REPEALED BY THE VOTE-COUNTING MACHINES BY-LAW NO. 150/2005 JANUARY 25, 2006

CONSOLIDATION UPDATE: JULY 12, 1995

BY-LAW NO. 6650/95

A By-law of THE CITY OF WINNIPEG respecting the procedure for voting and for the use of optical scanning vote tabulators.

WHEREAS *The Local Authorities Election Act* provides for the holding of local elections by municipalities;

AND WHEREAS Section 89.3.2(1) of *The City of Winnipeg Act* reads as follows:

> *"89.3.2(1) The Council may pass a by-law respecting the use at elections of voting machines, voting recorders, optical scanning vote tabulators, or other devices, and any such by-law shall include provisions*
>
> *(a) prescribing the form of ballot;*
>
> *(b) respecting procedure for voting and for counting votes;*
>
> *(c) respecting any other matter that the council considers necessary or advisable."*

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

DEFINITIONS

1. In this by-law all definitions shall be in accordance with *The Local Authorities Election Act*, except for the following:

> **"Acceptable Mark"** means any mark made by an elector on a ballot in the space provided opposite the name of any candidate, which the vote tabulating unit is able to record.
>
> **"Automated Vote Counting System"** means a system that counts and records votes and processes and stores election results which comprises:
>
> (1) ballot scan vote tabulating unit(s), which rest(s) on a two compartment ballot box, one compartment of which is for:

(a) voted ballots; and,

(b) returned ballots which have been reinserted using the ballot override procedure,

and the other for the temporary storing of voted ballots during such time as the vote tabulating unit is not functioning; and

(2) a number of portable ballot boxes into which voted ballots are deposited where a vote tabulating unit is not being used, for counting after the close of voting on election day.

"Ballot" means a single automated ballot card designed for use in an automated vote counting system, which shows the names of all of the candidates for each of the offices contested.

"Ballot Marking Device" means the pen or other instrument, approved by the Returning Officer, for the use in marking ballots by the elector.

"Ballot Return Override Procedure" means the use, by an election officer, of a device on a vote tabulating unit, which causes the unit to accept a returned ballot.

"**Blank Ballot"** means a ballot without votes in any of the specified voting areas as determined by a vote tabulating unit.

"Election Headquarters" means Council Building, Civic Centre, 510 Main Street, Winnipeg, Manitoba.

"Emergency Ballot Compartment" means one of two separate compartments in the ballot box under each vote tabulating unit into which voted ballots are temporarily deposited in the event that the unit ceases to function.

"Memory Pack" means a computer software cartridge which plugs into the vote tabulating unit and into which is pre-programmed the names of all of the candidates for each of the offices contested and a mechanism to record and retain information on the number of votes for each candidate.

"Modem" means the device utilized to electronically transmit voting data.

"Overvoted Ballot" means a ballot which contains votes for more candidates than are to be elected to an office.

"Poll Book" means the register of electors who have cast their vote. The poll book contains the list of electors, information relating to the ballot and has the capacity to record information relating to objections, and affidavits.

"Portable Ballot Box" means a ballot box which is used at a voting place in the election, where a vote tabulating unit is not being used.

"Register Tape" means the printed record generated from a vote tabulating unit at the close of voting on election day, which shows the number of votes for each candidate for each office contested.

"Returned Ballot" means a ballot which was inserted into the vote tabulating unit by the elector, 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.

"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 device into which voted ballots are inserted and which scans each ballot and records the number of votes for each candidate.

AUTHORIZATION

2. Commencing with the 1995 Civic Election, the Returning Officer of The City of Winnipeg may use an automated vote counting system for the election of the candidates for each of the offices contested in any election.

FORM OF BALLOT

3. The ballot shall contain the names listed in alphabetical order of the duly nominated candidates for Mayor and Councillor and, where the elector is eligible to vote for School Trustee, shall contain the names of the duly nominated candidates for School Trustee. The ballot shall be a reasonable facsimile of the draft attached hereto as Schedule A.

VOTE TABULATING UNIT

4. The vote tabulating unit shall be programmed to:

(1) return ballots as follows:

(a) blank ballots;

(b) overvoted ballots; and,

(c) a ballot that has been incorrectly printed, cut or has been marked outside the voting area or inserted into a vote tabulating unit in such a way that the vote tabulating unit is unable to identify the markings on the ballot.

(2) Print out the message corresponding to the reason for the returned ballot.

PRE-VOTE PROCEDURE

5. (1) Prior to 8:00 a.m. on election day, the election officer shall cause the vote tabulating unit to print a copy of all totals in its memory pack and ensure that all totals indicate zero. The election officer shall then certify by signature on the printout that the totals so indicate zero and ensure that such printout is provided to the Returning Officer at Election Headquarters.

VOTING PROCEDURES

6. (1) Upon ensuring that:

(a) the elector is qualified to vote in the election;

(b) the elector is voting in the correct polling subdivision; and,

(c) the elector's name is contained in the poll book and any other related information regarding objections, and affidavits is recorded therein;

the election officer shall provide a ballot, bearing his or her initials to the elector along with a secrecy sleeve.

(2) Upon receiving the ballot and secrecy sleeve, the elector shall immediately proceed to a voting compartment to vote.

(3) The elector may vote only by making an acceptable mark on the ballot beside the name of each candidate of choice, up to the maximum number of candidates to be elected for each of the offices contested.

(4) Upon having marked the ballot the elector shall place the ballot into the secrecy sleeve and deliver same to the election officer designated who shall, in the presence of the elector and without removing the ballot from the secrecy sleeve, confirm that the ballot bears the initials of the election officer and insert the ballot directly into the vote tabulating unit.

(5) If, before delivery of the ballot to the election officer, the elector determines that an error may have been made in marking the ballot or if the ballot is returned by the vote tabulating unit, the elector may request a replacement ballot from the election officer.

(6) Upon a request pursuant to subsection (5) hereof, the election officer shall issue a replacement ballot to the elector and mark the returned ballot "spoiled" and retain such spoiled ballots separately from all other ballots and same shall not be counted in the election.

(7) Where the ballot has been returned by the vote tabulating unit, and the elector declines the opportunity to obtain a replacement ballot, the election officer shall, using the ballot return override procedure, reinsert the ballot into the vote tabulating unit to count any acceptable marks.

(8) During any period that the vote tabulating unit is not functioning, the election officer supervising the unit shall insert all ballots presented by electors during that period into the emergency ballot compartment, and the ballots in that compartment shall, after the poll closes, be removed by the election officer and inserted into the vote tabulating unit to be counted.

(9) Any ballots which were temporarily stored in the emergency ballot compartment, which are returned by the vote tabulating unit when being counted in accordance with the provisions of subsection (8) hereof, shall, through the use of the ballot return override procedure, be reinserted into the vote tabulating unit to count any acceptable marks.

(10) Any ballot which does not bear the initials of the election officer or which is damaged to the extent that it cannot be inserted into the vote tabulating unit and for which no replacement ballot was provided shall be marked "spoiled" and not counted in the election.

ADVANCE POLLS

7. (1) Vote tabulating units shall be used to conduct the vote at all advance voting polls and voting procedures at the advance voting polls shall be in accordance with the provisions of Section 6 hereof.

(2) At the close of voting each day at each advance voting poll, the election officer in each case shall ensure:

(a) that no additional ballots are inserted into the vote tabulating unit;

(b) that the emergency ballot compartment is locked to prevent insertion of ballots;

(c) that the register tapes in the vote tabulating unit are not generated; and,

(d) that the memory pack in the vote tabulating unit is secured.

(3) The election officer at each advance poll shall, at the close of voting on the final advance voting day:

(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; and,

(c) ensure delivery of the vote tabulating unit together with the memory pack and all other materials used in the election to the Returning Officer at Election Headquarters.

HOSPITAL/MOVING/MAIL BALLOT PROCEDURES

amended 6669/95

8. (1) A portable ballot box shall be used for all hospital and moving polls and the election officer appointed to attend at each such poll shall proceed in accordance with Section 3 hereof insofar as is practicable, provided, however, that the voted ballots shall be deposited into the portable ballot box.

(2) The election officer at a hospital/moving poll shall ensure that the portable ballot box is secured when not in use and at the close of voting shall seal the portable ballot box and ensure its delivery, together with all other election materials, to the Returning Officer at Election Headquarters.

(3) The election officer shall deposit mail ballots in a designated portable ballot box upon receipt thereof.

(4) The Returning Officer shall input all hospital/moving/mail ballots into vote tabulating units at Election Headquarters, commencing at 8:00 a.m. on Election Day, provided, however, that the secrecy sleeve shall be utilized and scrutineers may be in attendance.

amended 6669/95

PROCEDURES AFTER THE CLOSE OF VOTING ON ELECTION DAY

9. After the close of voting on election day the election officer shall:

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

(2) secure the vote tabulating unit so that no more ballots can be inserted;

(3) generate three copies, or other such number as directed by the Returning Officer, of the register tape from the vote tabulating unit;

(4) ensure delivery of one copy of the register tape and the memory pack from the vote tabulating unit to the Returning Officer at Election Headquarters;

(5) transmit election data to the returning officer via modem, as possible;

(6) immediately post one copy of the tape at the polling location and distribute the other copy among the remaining election officers;

(7) complete a ballot statement accounting for the unused, spoiled and voted ballots and return it and the unused and spoiled ballots to the Returning Officer;

(8) ensure delivery of the poll book and all other election materials to the Returning Officer; and,

(9) *repealed 6669/95*

ELECTION HEADQUARTERS PROCEDURES

added 6669/95

10. After the close of voting on Election Day, the Returning Officer shall:
amended 6669/95

(1) Generate copies of the register tape from the vote tabulating unit for advance polls, hospital/moving polls and mail ballots;

(2) Cause all election results to be tabulated and displayed at Election Headquarters; and,

(3) Ensure the transport and security of all election equipment, ballots, poll books and other materials to a designated election storage facility.
amended 6669/95

DONE AND PASSED in Council assembled, this 14th day of June, 1995.

Schedule "A"

Sample Ballot

DRO's Initials

Ballot for the
City of Winnipeg
Civic Election

City of Winnipeg
October 28, 1998

WARD NAME / NUMBER

To vote, with the pen provided, complete the arrow pointing to the candidate of your choice.
Pour voter, complétez la flèche en regard du candidat de votre choix, en utilisant le stylo fourni.

For the Office of MAYOR Pour Élire un MAIRE	For the Office of COUNCILLOR Pour Élire un CONSEILLER MUNICIPAL	For the Office of SCHOOL TRUSTEES Pour Élire des COMMISSAIRES D'ÉCOLES
Vote for One Person Only Voter Pour Une Seule Personne	Vote for One Person Only Voter Pour Une Seule Personne	Vote for Not more than 4 Persons Voter Pour 4 Candidats au Plus
CANDIDATE ONE	**CANDIDATE ONE**	**CANDIDATE ONE**
CANDIDATE TWO	**CANDIDATE TWO**	**CANDIDATE TWO**
CANDIDATE THREE	**CANDIDATE THREE**	**CANDIDATE THREE**
CANDIDATE FOUR		**CANDIDATE FOUR**
		CANDIDATE FIVE