



ELECTIONS BC

A non-partisan Office of the Legislature

GUIDE TO VOTING AND COUNTING

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Introduction

Purpose of this guide

The purpose of the Guide to Voting and Counting is to assist individuals in understanding these processes under the *Election Act*.

This guide is designed to provide a framework and quick reference for voting and counts administered by district electoral officers (DEOs). Applicable section references to the *Election Act* are provided. Section references appear as a number between square brackets; all refer to the *Election Act* unless otherwise noted.

Information in this guide is intended to be used as a reference in conjunction with the *Election Act* and does not take precedence over the Act. **If any part of this Guide to Voting and Counting conflicts with what appears in the *Election Act*, the Act is deemed the exclusive authority.**

Scope of this guide

This guide provides a high-level overview of the voting opportunities in an election and more detail on the two counting processes: initial count and final count. It also describes DEO recounts and judicial recounts.

This guide does not address challenges made to the validity of an election under Part 8 of the *Election Act*. An application may be made to the Supreme Court of British Columbia for a declaration regarding the right of an individual to take office or the validity of an election. Allegations that an elected candidate is not qualified to hold office, or applications to have an election declared invalid on the basis that the election was not conducted in accordance with the Act or that there were specific contraventions of the Act, may only be addressed by an application under Part 8, and cannot be dealt with at a judicial recount. [s. 150]

Privacy

Elections BC has the authority to collect, use, disclose and dispose of personal information under the *Election Act* and the *Freedom of Information and Protection of Privacy Act*. This information is used to administer provisions of the *Election Act*.

For information about Elections BC's privacy policies, please visit elections.bc.ca/privacy or contact the **Privacy Officer, Elections BC** at 1-800-661-8683 or privacy@elections.bc.ca or PO Box 9275 Stn Prov Govt Victoria, BC V8W 9J6.

Overview

Voting

The *Election Act* provides a variety of voting opportunities from Writ Day through to General Voting Day. Following is a brief summary of each voting opportunity, the qualifications to vote, as well as the types of ballots available to voters at each voting opportunity. A table summarizing all voting opportunities is provided in the Appendix. [s. 73-114]

Who may vote

To vote in a provincial election, an individual must be a Canadian citizen, at least 18 years of age on General Voting Day, have lived in B.C. for at least six months before General Voting Day, be registered as a voter for the electoral district or register in conjunction with voting, and not be disqualified from voting in the election. [s. 29]

Ballots

All ballots are bound in books and have a stub and a counterfoil. The stub and counterfoil are sequentially numbered. Ballot stubs remain in the book; the voter is issued a ballot with the counterfoil attached. The counterfoil is removed from the ballot by the voting officer before it is placed in a ballot box.

For a general election, there are two types of ballots: ordinary ballots and write-in ballots. Both ballots are established by the Schedule to the *Election Act*. Ordinary ballots provide a printed list of candidate names for an electoral district with a blank circle beside each name where the voter can make their mark. Write-in ballots have a blank space where voters write or print the name of a candidate or registered political party. Write-in ballots are used by absentee voters. [s. 86, 87, 91]

A copy of the ordinary ballot and write-in ballot are provided in the Appendix to this guide.

Advance voting

There are six days of advance voting in provincial elections in B.C. Advance voting places are open from 8 a.m. to 8 p.m. (local time). Voters should note that not all advance voting places are open every day of the advance voting period. After an election is called, Elections BC publishes advance voting places and the dates they are open in community newspapers, on its website, and on Where to Vote cards sent to voters. All voters can vote at any advance voting place, and all advance voting places are wheelchair accessible.

Under the *Election Act*, advance voting is available over six consecutive days starting eight days before General Voting Day. If General Voting Day is a Monday, the advance voting period starts nine days before General Voting Day. If one or more advance voting days is a holiday the advance voting period is set by the Chief Electoral Officer, and must consist of six days over a period starting 12 days before General Voting Day and ending two days before General Voting Day. [s. 76, 97]

General voting

General voting is available on General Voting Day, 8 a.m. to 8 p.m. (Pacific time). General voting is available to any voter resident in a voting area assigned to vote at that specific voting location. [s. 75, 96]

Absentee voting

Voters may choose to vote at a location other than their assigned voting location on General Voting Day, or the advance voting locations in their electoral district of residence. They may vote under absentee provisions at any other voting location in the province. Absentee voting is available at all advance voting and general voting places. Absentee ballots are placed in secrecy and certification envelopes and sent to the appropriate district electoral office to be considered at final count. [s. 99-101]

Alternative absentee voting

Voters who are unable to attend an advance or general voting place may vote by alternative absentee voting. There are two types of alternative absentee voting: at any district electoral office from after an election is called until 4 p.m. (Pacific time) on General Voting Day, and, for voters who cannot vote in the district electoral office, by alternative absentee voting package (voting by mail). These packages are available on request to voters up to 30 days prior to when an election is called, until 4 p.m. (Pacific time) on General Voting Day. While voting packages may be issued prior to Writ Day, voters must not mark their ballot or complete the package prior to the election being called. All packages must be received by Elections BC by the close of voting on General Voting Day. Alternative absentee voting is by certification envelope and the ballots are considered at final count. [s. 78, 102-108]

Special voting

A district electoral officer may establish special voting opportunities for voters who are otherwise unable to vote. Typically special voting opportunities are for voters who are unable to vote independently because of a disability, or who are in a hospital, mental health or care facility, correctional centre, remote work site, etc. Special voting is a form of absentee voting, and voting is by certification envelope with the ballots considered at final count. Special voting can be administered by a mobile team of election officials that visit the special voting sites, or by other means determined by the Chief Electoral Officer.

An exception is made for residents of site-based voting areas (SVAs). These are usually long-term care facilities where voters live. SVA voting is administered by a mobile team, but voting is by general voting procedures. [s. 77, 80(4), 98]

Certification envelopes

All absentee, alternative absentee and special voting opportunities require the use of a certification envelope. The election ballot is placed in a single secrecy envelope, which is then placed in the certification envelope. On the outside of the certification envelope, the voter's name, residential address and electoral district of residence is recorded. The voter must sign the certification envelope, declaring they are registered as a voter for the electoral district for which the individual is voting (or are applying to register as such in conjunction with voting), that the voter has not previously voted and will not vote again in the election, and, if applicable, is eligible to vote by alternative absentee voting. If voting by mail, the voter's signature on the certification envelope must be witnessed. Certification envelopes must remain unopened until final count. [s. 87, 106]

Samples of certification envelopes are provided in the Appendix.

Counting

Initial count

The first stage of the vote counting process is called initial count: the counting of the ballots from general and advance voting. Initial count is conducted following the close of general voting. After initial count is completed, the district electoral officer announces the preliminary results.

Ballots contained in certification envelopes are not considered at initial count. In the May 2017 Provincial General Election, approximately 90% of the total ballots cast were counted at initial count. [s. 115-126]

Final count

Final count is the counting of the votes that were not considered as part of initial count. These are ballots contained in certification envelopes – ballots from voters who voted under the provisions for absentee voting, alternative absentee voting or special voting. Final count ordinarily begins on the 13th day after initial count, to allow enough time for envelopes to be sent to the district electoral officers for the electoral district in which the voters are resident. Final count must be conducted by the district electoral officer and be completed within three days. At the conclusion of final count, the district electoral officer declares the official election results and the election of the candidate who received the most votes, based on the votes accepted at initial count and final count. [s. 127-138]

Recount of initial count

As part of final count, the district electoral officer may recount some or all of the ballots that were considered at initial count. [s. 136]

Under the *Election Act*, candidates or their official agents can request a recount of some or all of the ballots considered at initial count within three days after General Voting Day. Recount requests can only be made where:

- the difference between the top two candidates is close (defined in the *Election Act* as 100 votes or fewer); or
- votes were not correctly accepted or ballots were not correctly rejected, or a ballot account does not accurately record the number of votes for a candidate.

Judicial recount – election

A judicial recount is conducted by the Supreme Court of British Columbia, and may include some or all of the ballots and certification envelopes for an election. A voter, candidate, candidate's representative or district electoral officer may make an application for a judicial recount on the basis that errors were made in the acceptance or rejection of certification envelopes or ballots, or that the ballot account is not correct. In the event of a tie vote, or if the difference between the first two candidates is less than 1/500 of the total ballots considered, the district electoral officer must make an application for a judicial recount. An application must be made within six days after the declaration of official results following the conclusion of final count. [s.139-143]

Appeal of judicial recount

A candidate in an election may appeal the decision of the Supreme Court to the Court of Appeal. An appeal must be commenced within two days after the results of a judicial recount are declared. The time set for the hearing of the appeal must be no later than 10 days after the Court of Appeal receives the notice of appeal. [s. 144-145]

Counting of the vote

The *Election Act*, Part 7, establishes how ballots are to be counted in an election.

Initial count

What is initial count?

Initial count is the preliminary count of the votes on the ballots for an election, other than those contained in certification envelopes. Provisions for initial count are under Part 7, Division 1 of the *Election Act*. [s. 115-126]

Every ballot box and its corresponding team of election officials are involved in initial count. Election ballots that are not in certification envelopes are considered at initial count. Although ballots in certification envelopes are not considered at initial count, the number of certification envelopes is recorded and an Initial Count Reconciliation form (i.e. an initial count ballot account) is completed for each voting station or mobile team.

When and where initial count is conducted

Initial count is conducted as soon as possible after the close of voting on General Voting Day (8 p.m. Pacific time). The initial count of ballots cast at a general voting opportunity must be conducted at the general voting place, unless the district electoral officer specifies another location. The district electoral officer must specify the location(s) where initial count will be conducted for ballots for other voting opportunities. Candidates must be notified of the location(s) where initial count will be conducted. [s.116-117]

Who may be present at initial count

The voting officer responsible for the ballot box and at least one other election official must be present. Candidates may be present and each candidate is entitled to have one candidate representative (scrutineer) present for each ballot box for which a count is being separately conducted. Scrutineers must be appointed in writing. No other individuals may be present at initial count, unless permitted by the district electoral officer or designate. [s. 119]

Who conducts initial count

The voting officer responsible for the ballot box must conduct initial count with the assistance of another election official. The voting officer must personally make all decisions regarding the acceptance of a vote or the rejection of a ballot. The district electoral officer may assign responsibility for initial count to another election official if necessary. [s. 118]

Initial count reconciliation

Before considering the ballots at initial count, the voting officer first reconciles the number of election ballots used to the number of voters who voted at the voting station. The voting officer must complete the ballot reconciliation portion of the Initial Count Reconciliation form before opening the ballot box (see Appendix).

The voting officer:

- confirms the number of election ballots issued to the voting station
- counts the number of unused election ballots
- counts the number of spoiled election ballots
- determines the number of voters who voted in the election at the voting station

After the number of ballots and voters who voted is reconciled, the voting officer may proceed with considering the election ballots and counting the number of certification envelopes (if any) contained in the ballot box. [s.120-121]

Considering election ballots and counting the vote

The voting officer begins the counting of the vote by opening the ballot box and emptying the contents onto a table. [s.122-123]

The voting officer sorts any certification envelopes by section of the *Election Act* under which the ballot in each envelope was cast, then counts the number of envelopes and records the totals on the reconciliation form and on a parcel envelope. The certification envelopes are put into the parcel envelope, which is then sealed. Certification envelopes are not opened under any circumstances during initial count.

Accepting or rejecting ballots

Each election is unique to a single electoral district. Therefore, ballots can only be considered in relation to candidates running in that district. Any ballots marked for candidates running outside of that district must be rejected. At initial count, the voting officer unfolds and considers each ballot to determine if it is marked in an acceptable manner. Samples of valid ballot markings and rejected markings for ordinary ballots, used as a guide by the voting officer, are provided in the Appendix.

Ballots must be rejected by the voting officer if any of the following apply:

- the ballot used is not one officially supplied
- the ballot is unmarked
- the ballot is written on or marked in a way that could identify the voter
- the voter has marked the ballot for more than one candidate
- the intent of the voter is not clear

Ordinary ballots may be marked with a tick (✓) or a cross (✕) in or partly in the space beside the name of a candidate. Any other mark is acceptable, as long as it clearly shows the intent of the voter and could not reasonably identify the voter.

In some instances, initial count may include write-in ballots. This may occur if ordinary ballots were not ready for the voting opportunity or if there were insufficient ordinary ballots provided and write-in ballots were substituted.

Write-in ballots are usually marked with the name of a candidate, the name of a registered political party or both. A sample of acceptable write-in ballot markings is provided in the Appendix. See page 12 for rules on accepting or rejecting write-in ballots.

If a ballot counterfoil is still attached, the voting officer discreetly removes and discards the counterfoil, without examining the voter number and being careful to conceal the number from other individuals present.

The voting officer announces the candidate or registered political party indicated on each accepted ballot, or announces that the ballot is rejected. The assisting election official records the votes for each candidate and rejected ballots on a tally sheet.

When initial count is complete for each ballot box, the voting officer and voting clerk complete the Initial Count Reconciliation form and package the ballots. Candidate representatives who are present may request a copy of the completed reconciliation form. Results are reported to the district electoral office, where the results are entered into the Voting Results System. Preliminary results from initial count are made public at the same time. [s. 122-123]

Objections to the acceptance or rejection of a ballot

During initial count, a candidate or their representative may object to the acceptance of a vote or the rejection of a ballot at the time the ballot is considered by the voting officer. The voting officer must record an objection on the Objection to Acceptance or Rejection of a Ballot or Certification Envelope form (see sample in the Appendix) and indicate the reason for the objection. The voting officer marks on the back of the election ballot the corresponding number from the Objection to Acceptance or Rejection of a Ballot or Certification Envelope form and initials this number. A decision by a voting officer is final for the purposes of the initial count, even though objected to, and may only be changed by the district electoral officer during final count, or by a judge at a judicial recount. [s. 124]

Final count

What is final count?

Final count is a count of the ballots for an election that were not considered as part of initial count, and a determination of the results of the election based on the votes accepted at initial count and final count. Part 7, Division 2 of the *Election Act* establishes the process for final count in an election. At the end of final count for an election, the district electoral officer declares the election of the candidate with the most votes. [s.127–138]

When and where final count is conducted

Final count ordinarily begins at 9:00 a.m. on the 13th day after General Voting Day. This is to allow time for the certification envelopes to be shipped to the appropriate district electoral officer following initial count. Final count is held in the district electoral office and may continue for up to three days. [s. 128]

Who may be present at final count

The district electoral officer and at least one other election official must be present at final count. Candidates and one candidate representative per candidate may be present during final count for the election. Candidate representatives must be appointed in writing. [s. 130]

Who conducts final count

Final count must be conducted by the district electoral officer, who may be assisted by other election officials. The district electoral officer must personally make decisions regarding the acceptance or rejection of election ballots and whether certification envelopes are accepted for final count. [s. 129]

Conducting final count

Before final count begins, the district electoral officer reviews the results that were reported on election night against the totals recorded on the initial count ballot accounts. If there are any discrepancies, the DEO will amend the reported totals to reflect the ballot account. The DEO also reviews the ballot accounts to make sure that they balance and are correct. The DEO may choose to recount some ballots from initial count during final count if errors were found during the review.

To prepare for final count the DEO screens all certification envelopes containing ballots cast by voters resident in their electoral district, and checks voting books used during voting to ensure that no one voted more than once. The DEO also confirms that all voters who used a certification envelope were registered to vote or registered in conjunction with voting.

Certification envelopes may be marked as remaining unopened for final count if they are not completed fully, are not signed by the voter, or the voter is not registered to vote in the electoral district. Certification envelopes from voters who have voted more than once also remain unopened.

In preparation for counting, accepted certification envelopes are sorted by the section of the *Election Act* under which they were completed. Certification envelopes which are not accepted remain unopened and are set aside. [s. 134]

Final count reconciliation

Before counting may start, the district electoral officer completes the top portion of a Final Count Reconciliation form for each section of the *Election Act* under which certification envelopes have been received (i.e. a final count ballot account).

Removing ballots from envelopes

The district electoral officer opens the ballot boxes one section at a time. Any certification envelopes not accepted for final count are announced, set aside, and remain unopened. The district electoral officer then opens each accepted envelope and removes the secrecy envelope. The secrecy envelope is placed in a ballot box designated for the section being counted.

A certification envelope must be resealed during final count if it clearly contains more than one election ballot. During this phase, if a certification envelope contains more than one secrecy envelope, the district electoral officer must open the secrecy envelopes contained within the certification envelope to verify whether they contain election ballots. The district electoral officer must take care to ensure that the secrecy of the vote is maintained during this process. If there is more than one election ballot in a certification envelope, these ballots must be resealed in their respective envelopes and must not be considered at final count. [s. 135]

After all certification envelopes for a section have been opened and the secrecy envelopes placed in a ballot box, the district electoral officer opens each secrecy envelope and removes the ballot.

If a secrecy envelope contains more than one ballot for the election, all the ballots must be returned to the secrecy envelope and resealed. The secrecy envelope must not be reopened and none of the ballots inside will be considered at final count.

Objections to the opening of certification envelopes

A candidate or their representative may object to a decision of whether or not a certification envelope is to remain unopened at final count. An objection must be recorded on the Objection to Acceptance or Rejection of a Ballot or Certification Envelope form, and the back of the certification envelope is marked with the corresponding objection number. A decision of the district electoral officer is final, and may only be overturned in a judicial recount. [s. 124(4), 134(3)]

Considering ballots and counting votes for the election

The district electoral officer conducts final count of ballots from the certification envelopes one section at a time. Consideration of ballots and the counting process for final count parallel the procedures at initial count.

Accepting or rejecting ballots

Again, each election is unique to a single electoral district, and ballots can only be considered in relation to candidates running in that election. At final count, the district electoral officer unfolds and considers each ballot to determine if it is marked in an acceptable manner. Samples of valid ballot markings and rejected markings for both ordinary ballots and write-in ballots are provided in the Appendix.

Ballots must be rejected by the district electoral officer if any of the following apply:

- the ballot used is not one officially supplied
- the ballot is unmarked
- the ballot is written on or marked in a way that could identify the voter
- the voter has marked the ballot for more than one candidate
- the intent of the voter is not clear
- the ballot is a write-in ballot marked for a registered political party that is not represented by a candidate in that electoral district's election
- the ballot is a write-in ballot marked for an individual who is not a candidate in that electoral district's election, regardless of whether there is a party affiliation on the ballot
- the ballot is a write-in ballot marked for both a candidate and a registered political party, but the candidate is not a representative of that political party (in that electoral district)

Misspelling or an abbreviation of either the name of a candidate or registered political party on a write-in ballot are not grounds for rejection, if the intent of the voter is clear.

Objections to the acceptance or rejection of a ballot

During final count, a candidate or their representative may object to the acceptance of a vote or the rejection of a ballot at the time the ballot is considered by the district electoral officer. All objections must be recorded on the Objection to Acceptance or Rejection of a Ballot or Certification Envelope form, indicating the reason for the objection. The district electoral officer marks on the back of the election ballot the corresponding number from the form and initials this number. A decision by the district electoral officer is final for the purposes of the final count and may only be changed at a judicial recount. [s. 124, 135(3)(a)]

Determining election results

When all election ballots have been counted for each section, the district electoral officer completes the final count ballot account for each section and enters the results into the Voting Results System. Election results are determined by consolidating the outcomes from initial count and final count for the electoral district. At the conclusion of final count, the district electoral officer declares the official election results and the election of the candidate who received the most votes, subject to a judicial recount. [s. 132(1)(g), 137]

Recounts of initial count by DEOs

As part of final count, the district electoral officer may recount election ballots that were considered at initial count. The district electoral officer may choose to recount some or all the ballots if they have concerns regarding the reconciliation of the ballot account, or if there are discrepancies between the number of votes recorded on the ballot account and on parcel envelopes containing ballots.

Under the *Election Act*, candidates or their official agents can request a recount of some or all of the ballots considered at initial count within three days after General Voting Day. Recount requests are accepted if there is evidence that:

- the difference between the top two candidates is close (defined in the *Election Act* as 100 votes or fewer); or
- votes were not correctly accepted or ballots were not correctly rejected, or a ballot account does not accurately record the number of votes for a candidate.

When a recount of initial count is conducted

While a request to recount some or all of the ballots considered at initial count may be made immediately following the completion of initial count, the district electoral officer must not conduct the recount until final count begins – ordinarily at 9 a.m. on the 13th day after General Voting Day. Parcel envelopes containing accepted and rejected ballots are not opened until the commencement of final count.

When final count begins, the district electoral officer completes the recount prior to considering the ballots in certification envelopes.

Conducting a recount of initial count

The recount of election ballots from initial count is conducted using the same procedures as for initial count for the election. The ballots from each ballot box must be considered separately and a new Initial Count Reconciliation form (ballot account) must be completed for each ballot box included in the recount, and attached to the original reconciliation form for that box. [s. 136]

Who conducts a recount

While the district electoral officer may assign election officials to conduct a recount, the district electoral officer must deal directly with any objections by a candidate or a candidate representative as to the acceptance or rejection of an election ballot. [s. 129]

Who may be present

During a recount of election ballots, the district electoral officer and at least one other election official must be present. Candidates and a candidate representative may be present. If a DEO is assigning election official teams to carry out the recount, the rule of thumb for the number of candidate representatives present is the number of counting teams plus one. No other individuals may be present unless permitted by the district electoral officer. [s. 130]

Judicial recounts

A judicial recount is conducted by a judge of the Supreme Court of British Columbia and may include some or all of the ballots for an election. If a judicial recount is conducted for an election, the district electoral officer cannot return the writ of election until the court makes a determination regarding the outcome of the election. [s. 139-143]

Who may apply for a judicial recount

A voter, candidate or district electoral officer for the electoral district may make an application for a judicial recount of election ballots. [s. 139(4)]

When an application may be made

An application for a judicial recount may be made between the declaration of official election results following the conclusion of final count, and six days after that declaration.

When a judicial recount is conducted

Within 72 hours after an application has been filed, the court registry must notify the applicant of the date, time and place at which the judicial recount is to be conducted. The date set must be no later than eight days after the petition commencing the application is filed. The *Election Act* does not specify the time by which a judicial recount must be completed. [s. 139(3), 140]

On what grounds an application may be made

In the event of a tie vote, or if the difference between the first two candidates is less than 1/500 of the total ballots considered, the district electoral officer must make an application for a judicial recount. [s. 139(2)]

Otherwise, an application may only be made for one or more of the following reasons:

- votes were not correctly accepted or rejected as required under the rules for accepting and rejecting ballots
- unopened or resealed certification envelopes or secrecy envelopes contain ballots that should have been considered
- a ballot account does not accurately record the number of votes for a candidate
- final count did not correctly calculate the total number of votes for a candidate

Responsibilities of applicant for a judicial recount

The individual making the application must immediately notify the affected individuals of the application. If the application is for a judicial recount of election ballots, the applicant must notify the district electoral officer and each candidate in the election. Within 24 hours of making the application, the individual must also provide them with copies of the petition commencing the application and its accompanying affidavit.

The applicant must also serve notice to the affected individuals of the date, time and place of the judicial recount within 24 hours of being notified by the court registry. [s. 140]

Who may be present

At a judicial recount of election ballots the following individuals and their legal counsel are entitled to be present:

- the individual who made the application
- the district electoral officer and one other election official
- the candidates in the election
- one agent for each candidate who is present, and for each candidate who is not present, two agents
- the Chief Electoral Officer and one agent
- other individuals permitted by the court (such as individuals appointed by the court to assist in the recount)

Where a judicial recount is conducted

A judicial recount may be conducted by the court in chambers, at the office of the district electoral officer or at any other place specified by the court. [s. 140(3)]

Conducting a judicial recount

Before beginning a judicial recount, if the court determines on the basis of the final count ballot accounts that the results of a judicial recount would not materially affect the results of the election, the court may declare that the results are those declared at final count and take no further action. [s. 142(2)]

If consented to by the individual who made the application for the judicial recount, the district electoral officer and the candidates present, the court may limit the ballots and envelopes to be considered. The court has discretion to consider other ballots and envelopes in addition to those for which the judicial recount was requested. [s. 142(3),(4)]

In conducting a recount, the court must consider ballots and certification envelopes in accordance with the requirements of the *Election Act*. [s. 142(5)]

Sections 122 and 123 of the *Election Act* establish the rules for considering, accepting and rejecting election ballots. Sections 134 and 135 of the *Election Act* apply for the consideration of certification envelopes and the ballots they contain.

Awarding costs of a judicial recount

No costs may be awarded on a judicial recount unless, in the opinion of the court, a party to the judicial recount engaged in vexatious conduct or made unfounded allegations or objections. [s. 142(8)]

Results of a judicial recount

If no appeal of the results of a judicial recount for an election is commenced within the time permitted, the Supreme Court judge who conducted a judicial recount of election ballots must issue a certificate of the results of the election to the district electoral officer. [s. 143]

Appeal of judicial recount

The decision of the Supreme Court of British Columbia regarding a judicial recount of ballots from an election may be appealed to the British Columbia Court of Appeal. [s. 144]

There have been no appeals of a judicial recount made since the *Election Act* came into force in 1995.

Who may appeal the decision of a judicial recount

Only a candidate in an election may appeal the decision of the Supreme Court to the Court of Appeal. [s. 144(1)]

When an appeal may be made

An appeal must be commenced by filing a notice of appeal with the British Columbia Court of Appeal within two days after the results of the judicial recount are declared. Within these two days the individual bringing the appeal must give written notice of the appeal to the judge and parties to the judicial recount.

The time set for the hearing of the appeal must be no later than 10 days after the Court of Appeal receives the notice of appeal. Once an appeal is commenced, the registrar of the Court of Appeal must obtain an appointment from the court for a time for hearing the appeal within the 10 days. [s. 144(2), (4)]

Who may be present

The individuals entitled to be present at an appeal are the same as those entitled to be present at the judicial recount. Other individuals may only be present if permitted by the Court of Appeal. [s. 145(1)]

Conducting an appeal of a judicial recount

The ballots or envelopes that are the subject of the appeal must be forwarded to the registrar of the Court of Appeal in sufficient time to permit the appeal to be heard at the time set. The Supreme Court judge who conducted the recount must provide the Court of Appeal with a certificate of the decision on the recount. [s. 144(6)]

On the hearing of the appeal, the Court of Appeal must recount the ballots that are the subject of the appeal in accordance with the *Election Act*. [s. 145(2)]

Results of an appeal of a judicial recount

At the conclusion of the appeal, the Court of Appeal must declare the results of the election in accordance with its recount and issue a certificate of the results to the district electoral officer. [s. 145(3)]

Return of the writ of election

The district electoral officer must send the completed writ of election to the Chief Electoral Officer on the date set for the return of the writ. Return of the writ may be delayed if a judicial recount is conducted. [s. 146(4)]

If no application for a judicial recount for an election is made, at the end of the period for making such an application, the district electoral officer must complete the writ of election in accordance with the results as declared at final count. [s. 146(1)]

If a judicial recount or an appeal of a judicial recount is conducted in regard to an election, on receipt of the certificate of results the district electoral officer must complete the writ of election in accordance with the results as certified. [s. 146(2)]

If no candidate can be declared elected because two or more candidates have the same number of votes, the writ of election must indicate that no Member was elected for the electoral district and that the office of the Member is vacant. A by-election will be held to fill the vacancy. [s. 146(3)]

Appendix – Sample forms

- Ordinary ballot
- Write-in ballot (303)
- Summary of Voting Opportunities (307)
- Initial Count Reconciliation (339)
- Certification Envelope – Alternative Absentee Voting (352)
- Certification Envelope – Alternative Absentee Voting in DEO Office (355)
- Certification Envelope – Special Voting/Absentee Voting (356)
- Objections to the Acceptance or Rejection of a Ballot or Certification Envelope (362)
- Sample Ballot Markings – Ordinary Ballot (516)
- Sample Ballot Markings – Write-in Ballot (517)

Ordinary ballot

General Voting Day: _____ Electoral District: _____ Voter Number: _____	No. _____
COUNTERFOIL	
Voter Number: _____	No. _____
CHAN Bill Chan Registered Political Party	<input type="radio"/>
JOHAL Lis Johal	<input type="radio"/>
STILES George William Stiles Independent	<input type="radio"/>
STILES Mary Stiles Registered Political Party	<input type="radio"/>

Write-in ballot (303)

Electoral District: _____		
Election Official's Initials: _____		

COUNTERFOIL		
Election Official's Initials: _____		

FOLD HERE		


FOLD HERE		
I vote for –		

Summary of Voting Opportunities (307)

ELECTION ACT SECTION	VOTING OPPORTUNITY	WHEN	DESCRIPTION	BALLOT	CERTIFICATION ENVELOPE	VOTING BOOK TYPE	COUNTED AT
96	General voting	8 a.m. to 8 p.m. (Pacific time) on General Voting Day.	Available to voters resident in the electoral district who are voting at their assigned voting place.	Ordinary	No	General voting book - Section 96	Initial count
97	Advance voting	8 a.m. to 8 p.m. (local time) over six consecutive days starting eight days before General Voting Day. If General Voting Day is a Monday, the advance voting period starts nine days before General Voting Day. If one or more advance voting days is a holiday the advance voting period is set by the Chief Electoral Officer, and must consist of six days over a period starting 12 days before General Voting Day and ending two days before General Voting Day.	Available to voters within their own electoral district.	Ordinary	No	Advance voting book - Section 97	Initial count
98	Special voting - mobile	Held on dates and times specified by DEO. Special voting opportunities are usually not held before advance voting.	'Mobiles': available to acute care hospitals, logging and fishing camps, isolated communities, provincial correctional institutions, etc.	Ordinary and Write-in	Yes	Special voting book - Section 98	Final count
	Site-based voting area voting (SVA)	Held on dates and times specified by DEO. No SVA voting should be held before advance voting.	Available to voters resident in specially designated voting areas - long-term care facilities, nursing homes, etc. General voting procedures are used for SVA residents.	Ordinary	No	General voting book - Section 96	Initial count
99	Absentee - out of voting area	8 a.m. to 8 p.m. (Pacific time) on General Voting Day.	Available to voters who are voting within their electoral district but not at their assigned voting place.	Ordinary	Yes	Absentee voting book - Sections 99, 100, 101	Final count

ELECTION ACT SECTION	VOTING OPPORTUNITY	WHEN	DESCRIPTION	BALLOT	CERTIFICATION ENVELOPE	VOTING BOOK TYPE	COUNTED AT
100	Absentee - out of electoral district	8 a.m. to 8 p.m. (Pacific time) on General Voting Day.	Available to voters outside their own electoral district.	Write-in	Yes	Absentee voting book - Sections 99,100,101	Final count
101	Absentee advance - out of electoral district	8 a.m. to 8 p.m. (local time) over six consecutive days starting eight days before General Voting Day. If General Voting Day is a Monday, the advance voting period starts nine days before General Voting Day. If one or more advance voting days is a holiday the advance voting period is set by the Chief Electoral Officer, and must consist of six days over a period starting 12 days before General Voting Day and ending two days before General Voting Day.	Available to voters outside their own electoral district.	Write-in	Yes	Absentee voting book - Sections 99,100,101	Final count
104	Alternative absentee voting in the district electoral office	From the time an election is called until 4 p.m. (Pacific time) on General Voting Day.	Available to voters who come within at least one of the following circumstances: * <ul style="list-style-type: none"> • will be out of B.C. on General Voting Day; • has a physical disability or whose mobility is impaired; • is in a location that is remote from a voting place; • cannot vote at advance or general voting due to weather or other environmental conditions; or • for another reason beyond their control. *Note: Voters do not have to produce proof of their circumstances.	Write-in	Yes	Alternative absentee voting book - Section 104, voting at the district electoral office	Final count
106	Alternative absentee voting by voting package (Vote by Mail)	Application may be made until 4 p.m. (Pacific time) on General Voting Day. For a fixed date general election, packages may be issued up to 30 days prior to Writ Day. Voters must not mark ballots or complete certification envelopes prior to the issue of the writ. Packages must be received by the DEO who issued the package by 8 p.m. (Pacific time) on General Voting Day.		Write-in	Yes	Alternative absentee voting book - Section 106, by Voting Package	Final count

Certification Envelope - Alternative Absentee Voting (352)



**ALTERNATIVE
ABSENTEE VOTING
SECTION 106**

352
(17/01)

CERTIFICATION ENVELOPE

PUT CE
LABEL HERE

Declaration

I, the named voter, declare that:

- my name and residential address are correct as shown
- I am a Canadian citizen
- I have been a resident of B.C. for the six months before General Voting Day
- I am or will be 18 years of age or older on General Voting Day
- I am registered to vote or am registering for the electoral district
- I am not disqualified from voting
- I am eligible for alternative absentee voting under section 102 of the *Election Act*
- I have not previously voted in this election and will not vote again in this election

B

SIGNATURE OF VOTER
DATE (YYYY/MM/DD)
SIGNATURE OF WITNESS

IT IS AN OFFENCE TO MAKE A FALSE STATEMENT UNDER THE ELECTION ACT

This information is collected under the authority of the *Election Act* and the *Freedom of Information and Protection of Privacy Act*. The information will be used to administer provisions under the *Election Act*. Questions can be directed to: **Privacy Officer, Elections BC** at 1-800-661-8683, privacy@elections.bc.ca or PO Box 9275 Stn Prov Govt Victoria, BC V8W 9J6.

OFFICE USE ONLY

FLAP

VOTER INFORMATION/REGISTRATION			
VOTING AREA	VOTER'S ELECTORAL DISTRICT		
LAST NAME		FIRST NAME	MIDDLE NAME
BIRTHDATE		B.C. DRIVER'S LICENCE/BCID (OPTIONAL)	
YYYY	MM	DD	
HOME ADDRESS (DO NOT USE POSTAL ADDRESS)			
APT/UNIT #	BUILDING #	STREET NAME	
CITY/TOWN		POSTAL CODE	TELEPHONE NO.
MAILING ADDRESS (IF DIFFERENT FROM HOME ADDRESS ABOVE)			
PREVIOUS NAME (IF APPLICABLE, OPTIONAL)			
LAST NAME		FIRST NAME	MIDDLE NAME
PREVIOUS ADDRESS (IF APPLICABLE, OPTIONAL)			
APT/UNIT #	BUILDING #	STREET NAME	
CITY/TOWN		POSTAL CODE	
IDENTIFICATION	GOVT ISSUE ID <input type="checkbox"/>	OTHER (2 PIECES) <input type="checkbox"/>	VOUCHER (366V) <input type="checkbox"/>
CHALLENGE OF REGISTRATION	CHALLENGER NAME	HOW CHALLENGE WAS SATISFIED	
ISSUED COUNTERFOIL NUMBER			
RECEIVED COUNTERFOIL NUMBER IS CORRECT	<input type="checkbox"/> YES	ELECTION OFFICIAL'S INITIALS	DATE (YYYY/MM/DD) TIME
	<input type="checkbox"/> NO		
s. 134	<input type="checkbox"/> ACCEPTED FOR FINAL COUNT		<input type="checkbox"/> ENVELOPE TO REMAIN UNOPENED
REASON			
s. 135	<input type="checkbox"/> RESEALED AT FINAL COUNT		
REASON			

FRONT

BACK

Certification Envelope - Alternative Absentee Voting in DEO Office (355)



**ALTERNATIVE
ABSENTEE VOTING
SECTION 104**

355
(16/10)

CERTIFICATION ENVELOPE

PUT CE
LABEL HERE

Declaration

I, the named voter, declare that:

- my name and residential address are correct as shown
- I am a Canadian citizen
- I have been a resident of B.C. for the six months before General Voting Day
- I am or will be 18 years of age or older on General Voting Day
- I am registered to vote or am registering for the electoral district
- I am not disqualified from voting
- I am eligible for alternative absentee voting under section 102 of the *Election Act*
- I have not previously voted in this election and will not vote again in this election

VOTER SIGNATURE

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FRONT

**DO NOT COMPLETE THIS SIDE UNLESS
INSTRUCTED BY A SUPERVISOR**

VOTER INFORMATION/REGISTRATION			
VOTING AREA		VOTER'S ELECTORAL DISTRICT	
LAST NAME		FIRST NAME	MIDDLE NAME
BIRTHDATE		B.C. DRIVER'S LICENCE (OPTIONAL)	BCID (OPTIONAL)
YYYY	MM	DD	
HOME ADDRESS (DO NOT USE POSTAL ADDRESS)			
APT/UNIT #	BUILDING #	STREET NAME	
CITY/TOWN		POSTAL CODE	TELEPHONE NO.
MAILING ADDRESS (IF DIFFERENT FROM HOME ADDRESS ABOVE)			
PREVIOUS NAME (IF APPLICABLE, OPTIONAL)			
LAST NAME		FIRST NAME	MIDDLE NAME
PREVIOUS ADDRESS (IF APPLICABLE, OPTIONAL)			
APT/UNIT #	BUILDING #	STREET NAME	
CITY/TOWN		POSTAL CODE	
IDENTIFICATION	GOVT ISSUE ID <input type="checkbox"/>	OTHER (2 PIECES) <input type="checkbox"/>	VOUCHER (366) <input type="checkbox"/>
CHALLENGE OF REGISTRATION	CHALLENGER NAME	HOW CHALLENGE WAS SATISFIED	
DISTRICT ELECTORAL OFFICE USE ONLY			
s. 134	<input type="checkbox"/> ACCEPTED FOR FINAL COUNT		<input type="checkbox"/> ENVELOPE TO REMAIN UNOPENED
REASON			
s. 135	<input type="checkbox"/> RESEALED AT FINAL COUNT		
REASON			

BACK

Certification Envelope - Special Voting/Absentee Voting (356)



ABSENTEE VOTING
SECTIONS 98, 99, 100, 101

356
(17/06)

CERTIFICATION ENVELOPE

PUT CE
LABEL HERE

Declaration

I, the named voter, declare that:

- my name and residential address are correct as shown
- I am a Canadian citizen
- I have been a resident of B.C. for the six months before General Voting Day
- I am or will be 18 years of age or older on General Voting Day
- I am registered to vote or am registering for the electoral district
- I am not disqualified from voting
- I have not previously voted in this election and will not vote again in this election

VOTER SIGNATURE

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FRONT

DO NOT COMPLETE THIS SIDE UNLESS INSTRUCTED BY A SUPERVISOR

SECTION (CHECK ONE)			
SPECIAL (s. 98) <input type="checkbox"/>		OUTSIDE VA (s. 99) <input type="checkbox"/>	OUTSIDE ED (s. 100) <input type="checkbox"/> ADVANCE ABSENTEE (s. 101) <input type="checkbox"/>
VOTER INFORMATION/REGISTRATION			
VOTING AREA		VOTER'S ELECTORAL DISTRICT	
LAST NAME		FIRST NAME	MIDDLE NAME
BIRTHDATE			
YYYY	MM	DD	B.C. DRIVER'S LICENCE (OPTIONAL)
BCID (OPTIONAL)			
HOME ADDRESS (DO NOT USE POSTAL ADDRESS)			
APT/UNIT #	BUILDING #	STREET NAME	
CITY/TOWN		POSTAL CODE	TELEPHONE NO.
MAILING ADDRESS (IF DIFFERENT FROM HOME ADDRESS ABOVE)			
PREVIOUS NAME (IF APPLICABLE, OPTIONAL)			
LAST NAME		FIRST NAME	MIDDLE NAME
PREVIOUS ADDRESS (IF APPLICABLE, OPTIONAL)			
APT/UNIT #	BUILDING #	STREET NAME	
CITY/TOWN		POSTAL CODE	
IDENTIFICATION		GOVT ISSUE ID <input type="checkbox"/>	OTHER (2 PIECES) <input type="checkbox"/> VOUCHER (366) <input type="checkbox"/>
CHALLENGE OF REGISTRATION		CHALLENGER NAME	HOW CHALLENGE WAS SATISFIED
DISTRICT ELECTORAL OFFICE USE ONLY			
s. 134	<input type="checkbox"/> ACCEPTED FOR FINAL COUNT		<input type="checkbox"/> ENVELOPE TO REMAIN UNOPENED
REASON			
s. 135	<input type="checkbox"/> RESEALED AT FINAL COUNT		
REASON			

BACK

Objections to the Acceptance or Rejection of a Ballot or Certification Envelope (362)



ELECTIONS BC
A non-partisan Office of the Legislature

**OBJECTIONS TO THE ACCEPTANCE
OR REJECTION OF A BALLOT
OR CERTIFICATION ENVELOPE**

362
(13/05)
s. 124
s. 134

ELECTORAL DISTRICT

Initial Count

VOTING AREA: OR ADVANCE VOTING LOCATION BOX #:

After initial count, this form must be placed in the envelope on the back cover of the voting book.

Final Count

FINAL COUNT SECTION #:

After final count, this form must be kept with the Final Count Reconciliation (348).

- A - Certification Envelope
- B - Ballot

SEQUENTIAL NUMBER	A OR B	REASON FOR OBJECTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

Note: The sequential number indicated on this form must also be noted on the back of the applicable ballot and initialed by the Voting Officer or District Electoral Officer.

SIGNATURE OF VOTING OFFICER

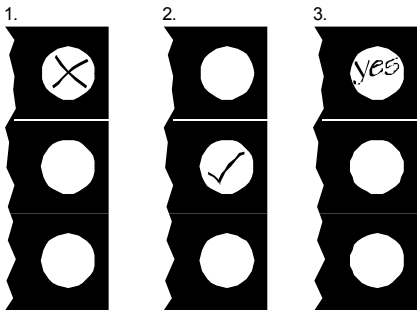
Sample Ballot Markings - Ordinary Ballot (516)



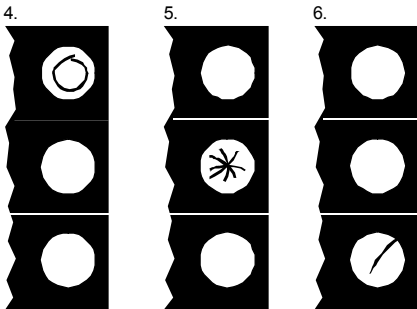
SAMPLE BALLOT MARKINGS
ORDINARY BALLOT
s. 123 of the *Election Act*

516 (11/01)

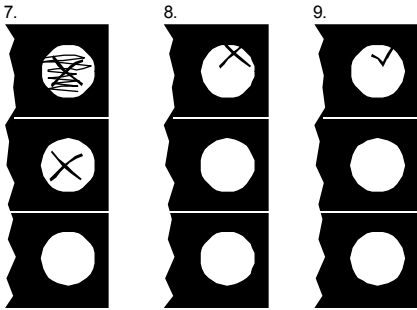
Valid Markings — Accepted



All clearly indicate the voter's intentions, and would be accepted.

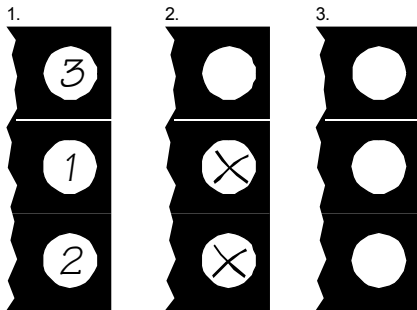


The intent is clear; however, the Voting Officer must be confident these markings are not identifiable. Intent clear

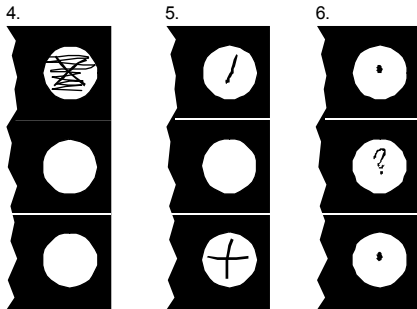


Intent clear A cross or tick mark in or partly in the blank space.

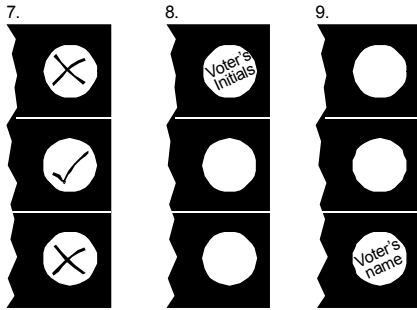
Rejected Markings



Ballot marked for more than one candidate. Blank




Voter intention not clear



Voter intention not clear Could be identifiable

Sample Ballot Markings - Write-in Ballot (517)



ELECTIONS BC
A non-partisan Office of the Legislature

SAMPLE BALLOT MARKINGS
WRITE-IN BALLOTS
Section 123, *Election Act*

517 (11/01)

List of Candidates

CHAN, Bill
Maple Party
JOHAL, Lis
STILES, George William
Independent
STILES, Mary
Douglas Fir Party

Valid Markings - Accepted

1.

I vote for -
Douglas Furs

Although misspelled,
intent is clear.

2.

I vote for -
Bill/Maple Party

Although missing last
name, intent is clear.

3.

I vote for -
Stiles, G

Intent clear

4.

I vote for -
Chann

Although misspelled,
intent is clear.

5.

I vote for -
Mary

First name only acceptable,
provided that only one
candidate has that name.
Intent must be clear.

6.

I vote for -
Lis Johal

Intent clear

Rejected Markings

1.

I vote for -
Tax Free

No Tax Free candidate.

2.

I vote for -
Lis/Ind

Lis not Independent.
Intent not clear.

3.

I vote for -

Blank

4.

I vote for -
None of them

No such candidate or
party

5.

I vote for -
Stiles

Intent not clear. If two or
more candidates have the
same surnames, both first
and last name or last name
and initial must be shown.

6.

I vote for -
Independent

Only the name of a
registered political party or
candidate can be used.

Questions?

For more information

Phone toll-free 1-800-661-8683 / TTY 1-888-456-5448

or contact

Elections BC

Mailing address:

PO Box 9275 Stn Prov Govt

Victoria BC V8W 9J6

Phone: 250-387-5305

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Toll-free Fax: 1-866-466-0665

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