranged.
- 10.6 The presiding election official at a special voting opportunity shall ensure that the portable ballot box is secured when not in use, and at the close of voting at the final special voting opportunity, the presiding election official shall seal the portable ballot box and return it along with all other election materials to the Chief Election Officer or designate.
- 10.7 If a vote tabulating unit is in use at a special voting opportunity, the presiding election official appointed to attend the special voting opportunity shall follow the procedures outlined in Section 8 of this Bylaw as if it were an advance voting opportunity.
- 10.8 The portable ballot box shall be opened at a time determined by the Chief Election Officer and all ballots will be removed and inserted into a vote tabulating unit.

11. Mail Ballot Voting Authorization

- 11.1 As authorized under Section 110 of the *Local Government Act*, voting and elector registration may be done by mail for each election or other voting.
- 11.2 The following procedures for voting and registration must apply:
- a) sufficient record will be kept by the Chief Election Officer so that challenges of the elector's right to vote may be made in accordance with the intent of the *Local Government Act*; and
 - b) a person exercising the right to vote by mail under the provisions of the *Local Government Act* may be challenged in accordance with section 126 of the *Local Government Act*.
- 11.3 The time limits and procedures in relation to voting by mail ballot will be determined by the Chief Election Officer for each election.
- 11.4 A mail ballot must be received by the Chief Election Officer before the close of voting on general voting day in order to be counted for an election.
- 11.5 The type of secrecy enclosure to be included in a mail ballot package, in accordance with section 110(7)(b) of the *Local Government Act*, will be at the discretion of the Chief Election Officer.

Added by
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12. Procedures After the Close of Voting on General Voting Day

- 12.1 Immediately after the close of voting on general voting day and the voting place is closed, each presiding election official shall:
- a) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote tabulating unit;
 - b) secure the vote tabulator unit so that no more ballots can be inserted;
 - c) generate two copies of the results tape from the vote tabulator unit;
 - d) remove the memory unit from the vote tabulator unit and have the alternate presiding election official, or another designated election official, deliver it along with one copy of the results tape to the Chief Election Officer at election headquarters;
 - e) complete the ballot account in duplicate to account for the unused, spoiled, and voted ballots and place one copy in the election materials transfer box;

- f) package and seal separately the unused, spoiled, and voted ballots and place them, along with the following items, into the election materials transfer box for return to election headquarters:
 - i) one copy of the ballot account
 - ii) one copy of the results tape;
 - iii) any keys used to secure the vote tabulating unit;
 - iv) the voting books and/or copies of the List of Registered Electors;
 - v) any solemn declarations taken and any signed forms and written statements required by or under the *Local Government Act* in relation to voting proceedings;
- g) seal the ballot box and election materials transfer box; and
- h) ensure that all election materials, including all interior and exterior signage, notices, and supplies, are removed from the voting place before returning custody of the voting place to the facility operator and delivering the election materials to election headquarters.

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- 12.2 The results tapes from the vote tabulating units used at the advance voting opportunities, special voting opportunities, and for mail ballot voting will be generated by the Chief Election Officer or designate after the close of voting on general voting day to obtain the preliminary election results.

Automatic
Recount s.12.3
to
s. 12.6 Added
by BL3528

Automatic Recount

- 12.3 The Chief Election Officer will conduct a recount of all of the ballots cast in the election in accordance with the procedure set out in section 12.7, if the Chief Election Officer is satisfied that the preliminary election results determined under section 12.2 show that:

- (a) in the case of one office being filled, the difference between the number of valid ballots marked for the candidate with the highest number of votes and the number of valid ballots marked for the candidate with the 2nd highest number of votes is within 0.1% of the total number of valid ballots marked at the election, or
- (b) in the case of more than one office being filled from a pool of candidates, the difference between the number of valid ballots marked for the candidate with the lowest sufficient number of votes to be declared elected to one of the offices and the number of valid ballots marked for the candidate with the highest insufficient number of votes to be declared elected is within 0.1% of the total number of valid ballots marked at the election.

- 12.4 When calculating the margin of difference under section 12.3, if necessary, the Chief Election Officer will round up to the nearest whole number of votes.

- 12.5 If the Chief Election Officer conducts a recount under section 12.3, the Chief Election Officer will, at least 12 hours before conducting the recount, notify each candidate who may be affected by the recount.
- 12.6 Following the determination of the preliminary election results and, if necessary, the conclusion of a recount conducted under section 12.3, the Chief Election Officer will determine the official election results in accordance with section 145 and 146 of the Local Government Act. For certainty, the Chief Election Officer retains the discretion to recount all or some ballots in the election during the determination of the official election results notwithstanding that the threshold under section 12.3 is not met.

Recount Procedure

- 12.7 If a recount is required, it shall be conducted under the direction of the Chief Election Officer using the automated vote counting system and in accordance with the following procedure:
- a) the memory unit of all vote tabulating units will be cleared;
 - b) vote tabulating units will be designated for each voting place;
 - c) all ballots will be removed from the sealed ballot boxes;
 - d) all ballots, except spoiled ballots, will be reinserted in the appropriate vote tabulator units under the supervision of the Chief Election Officer; and
 - e) any ballots returned by the vote tabulator unit during the recount process must, through the use of the ballot return override procedure, be reinserted into the vote tabulator unit to ensure that any acceptable marks are counted.

Resolution of Tie Votes after Judicial Recount

- 12.8 In the event of a tie vote after a judicial recount, the results of the election are to be determined by lot in accordance with the *Local Government Act*.

Entire s. 13 replaced by BL3528

13. Election and Political Signs

- 13.1 Election and political signs are permitted as authorized in Election and Political Signs Bylaw. 2025, No. 3514.

14. Attachments and Schedules

Schedules B
and C deleted
by BL3528

14.1 The following schedules are attached to and form part of this Bylaw:

- Schedule A – Sample Ballot

15. Severability

15.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

BYLAW ADOPTED

June 14, 2022

AMENDMENT NO. 1, 2025, 3528

January 13, 2026

Schedule A – Sample Ballot

BMW DEMO BALLOT COUNTY NAME, STATE ELECTION DATE PRECINCT 1 BMW (English and Spanish) DEMO		
INSTRUCTIONS TO VOTERS: To vote complete the oval to the LEFT of your choice, like this (●). To cast a write-in vote, complete the oval to the LEFT of the blank space provided and print the candidate's name in that space. For specific information, refer to the card of instructions posted in the voting booth. If you tear, soil, deface or erroneously mark this ballot, return it to the Election Judge and obtain another.		
INSTRUCCIONES PARA VOTAR: Llene el círculo que está enseguida del candidato por quien quiere votar, así (●). Para votar "voto escrito", llene el círculo enseguida del candidato "Write-in" y escriba el nombre del candidato en la misma línea. Para más información, lee las instrucciones fijadas en el compartimiento de votación o pregúntale al trabajador del precinto. Si acaso rompes, ensucias, o marcas el boleto incorrecto, regresa al Juez de Elección y obtenga otro boleto.		
BEST AUTOMOBILE MANUFACTURER Vote For ONE MEJOR FABRICANTE DE AUTOMÓVILES Vote por UNO	BEST VOCAL ARTIST Vote For Not More Than TWO MEJOR ARTISTA VOCAL Vote para no más que DOS	BEST ICE-CREAM FLAVOR Vote For ONE MEJOR SABOR DEL HELADO Vote por UNO
☐ BMY ☐ MERCEDES ☐ GENERAL MOTORS ☐ HONDA ☐ FERRARI ☐ JAGUAR ☐ FORD ☐ VOLVO	☐ FRANK SINATRA ☐ ELVIS ☐ PATSY CLINE ☐ JANIS JOPLIN ☐ BUDDY HOLLY ☐ BARRY WHITE ☐ BILLIE HOLIDAY ☐ STEVIE RAY VAUGHAN ☐ "MAMA" CASS ELLIOT ☐ Write-In ☐ Write-In	☐ CHOCOLATE ☐ STRAWBERRY ☐ VANILLA ☐ Write-In
Typ:01 Seq:0001 Spl:01		