

THE CORPORATION OF THE CITY OF TRAIL
ELECTIONS PROCEDURE BYLAW NO. 2971, 2026

**A BYLAW TO PROVIDE FOR THE DETERMINATION OF VARIOUS PROCEDURES FOR THE CONDUCT OF
LOCAL GOVERNMENT ELECTIONS AND OTHER VOTING AND TO PROVIDE FOR THE USE OF
AUTOMATED VOTING MACHINES**

WHEREAS under the *Local Government Act*, the Council of the City of Trail may, by law, determine various procedures and requirements to be applied to the conduct of local government elections and other voting; and

WHEREAS under the *Local Government Act*, the Council of the City of Trail may, by bylaw, provide for the use of automated voting machines, voting recorders, or other devices for voting in an election; and

WHEREAS the Council of the City of Trail wishes to establish voting procedures and requirements under that authority;

NOW THEREFORE, the Council of the City of Trail, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw may be cited as the **“Election Procedure Bylaw” No. 2971, 2026**.

2. **REPEAL**

The City of Trail “Elections Procedure Bylaw No. 2780, 2014” and all amendments thereto is hereby repealed.

3. **DEFINITIONS**

In this bylaw all definitions shall be in accordance with the *Local Government Act*, except for the following:

“Acceptable mark” means a completed oval that the vote tabulating unit is able to identify, and that has been 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 results and is comprised of the following:

- (a) a number of ballot scan vote tabulating units, each of which rests on a two compartment ballot box, one compartment of which is for:
 - (i) voted ballots;
 - (ii) returned ballots that 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

- (b) 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 general voting day.

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

- (a) the names of all candidates for each of the offices of Mayor, Councillor and/or School Trustee; 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 tabulating unit that causes the unit to accept a returned ballot.

“Chief Election Officer” means the person appointed for the purpose of conducting an election in the City of Trail in accordance with Part 3 of the *Local Government Act*, or their designate.

“Election headquarters” means the voting place on general voting day at which the chief election officer has an office and the count procedure will be made.

“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 card” means a removable storage device used in the automated vote tabulating unit to record ballot results to store polling location information such as:

- (a) the names of all candidates for each of the offices of Mayor, Councillor and/or School Trustee.
- (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.
- (c) a mechanism to record and retain information on the number of acceptable marks made for each.

“Portable ballot box” means a ballot box that is used at a voting place 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 general voting day which shows the number of votes for each candidate for each of the offices of Mayor, Councillor and/or School Trustee, 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 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 that scans each ballot and 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.

4. **AUTOMATIC REGISTRATION BY INCLUSION ON THE PROVINCIAL LIST OF VOTERS**

4.1. As authorized under section 76 of the *Local Government Act*, for the purposes of all local elections and submissions to the electors under Part 3 or Part 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 the general voting day for such elections and submissions to the electors.

4.2. The Chief Election Officer shall maintain a register of electors for the City of Trail in accordance with section 75 of the *Local Government Act*.

5. **REQUIRED ADVANCE VOTING OPPORTUNITIES**

5.1. As required by section 107 of the *Local Government Act*, in addition to the required advance voting opportunity on the 10th day before general voting day, a required advance voting opportunity will be held on the 3rd day before general voting day for the general local election and other voting.

5.2. Required advance voting opportunities will be available at the voting places designated by the Chief Election Officer, between the hours of 8:00 a.m. and 8:00 p.m.

6. **SPECIAL VOTING OPPORTUNITIES**

6.1. In order to give electors who may otherwise be unable to vote, an opportunity to do so, Council will provide special voting opportunities as authorized under section 109 of the *Local Government Act*.

6.2. Council authorizes the Chief Election Officer to establish the dates and voting hours within the limits set out in section 109 of the *Local Government Act*, for the special voting opportunities at the following places, if practicable:

- (a) Kootenay Boundary Regional Hospital – 1200 Hospital Bench;
- (b) Columbia View Lodge – 2920 Laburnum Drive;
- (c) Rosewood Village – 8125 Devito Drive; and
- (d) at such other places as the Chief Election Officer may deem practicable and desirable for electors who are confined to a hospital or seniors housing facility.

6.3. The only electors who may vote at a special voting opportunity are electors who, on the date on which the special voting opportunity is held, and before the end of voting hours for the special voting opportunity;

- (a) admitted as patients in the Kootenay Boundary Regional Hospital or another health care facility; or
 - (b) are residents of Columbia View Lodge, Rosewood Village, or another seniors housing facility; or
 - (c) workers at the location in which the special voting opportunity is being held.
- 6.4. The following procedures for voting and for conducting voting proceedings apply to the special voting opportunities:
 - (a) the votes of the electors confined to the hospital or seniors housing facility may be cast from their beds provided all reasonable steps have been taken to ensure the secrecy of the vote.
- 6.5. The number of candidate's representatives who may be present at the special voting opportunity is limited to one.
- 6.6. A portable ballot box shall be used for all special voting opportunities and the presiding election official appointed to attend at each special voting opportunity shall proceed in accordance with section 8 of this bylaw so far as applicable, except that the voted ballots shall be deposited into the portable ballot box supplied by the presiding election official.
- 6.7. 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.

7. **MAIL BALLOT VOTING**

- 7.1. As authorized under section 110 of the *Local Government Act*, voting may be done by mail ballot and elector registration may be done by mail in conjunction with mail ballot voting.
- 7.2. In accordance with section 110 of the *Local Government Act*, the Chief Election Officer is authorized to establish time limits in relation to voting by mail ballot, registering for a mail ballot, elector registration package, and for other matters to which mail ballot voting time limits are not established under this bylaw.
- 7.3. As provided in section 110(9) of the *Local Government Act*, in order to be counted, a mail ballot must be received by the Chief Election Officer before the close of voting on general voting day.
- 7.4. The Chief Election Officer shall maintain a register of mail ballots that includes:
 - (a) the name and address of the elector to whom the mail ballot package was issued, and in the case of a non-resident elector, the address of the property in relation to which they are voting;
 - (b) any other information that the Chief Election Officer considers is necessary so that challenges of an elector's right to vote may be made in accordance with the intent of section 126 of the *Local Government Act*;

the Chief Election Officer shall upon request make available for inspection sufficient information from the register of mail ballots so that challenges of an elector's right to vote may be made in accordance with the intent of section 126 of the *Local Government Act*.

- 7.5. A person wishing to vote by mail must request a mail ballot application and submit the completed form to the Chief Election Officer, or the person designated by the Chief Election Officer for such purposes, at the location and within the time limit as set by the Chief Election Officer.
- 7.6. Upon receipt of an application for a mail ballot and within the time limit as set by the Chief Election Officer, the Chief Election Officer or designate shall:
- (a) make available to the applicant a mail ballot voting package as specified in section 110(7) of the *Local Government Act*; and
 - (b) record in the register of mail ballots the name and address of the elector to whom the mail ballot package was issued, and in the case of a non-resident elector, the address of the property in relation to which they are voting.
- 7.7. An applicant for a mail ballot may request the Chief Election Officer to deliver the mail ballot package to the applicant in any of the following ways:
- (a) send the mail ballot package by Canada Post;
 - (b) send the mail ballot package by courier at the expense of the Applicant;
 - (c) have the mail ballot package picked up by the applicant at a designated time and locations; or
 - (d) have the mail ballot package picked up by an authorized person at a designated time and location, provided that the Chief Election Officer may request the authorized person show identification and sign a form before providing the authorized person with the mail ballot package;
- failing direction by the applicant, the mail ballot package shall be delivered to the applicant by Canada Post.
- 7.8. The City of Trail and the Chief Election Officer are not responsible for any of the following:
- (a) failure to receive an application for a mail ballot before the time limit specified by the Chief Election Officer;
 - (b) failure to deliver a mail ballot voting package to an applicant before the time limit specified by the Chief Election Officer; or
 - (c) failure to receive a mail ballot prior to close of general voting.
- 7.9. When a mail ballot is received, the Chief Election Officer will:
- (a) immediately record the date of receipt in the register of mail ballots;
 - (b) open the outer envelope, remove, and examine the certification envelope and the completed elector registration application;
 - (c) confirm the identity of the elector as an applicant on the register of mail ballots;

- (d) confirm the requirements of section 70 of the *Local Government Act* and the completeness of any application to register have been satisfied; and
- (e) confirm the completeness of the certification envelope;

if the Chief Election Officer is satisfied as to the elector's entitlement to vote, the secrecy envelope will be extracted and deposited unopened in a separate ballot box reserved for mail ballots.

- 7.10. If the Chief Election Officer is not satisfied as to the elector's entitlement to vote, the Chief Election Officer shall mark the certification envelope as "rejected" and indicate the reason for the rejection and set aside the rejected certification envelope unopened.
- 7.11. The Chief Election Officer shall retain in their custody all opened and unopened certification envelopes.
- 7.12. At the close of voting on general voting day and as soon as possible after all of the secrecy envelopes have been placed in the ballot box, in the presence of at least one (1) other person and any candidate representatives, the Chief Election Officer shall supervise:
 - (a) the opening of the mail ballot box;
 - (b) the opening of the secrecy envelopes; and
 - (c) the counting of the mail ballots in accordance with the provisions of the *Local Government Act*.
- 7.13. If the Chief Election Officer receives a mail ballot after the close of general voting day, the Chief Election Officer shall:
 - (a) mark the return envelope as "rejected";
 - (b) indicate the reason why the return envelope was rejected on the return envelope; and
 - (c) place the unopened return envelope with other rejected return envelopes.
- 7.14. The Chief Election Officer shall, upon receipt of a spoiled mail ballot voting package, record such fact in the register of mail ballots and proceed in accordance with section 7.6 of this bylaw and section 128 of the *Local Government Act*.

8. **AUTOMATED VOTING PROCEDURES AT GENERAL VOTING**

- 8.1. Council hereby authorizes the conducting of general local elections and other voting in the City of Trail using an automated vote counting system.
- 8.2. The presiding election official for each voting place and at each advance voting opportunity shall, as soon as the elector enters the voting place and before a ballot is issued, offer and if requested, direct an election official to provide a demonstration to an elector of how to vote using an automated vote counting system.
- 8.3. Upon completion of the voting demonstration, if any, the elector shall proceed as instructed, to the election official responsible for issuing ballots, who:

- (a) shall ensure that the elector:
 - (i) is qualified to vote in the election; and
 - (ii) completes the voting book as required by the *Local Government Act*;
 - (b) upon fulfillment of the requirements of subsection (a), shall then provide a ballot to the elector, a secrecy sleeve if requested by the elector, and any further instructions the elector requests.
- 8.4. Upon receiving a ballot and secrecy sleeve, if so requested, the elector shall immediately proceed to a voting compartment to vote.
- 8.5. 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 of Mayor, Councillor and/or School Trustee; 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.
- 8.6. Once the elector has finished marking the ballot, the elector must place the ballot into the secrecy sleeve, if one has been requested, or turn the ballot upside down, and proceed to the vote tabulating unit, and under the supervision of the election official in attendance, insert the ballot directly from the secrecy sleeve, if applicable, into the vote tabulating unit without the acceptable marks on the ballot being exposed.
- 8.7. If, before inserting the ballot into the vote tabulating unit, an elector determines that a mistake has been made when marking the ballot or if the ballot is returned by the vote tabulating unit, the elector may return to the voting compartment to correct the ballot or request a replacement ballot by advising the election official in attendance.
- 8.8. Upon being informed of the replacement ballot request, the presiding election official (or alternate presiding election official) shall issue a replacement ballot to the elector and mark the returned ballot “spoiled” and shall retain all such spoiled ballots separately from all other ballots and they shall not be counted in the election.
- 8.9. If the elector declines the opportunity to obtain a replacement ballot and has not damaged the ballot to the extent that it cannot be reinstated 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 correctly.
- 8.10. Any ballot counted 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.
- 8.11. 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.

8.12. During any period that a vote tabulating unit is not functioning, the election official supervising the unit shall insert all ballots delivered by the electors during this time into the emergency ballot compartment, provided that if the vote tabulating unit:

- (a) becomes operational; or
- (b) is replaced with another vote tabulating unit,

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

8.13. Any ballots that were temporarily stored in the emergency ballot compartment and are returned by the vote tabulating 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 tabulating unit to ensure that any acceptable marks are counted.

8.14. If a recount is required, it 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 cards of all vote tabulating units at the close of voting on general voting day will be stored, along with other election documents;
- (b) additional memory cards will be programmed for the purposes of the recount;
- (c) vote tabulating units will be designated for each voting place, if applicable;
- (d) all voted ballots will be removed from the election materials transfer box;
- (e) all voted ballots, except spoiled ballots, will be reinserted in the appropriate vote tabulating units under the supervision of the Chief Election Officer;
- (f) any ballots returned by the vote tabulating unit during the recount process shall, through the use of the ballot return override procedure, be reinserted in the vote tabulating unit to ensure that any acceptable marks are counted; and
- (g) to obtain election results, the Chief Election Officer shall place the results of each voting place on a spreadsheet so as to tally the total election results.

9. **ADVANCE VOTING OPPORTUNITY PROCEDURES**

9.1. 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 to those described in section 8 of this bylaw.

9.2. 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 tabulating unit;
- (b) the emergency ballot compartment is sealed to prevent insertion of any ballots;
- (c) the register tapes in the vote tabulating unit are not generated; and
- (d) the memory card of the vote tabulating unit is secured.

9.3. At the close of voting at the final advance voting opportunity, the 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 tabulating unit so that no more ballots can be inserted; and
- (c) deliver the vote tabulating unit together with the memory card and all other materials used in the election to the Chief Election Officer.

10. PROCEDURES AFTER THE CLOSE OF VOTING ON GENERAL VOTING DAY

10.1. After the close of voting on general voting day at voting opportunities where a vote tabulating unit was used in the election, but excluding advance and special voting opportunities:

- (a) each presiding election official shall:
 - (i) ensure that the remaining ballots in the emergency ballot compartment are inserted into the vote tabulating unit;
 - (ii) secure the vote tabulating unit so that no more ballots can be inserted;
 - (iii) generate three copies of the register tape from the vote tabulating unit; and
 - (iv) deliver one copy of the register tape along with the memory pack from the vote tabulating unit to the Chief Election Officer at election headquarters;
- (b) each alternate presiding election official shall:
 - (i) account for the unused, spoiled and voted ballots and place them, packaged and sealed separately, into the election materials transfer box along with one copy of the register tape;
 - (ii) complete the ballot account and place the duplicate copy in the election materials transfer box;
 - (iii) seal the election materials transfer box;
 - (iv) place the voting books, the original copy of the ballot account, one copy of the register tape, completed registration cards (if applicable), keys and all completed administrative forms into the Chief Election Officer portfolio; and
 - (v) transport all equipment and materials to election headquarters.

10.2. At the close of voting on general voting day, the Chief Election Officer shall direct the presiding election official for the advance voting opportunity where vote tabulating units were used, to proceed in accordance with section 10.1 of this bylaw.

10.3. At the close of voting on general voting day, all portable ballot boxes used in the election will be opened under the direction of the Chief Election Officer and all ballots shall be removed and inserted into a vote tabulating unit to be counted, after which the provisions of sections 10.1, so far as applicable, shall apply.

10.4. Upon the fulfillment of the provisions of section 10.1 to 10.3 inclusive, the Chief Election Officer shall, to obtain the election results, direct an election official to place the results of each voting place on a spreadsheet so as to tally the total election results.

11. **RESOLUTION OF TIE VOTES AFTER JUDICIAL RECOUNT**

- 11.1. In the event of a tie vote after a judicial recount, the tie vote will be determined by lot in accordance with section 151 of the *Local Government Act*.

12. **GENERAL**

- 12.1. Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.
- 12.2. If any part, section, sentence, clause, phrase or word of this 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.

FIRST READING
SECOND READING
THIRD READING
ADOPTED ON

this 11th day of May, 2026
this 11th day of May, 2026
this 11th day of May, 2026
this 25th day of May, 2026



Mayor



Corporate Officer