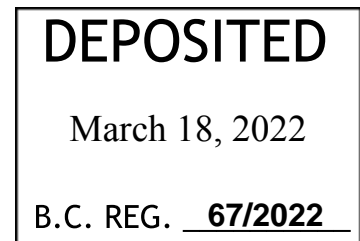


PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE CHIEF ELECTORAL OFFICER

Election Act

Under the authority of sections 120.01, 120.02, 132 and 136 of the *Election Act*, after consultation with the Election Advisory Committee under that Act, the Chief Electoral Officer orders that the attached Vote Counting Regulation is made.



March 18, 2022

Date



Chief Electoral Officer

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Election Act*, R.S.B.C. 1996, c. 106, ss. 120.01 (5), 120.02 (1), 132 (1.1) and 136 (0.1)

Other: _____

R20567016

VOTE COUNTING REGULATION

Contents

- 1 Definitions
- 2 Circumstances in which transcription authorized during initial count
- 3 Transcription procedure
- 4 Objections during transcription
- 5 Quality assurance process to test accuracy of vote-counting equipment
- 6 Preparation of ballots for recount by district electoral officer
- 7 Recount by district electoral officer

Definitions

- 1 In this regulation:

“Act” means the *Election Act*;

“**transcribed ballot**” means a ballot onto which a voter’s candidate choice is transcribed.

Circumstances in which transcription authorized during initial count

- 2 For the purposes of section 120.01 (5) (a) of the Act, an election official may transcribe a voter’s candidate choice onto an ordinary ballot if
 - (a) the original ballot marked by the voter is any of the following:
 - (i) a write-in ballot that is to be included in the initial count;
 - (ii) an ordinary ballot that has been stored in an auxiliary compartment;
 - (iii) an ordinary ballot that is contained in a certification envelope if the chief electoral officer specifies, under section 115 (2) of the Act, that ballots contained in certification envelopes are to be included in the initial count,
 - (b) the original ballot marked by the voter is not required to be rejected under section 123 of the Act,
 - (c) the voter is not present, and
 - (d) at least one other election official is present during the transcription.

Transcription procedure

- 3 (1) For the purposes of sections 120.01 (5) (b) and 132 (1.1) of the Act, an election official must, when transcribing a voter’s candidate choice,
 - (a) mark the original ballot marked by the voter and the ballot onto which the voter’s candidate choice is to be transcribed so that
 - (i) the ballots can be identified as a unique pair, and
 - (ii) the ballot onto which the voter’s candidate choice is transcribed can be distinguished from the original ballot marked by the voter,
 - (b) mark the ballot onto which the voter’s candidate choice is to be transcribed with the voter’s candidate choice, and

- (c) display the pair of ballots so that any candidates and candidate representatives present are able to see how the ballots are marked.
- (2) Following transcription, the election official must
 - (a) insert the transcribed ballot into the vote-counting equipment, and
 - (b) place the original ballot marked by the voter into an envelope labelled to indicate that
 - (i) the envelope contains original ballots marked by voters, and
 - (ii) the voters' candidate choices on the ballots have been transcribed.

Objections during transcription

- 4 (1) A candidate or candidate representative may object to a mark made by an election official under section 3 (1) (b).
- (2) An objection must be made at the time the pair of ballots is displayed under section 3 (1) (c).
- (3) The decision of the election official responsible regarding the mark made under section 3 (1) (b) may not be challenged except as provided in this section, and the interpretation of the voter's intent may be changed only by the district electoral officer under section 136 of the Act on the final count or on a judicial recount under Division 3 of Part 7 of the Act.
- (4) If a ballot is subject to an objection under this section, the election official responsible must
 - (a) record the objection on the form specified by the chief electoral officer, numbering each objection with a sequential number, and
 - (b) mark and initial the assigned number
 - (i) on the back of the original ballot marked by the voter, and
 - (ii) on the back of the transcribed ballot.

Quality assurance process to test accuracy of vote-counting equipment

- 5 (1) For the purposes of section 120.02 (1) of the Act, a quality assurance process is established, consisting of both of the following:
 - (a) a logic and accuracy test undertaken in accordance with subsection (2) and, if applicable, subsection (3) of this section;
 - (b) a count of ballots, without using vote-counting equipment, undertaken in accordance with subsections (4) and (5) of this section.
- (2) An election official must, in the presence of at least one other election official, undertake a logic and accuracy test of at least one piece of vote-counting equipment that was used in the electoral district during the initial count by
 - (a) using the vote-counting equipment to count the ballots in a set of marked test ballots, and
 - (b) comparing the following records:
 - (i) the record in paper format that is produced by the vote-counting equipment under paragraph (a);

- (ii) a written record that was prepared for the set of test ballots that indicates the number of votes accepted for each candidate and the number of ballots rejected.
- (3) If the chief electoral officer specifies under section 115 (2) of the Act that ballots contained in certification envelopes are to be included in the initial count, the logic and accuracy test must be undertaken on at least one piece of vote-counting equipment used to count the votes on ballots contained in certification envelopes.
- (4) For the purposes of subsection (1) (b), an election official must select at least one piece of vote-counting equipment and follow the procedure described in subsection (5) to count the ballots that were counted using that piece of vote-counting equipment.
- (5) The election official must, in the presence of at least one other election official,
 - (a) remove the ballots to be counted from each ballot box,
 - (b) without using vote-counting equipment, consider the ballots in accordance with section 122 of the Act and count the number of votes accepted for each candidate and the number of ballots rejected,
 - (c) compare the results of the count under paragraph (b) with the record in paper format produced during the initial count by the piece of vote-counting equipment selected under subsection (4),
 - (d) return the ballots to each ballot box, and
 - (e) reseal each ballot box.
- (6) The quality assurance process must be undertaken in each electoral district, and the results must be reported to the chief electoral officer.

Preparation of ballots for recount by district electoral officer

- 6 (1) If a district electoral officer who is to conduct a recount under section 136 of the Act determines that ballots considered during the initial count in another electoral district, or at the office of the chief electoral officer, are to be considered during the recount, the district electoral officer who is to conduct the recount must request the ballots from the district electoral officer for that other electoral district or from the chief electoral officer, as applicable.
- (2) On receiving a request under subsection (1), the district electoral officer or chief electoral officer, as applicable, must
 - (a) notify candidates and registered political parties that have endorsed candidates in the electoral district where the recount is to take place of the date and time when, and the place where, the procedure described in paragraph (b) will be carried out, and
 - (b) assign an election official to do the following:
 - (i) remove the requested ballots from the ballot box;
 - (ii) make a copy of each requested ballot on coloured paper;
 - (iii) note the following on the back of each copy:
 - (A) the date;
 - (B) that the copy was made for the purpose of a recount;

- (iv) place the copies in the ballot box;
 - (v) reseal the ballot box;
 - (vi) place the requested ballots in an envelope and seal the envelope;
 - (vii) arrange for delivery of the requested ballots to the district electoral officer who is to conduct the recount.
- (3) If a voter's candidate choice was transcribed under section 3,
- (a) the ballot to be copied under subsection (2) (b) is the original ballot marked by the voter, and
 - (b) the copy made and marked under subsection (2) (b) must also be marked so that it can be associated with the ballot onto which the voter's candidate choice was transcribed.
- (4) During the procedure described in subsection (2) (b),
- (a) at least one additional election official must be present,
 - (b) candidates are entitled to be present, and
 - (c) each candidate is entitled to have one candidate representative present.
- (5) If, in the opinion of the chief electoral officer, the original ballots will not arrive at the office of the district electoral officer conducting the recount before the time the recount is to take place, the chief electoral officer may arrange for any of the following to be transmitted to the district electoral officer for the purpose of conducting the recount:
- (a) a digital image of each ballot requested by the district electoral officer;
 - (b) a digital image of each copy made under subsection (2) (b).

Recount by district electoral officer

- 7 (1) For the purposes of section 136 (0.1) of the Act, a district electoral officer conducting a recount under section 136 of the Act must follow the procedures described in this section.
- (2) The district electoral officer must consider the ballots without using vote-counting equipment by following the procedure described in section 122 of the Act.
- (3) If a voter's candidate choice was transcribed under section 3, the ballot to be considered under this section is the original ballot marked by the voter.
- (4) A candidate or candidate representative may, in accordance with section 124 of the Act, object to the acceptance of a vote or the rejection of a ballot.
- (5) An election official who, on the initial count, considered a set of ballots under section 122 of the Act must not participate in a recount of those ballots under section 136 of the Act.