Agenda – Council - April 28, 2010

Report – Council Secretariat Committee – April 12, 2010

Item No. 1 Vote Counting Machine By-law
eFile GK-2

COUNCIL SECRETARIAT COMMITTEE RECOMMENDATION:

On April 21, 2010, the Executive Policy Committee concurred in the recommendation of the Council Secretariat Committee and submits the following to Council:

1. That the Vote-Counting Machine By-law 150/2005, a By-law respecting the procedure for voting and for the use of optical scanning vote tabulators, be amended to include provisions for the Dominion Voting System machines.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Council Secretariat Committee – April 12, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 21, 2010, the Executive Policy Committee concurred in the recommendation of the Council Secretariat Committee and submitted the matter to Council.

COMMITTEE RECOMMENDATION:

On April 12, 2010, the Council Secretariat Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Issue: **Amendment to Vote-Counting Machines By-law 150/2005**

Critical Path: **Council Secretariat Committee**
Executive Policy Committee
Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Lemoine	R. Kachur	N/A	

RECOMMENDATIONS

1. That the Vote-Counting Machine By-law 150/2005, a By-law respecting the procedure for voting and for the use of optical scanning vote tabulators, be amended to include provisions for the Dominion Voting System machines.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

IMPLICATIONS OF THE RECOMMENDATIONS

- A By-law specifying the operation of the City of Winnipeg's vote counting machines is required by *The Municipal Councils and School Boards Election Act*.

- Dominion Voting Systems has been selected as the successful vendor in response to RFP 766-2009

- The current Vote Counting Machine By-law must be updated slightly to meet the specifications of the Dominion Voting Machines

HISTORY

A Request for Proposal 766-2009 for the Supply, Delivery, Installation and Training of Automated Voting Machines was issued in late 2009. Dominion Voting Systems was the successful bidder to the Request for Proposal. Their voting machine system will be used in the 2010 General Municipal Election.

Section 62 of *The Municipal Councils and School Boards Election Act* requires that municipalities who make use of automated vote counting machines pass a by-law describing the procedures to be followed.

The current Vote-Counting Machine By-law, 150/2005, must be changed slightly to conform to technical changes between the old vote-counting machines and the new ones.

An example of the type of changes to be made to the By-law include an over vote situation by a voter. In this case, a voter casts votes for two Councillor candidates, when they are only allowed to select one. The previous voting machines printed a tape in this case, notifying the voting machine operator of the error. The operator read the tape, described the error to the voter and provided them a chance to obtain a new ballot to correct their error, if they so chose. The new machines operate in the same way, but rather than print out a tape when this error occurs, they display the error message for the voting machine operator on a screen.

All other changes are similar technical changes. There are no significant changes to the procedures for voting or tabulation of results. A draft Amending By-law, prepared by Legal Services, is attached to this report as Appendix A.

FINANCIAL IMPACT

Financial Impact Statement **Date:** March 4, 2010

Project Name: Vote-Counting Machine By-law

COMMENTS:
There is no financial impact associated with adoption fo the reccomendations contained in this report

Marc Lemoine

Deputy City Clerk

CONSULTATION

In preparing this report there was consultation with:

Legal Services

SUBMITTED BY

Department: City Clerks
Prepared by: M. Lemoine
Date: March 4, 2010

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APPENDIX A – Draft By-law

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Vote-Counting Machines By-law No. 150/2005

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

Vote-Counting Machines By-law amended

1 *This By-law amends the Vote-Counting Machines By-law No. 150/2005.*

Definitions amended

2(1) *Section 2 is amended*

(a) by striking out "means a single automated ballot card designed" *in the definition* ***"Ballot"*** *and substituting* "means a single paper ballot designed";

(b) by adding the following in alphabetical order:

"Voters List" means a voters list established and maintained in compliance with *The Municipal Councils and School Boards Elections Act*;

(c) by adding immediately after "cast their vote" *in the definition* ***"Voting Record"*** "or declined their ballot"*;*

2(2) *Section 2 is amended by renumbering it as subsection 2(1) and adding the following immediately after it:*

2(2) Unless otherwise defined, terms used in this By-law have the same meaning as in *The Municipal Councils and School Boards Elections Act*.

Section 4 replaced

3 *Section 4 is repealed and the following is substituted:*

4(1) In the case of an election, the ballot must include, in both French and English, the following:

(a) a list of the office or offices for which eligible voters at each voting place are able to elect one or more candidates;

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(b) a list of the names of all of duly nominated candidates for each office

(i) in an order determined by random lot;

(ii) with only each candidate's surname and usual name set out; and

(iii) with each candidate's surname in a larger font than his or her first name;

(c) a place beside each candidate's name for the voter to place an acceptable mark;

(d) a place for the election official to provide his or her initials.

4(2) In the case of a vote referred to in clause 2(b) of *The Municipal Councils and School Boards Elections Act*, the ballot must contain, in both French and English, the question or questions required to be asked under that provision.

4(3) The ballot may contain

(a) instructions to voters to assist in making acceptable marks, to choose an appropriate number of candidates for an office or otherwise to facilitate the election process; and

(b) colours that help to distinguish between offices or questions.

4(4) Subject to the provisions of *The Municipal Councils and School Boards Elections Act*, the information required by this section may be contained on one or both sides of a ballot.

Subsection 5(2) amended

4 *Subsection 5(2) is amended by adding* "or display" *immediately after* "Print out".

Section 6 amended

5(1) *Subsection 6(2) is amended*

(a) in clause (b), by striking out "4(1)" *and substituting* "5(1)"*; and*

(b) in clause (d), by striking out "tabulate" *and substituting* "tabulated".

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APPENDIX A – Draft By-law

5(2) *Subsection 6(5) is repealed and the following is substituted:*

(5) Prior to 8:00 a.m. on election day, the election officer shall cause the tabulator to print a copy of all totals in its memory pack and, after ensuring that all totals indicate zero, shall certify by his or her signature on the printout that all totals indicate zero. After the polls close on election day, the election officer shall ensure that the signed printout is provided to the Senior Election Official at Election Headquarters.

Section 7 amended

6 *Clause 7(1)(c) is amended*

(a) *by striking out* "in the voting record" *and substituting* "on the voters list"*; and*

(b) *by striking out* "therein" *and substituting* "in the voting record"*.*

Section 8 amended

7 *Subsection 8(2) is amended by striking out* "section 6" *and substituting* "section 7"*.*

Section 9 amended

8 *Section 9 is amended*

(a) *in the stem, by striking out* "voting official" *and substituting* "voting officials"*;*

(b) *in subsection (6), by striking out* "remaining" *and substituting* "appropriate"*.*

DONE AND PASSED, this day of , 2009.

_____
Mayor

_____
City Clerk

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APPENDIX A – Draft By-law

Approved as to content:

_____
City Clerk

Approved as to form:

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For City Solicitor/Manager of
Legal Services

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