REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 3151, 2026

A Bylaw to authorize an Automated Vote Counting System and Procedure

The Board of the Regional District of Okanagan-Similkameen, in open meeting assembled, enacts as follows:

1. CITATION

1.1 This Bylaw may be cited as "Automated Vote Counting System Authorization and Procedure Bylaw No. 3151, 2026."

2. DEFINITIONS

2.1 In this Bylaw,

Acceptable mark means a completed mark as defined in s. 139 of the *Local Government Act* and which the **vote counting unit** is able to identify, which 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 other voting question.

Automated vote counting system means a system that counts and records votes and processes and stores election or any voting results which comprises:

a) a number of ballot scan vote counting units, used with ballot retention boxes.

b) a number of portable ballot boxes into which voted ballots are deposited where a vote counting unit is not functioning or being used.

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

a) the names of all of the candidates for each of the offices to be filled; and

b) all of the choices on all of the bylaws or 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 on a **vote counting unit**, which causes the unit to accept a **returned ballot**.

Election headquarters means Regional District of Okanagan-Similkameen, 101 Martin Street, Penticton BC, V2A 5J9.

Memory Device means a computer software memory device or USB which is inserted into the **vote counting unit** and into which is pre-programmed the names of all the candidates for each of the offices to be filled, and the alternatives of "yes" or "no" for each question on the **ballot**, and which records and retains information on the number of **acceptable marks** made for each.

Portable ballot box means a ballot box, for use in the election, where a **vote counting unit** is not being used at the time of voting.

Results tape means the printed record generated from a **vote counting 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 matters on which the opinion or assent of the electors is sought.

Returned ballot means a voted **ballot** which was inserted into the **vote counting unit**, but which was not accepted, and which was returned to the elector with an explanation of the **ballot** marking error which caused the **ballot** not to be accepted, or in the instance of a mail ballot the **ballot** has not been accepted into the machine and is then considered a spoiled ballot and is not counted.

Secrecy enclosure means an open-ended folder, sleeve, envelope, or item which is used to cover **ballots** to conceal the choices made by each elector.

Storage ballot compartment means a ballot box under each **vote counting unit** into which voted **ballots** are temporarily deposited in the event that the unit ceases to function.

Vote counting unit means the device into which voted **ballots** are inserted and which scans each **ballot** and records the number of votes for each candidate and for and against each question on which the opinion or assent of the electors is sought.

3. USE OF VOTING MACHINES

3.1 The Chief Election Officer may use an **automated vote counting system** for the conduct of elections and voting on bylaws or other matters on which the opinion or assent of the electors is sought.

4. AUTOMATED VOTING PROCEDURES

4.1 The presiding election official for each voting place shall offer, and if requested, ensure that a demonstration of how to vote using a **vote counting** unit is provided to an elector as soon as such elector enters the voting place and before a **ballot** is issued.

4.2 Upon completion of the voting demonstration, if any, the elector shall proceed as instructed, to the election official responsible for issuing **ballots**, who, upon fulfilment of the requirements of the *Local Government Act*, shall then provide a **ballot** to the elector, a **secrecy sleeve** if requested by the elector, and any further instructions the elector requests.

4.3 Upon receiving a **ballot** the elector shall immediately proceed to a voting compartment to vote.

4.4 The elector may 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.

4.5 Once the elector has finished marking the **ballot**, the elector must either place the **ballot** into the **secrecy enclosure**, if one has been requested, or turn the ballot upside down and proceed to the **vote counting unit,** and under the supervision of the election official in attendance, insert the **ballot** directly from the **secrecy enclosure**, if applicable, into the **vote counting unit** without the **acceptable marks** on the **ballot** being exposed.

4.6 If, before inserting the **ballot** into the **vote counting unit**, an elector determines that a mistake has been made when marking the **ballot,** or if the **ballot** is returned by the **vote counting unit**, the elector may return to the voting compartment to correct the ballot or request a replacement **ballot** by informing the election official in attendance.

4.7 Upon being informed of the replacement **ballot** request, the presiding election official shall

a) issue a replacement ballot to the elector and mark the **returned ballot** "spoiled";
b) and shall retain all such spoiled ballots separately from all other **ballots**; and,
c) not count the spoiled **ballots**.

4.8 If the elector declines the opportunity to obtain a replacement **ballot** and has not damaged the **ballot** to the extent that it cannot be reinserted into the **vote counting unit**, the election official shall, using the **ballot return override procedure**, reinsert the **returned ballot** into the **vote counting unit** to count any **acceptable marks** which have been made correctly.

4.9 Any **ballot** counted by the **vote counting unit** is valid and any acceptable marks contained on such **ballots** will be counted, subject to any determination made under a judicial recount.

4.10 Once the **ballot** has been inserted into the **vote counting unit** and the **vote counting unit** indicates that the **ballot** has been accepted, the elector must immediately leave the voting place.

4.11 During any period that a **vote counting unit** is not functioning, the election official supervising the unit shall insert all **ballots** delivered by the electors during this time, into the **storage ballot compartment**, on the understanding that if the **vote counting unit**:

a) becomes operational, or
b) is replaced with another **vote counting unit**.

The **ballots** in the **storage ballot compartment** shall, as soon as reasonably possible, be removed by an election official and, under the supervision of the presiding election official, shall be inserted into the **vote counting unit** to be counted.

4.12 Any **ballots** which were temporarily stored in the **storage ballot compartment** during a period when the **vote counting unit** was not functioning, which are returned by the **vote counting unit** when being counted shall, through the use of the **ballot return override procedure** and under the supervision of the presiding election official, be reinserted into the **vote counting unit** to ensure that any **acceptable marks** are counted.

5. ADVANCE VOTING OPPORTUNITY PROCEDURES

5.1 If determined by the Chief Election Officer that **Vote counting units** will be used at all advance voting opportunities, voting procedures at the advance voting opportunities shall follow, as closely as possible, those described in Part 4 of this Bylaw.

5.2 At the close of voting at each advance voting opportunity, the presiding election official in each case shall ensure that:

a) no additional **ballots** are inserted in the **vote counting unit**;
b) the **ballot retention box** or **portable ballot box** is secured to prevent insertion of any **ballots**;
c) the **results tapes** in the **vote counting unit** are not generated;
d) the **memory device** of the **vote counting unit** is secured; and
e) The **vote counting unit** together with the **memory device** and all other materials used in the election are delivered to the **Chief Election Officer** at **election headquarters**.

5.3 At the close of voting at the final advance voting opportunity, the presiding election official in each case shall:

a) ensure that any remaining **ballots** in the **portable ballot box** are inserted into the **vote counting unit**;
b) secure the **vote counting unit** so that no more **ballots** can be inserted;
c) ensure the **portable ballot box** is secured to prevent insertion of any additional **ballots;**
d) ensure the **results tapes** in the **vote counting unit** are not generated; and,
e) deliver the **vote counting unit** together with the **memory device** and all other materials used in the election to the **Chief Election Officer** at **election headquarters**.

6. SPECIAL VOTING OPPORTUNITY PROCEDURES

6.1 Unless the chief election officer determines it is practical to use a **vote counting unit**, a **portable ballot box**, shall be used for all special voting opportunities. The presiding election official appointed to attend at each special voting opportunity shall proceed in accordance with Part 4 of this Bylaw as far as applicable, except that the voted **ballots** shall be deposited into the **portable ballot box** supplied by the presiding election official.

6.2 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 together with all other election materials to the custody of the chief election officer.

6.3 If a **vote counting 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 Part 5 of this Bylaw as if it were an advance voting opportunity.

7. PROCEDURES AFTER CLOSE OF VOTING ON GENERAL VOTING DAY

7.1 After the close of voting on general voting day, each presiding election official, except those responsible for advance and special voting opportunities, shall undertake all of the following, generally in the order stipulated:

a. ensure that any remaining **ballots** in the **storage ballot compartment** are inserted into the **vote counting unit**;
b. secure the **vote counting unit** so that no more **ballots** can be inserted;
c. generate three copies of the **results tape** from the **vote counting unit**;
d. communicate the result to **election** headquarters immediately;

e. account for the unused, spoiled and voted **ballots** and place them, packaged, and sealed separately, together with the **memory device** from the **vote counting unit** and one copy of the **results tape**, into the ballots and results box;
f. complete the ballot account and place the duplicate copy in the ballots and results box;
g. seal the ballots and results box;
h. place the voting books, list of electors, the original copy of the ballot account, one copy of the results tape, completed registration cards, keys and all completed forms into the election materials box; and
i. deliver, or have available for pick-up, the sealed ballots and results box, **vote counting unit** and the election materials box, to the Chief Election Officer at election headquarters.

7.2 At the close of voting on general voting day, the chief election officer shall direct the presiding election official for the advance voting opportunity and any special voting opportunities where **vote counting units** were used, to proceed in accordance with Section 7.1 of this Bylaw.

7.3 All **portable ballot boxes** used in the election will be opened, under the direction of the chief election officer, at the close of voting on general voting day and all ballots shall be removed and inserted into a **vote counting unit** to be counted, after which the provision of Sections 7.1 (a) to (h), as far as applicable, shall apply.

7.4 Upon the fulfilment of the provisions of Section 7.1 to 7.3 inclusive, the chief election officer shall, to obtain the election results, direct an election official to place the results in a spreadsheet, which may be used for display in the Regional District of Okanagan-Similkameen Office, indicating the total results.

8. RECOUNT PROCEDURE

8.1 As part of the official determination of election result, any recount after the preliminary election results are announced shall be conducted under the direction of the Chief Election Officer using the automated vote counting system and generally in accordance with the following procedure:

a) the **memory device** of the applicable **vote counting units** will be cleared;
b) a **vote counting unit** will be designated for each voting place.
c) (all voted **ballots** for the applicable voting counting units will be removed from the sealed **ballots** and results boxes, except **spoiled ballots**, and reinserted in the **vote counting unit** under the supervision of the **Chief Election Officer**.
d) any **ballots** returned by the **vote counting unit** during the recount process shall, through the use of the **ballot return override procedure**, be reinserted in the **vote counting unit** to ensure that any **acceptable marks** are counted.

e) at the conclusion of the recount proceedings, the Chief Election Officer shall proceed to ensure all ballot boxes and vote counting units are closed, sealed, and secured in accordance with section 7 of this bylaw.
f) the Chief Election Officer shall ensure that the recount results are tallied and recorded in a spreadsheet indicating the total results.

9. General

9.1 Any enactment referred to herein is a reference to an enactment of British Columbia and regulation thereto, as amended, revised, consolidated or replaced from tine to time.

9.2 If any part, section, sentence, clause, phrase, or word of the Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

READ A FIRST, SECOND AND THIRD TIME this 21st day of May, 2026.

ADOPTED BY AT LEAST 2/3 OF THE VOTES this 21st day of May, 2026.

Board Chair

Corporate Officer