

POWELL RIVER REGIONAL DISTRICT
BYLAW NO. 420 - CONSOLIDATED

A bylaw to establish procedures for the conduct of local government elections and other voting.

<p>This document is a consolidated version of the "Election Procedure Bylaw No. 420, 2008" and amendments thereto as set out in Bylaw No. 420.1, 2009 and Bylaw No. 420.2, 2010 consolidated under the authority of Section 139 of the <i>Community Charter</i> S.B.C. 2003, c.26 and Powell River Regional District Bylaw No. 309, 1998.</p>

WHEREAS under the Local Government Act, the Board may, by bylaw, determine various procedures and requirements to be applied in the conduct of local government elections and other voting; and

WHEREAS the Board wishes to establish various procedures and requirements under that authority;

NOW THEREFORE the Board of the Powell River Regional District, in open meeting assembled, enacts as follows:

1. DEFINITIONS

In this bylaw:

"**Elector**" means a resident elector or property elector of the jurisdiction as defined under the Local Government Act;

"**Election**" means an election for the number of persons required to fill a local government office;

"**General local election**" means the elections held for the electoral area directors of the regional district which must be held in the year 2008 and in every 3rd year after that;

"**General voting day**" means,

- a) for a general local election, the 3rd Saturday of November in the year of the election;
- b) for other elections, the date set under sections 37(5), 38(1) and 38 (3), or 142(5) of the Local Government Act, and
- c) for other voting, the date set under section 162 of the Local Government Act;

"**Jurisdiction**" means, in relation to an election, the regional district electoral area for

which it is held;

"Local government" means:

- a) in relation to a municipality, the council and
- b) in relation to a regional district, the board;

"Other voting" means voting on a matter referred to in section 158 of the Local Government Act and includes voting on a bylaw or other matter for which the regional board is authorized or required to obtain the assent of the electors and voting on a referendum under section 797.3 of that Act.

2. VOTER REGISTRATION

- 2.1 For the purposes of all elections and other voting under Part 3 and 4 of the Local Government Act, a person may register as an elector only at the time of voting.
- 2.2 Registration as an elector under Section 2.1 of this bylaw is effective only for the voting or other matters on which the opinion of the electors is being sought at the time of voting.

3. ADDITIONAL GENERAL VOTING OPPORTUNITIES

- 3.1 The Board authorizes the chief election officer to establish additional general voting opportunities for general voting day for each election or other voting and to designate the voting places and voting hours, within the limits set out in section 96(2) of the Local Government Act, for such voting opportunities.

4. ADVANCE VOTING OPPORTUNITIES

- 4.1 As authorized under section 97 of the Local Government Act, the following advance voting opportunities are established for each election or other voting:
 - a. advance voting opportunities will be held on the 10th day before general voting day at the following locations:
 - i. Regional District office, 5776 Marine Avenue, Powell River, BC; and
 - ii. Texada Island Community Hall, Gillies Bay, Texada Island, BC; and
 - iii. Lasqueti Island Community Hall, Main Road, Lasqueti Island, BC.
- 4.2 The Board authorizes the chief election officer to establish additional voting opportunities for an election or other voting to be held in advance of general voting day, and to designate the voting places and establish the date and voting hours for additional advance voting opportunities so established.

5. SPECIAL VOTING OPPORTUNITIES

- 5.1 In accordance with section 99 of the Local Government Act, the chief election officer is authorized to establish a special voting opportunity for each election or other voting

opportunity and to designate the location, the date and the voting hours, within the limits set out in section 99 (2) of the Local Government Act, for the special voting opportunity.

- 5.2 The number of candidate representatives who may be present at the special voting opportunity is limited to one.

6. ORDER OF NAMES ON BALLOT

- 6.1 The order of names of candidates on the ballot will be determined by lot in accordance with section 107 of the Local Government Act.

7. ACCESS TO NOMINATION DOCUMENTS

- 7.1 The regional district shall provide public access to nomination documents by posting said documents on the regional district website within 48 hours of their delivery to the chief election officer and until 30 days after the declaration of the election results under section 136 of the Local Government Act.

8. NUMBER OF SCRUTINEERS AT VOTING PLACES

- 8.1 As authorized under section 110(2)(d) of the Local Government Act, the number of scrutineers for each candidate that may attend at an election is a maximum of one scrutineer for each ballot box in use.

9. MAIL BALLOT VOTING

- 9.1 As authorized under section 100 of the Local Government Act voting and registration to vote for each election or other voting may be done by mail for those electors who:

- a) have a physical disability, illness or injury that affects their ability to vote at another voting opportunity;
- b) expect to be absent from the regional district on general voting day and at the times of all advance voting opportunities; or
- c) regularly reside in any electoral area where their only access from their residence to a voting place is by boat or aircraft.

- 9.2 The Board authorizes the chief election officer to establish time limits in relation to voting by mail ballot.

10. MAIL BALLOT REQUESTS AND DISTRIBUTION

- 10.1 A person wishing to vote by mail ballot shall, during the time period established by the chief election officer, apply in writing to the chief election officer by giving:

- a) their name,
- b) their mailing address, and
- c) the property address where they reside, if they are registering as a resident elector or the property address for which they are registering as a non-resident property

- 10.2 Upon receipt of a request for a mail ballot, the chief election officer shall:
- a) if the request for a mail ballot is delivered to the chief election officer before the deadline the chief election officer has established for distributing ballots by mail, mail or otherwise deliver a mail ballot package to the person who applied for it; or
 - b) if the request for a mail ballot is delivered to the chief election officer after the deadline the chief election officer has established distributing ballots by mail, make the mail ballot package available to the person who applied for it, or someone acting on their behalf, to pick up at a location specified by the chief election officer; and
 - c) record and, upon request, make available for inspection:
 - i. the name and address of a person to whom the mail ballot package was issued, and
 - ii. the ballot or ballots that were issued to that person.

11. MAIL BALLOT – VOTING PROCEDURE

- 11.1 To vote using a mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided by the chief election officer.
- 11.2 After marking the ballot, the elector shall:
- a) place the ballot in the secrecy envelope provided and seal the secrecy envelope;
 - b) place the secrecy envelope in the certification envelope, complete and sign the certification printed on the certification envelope, then seal the certification envelope;
 - c) complete the elector registration application;
 - d) place the certification envelope and the completed elector registration application in the outer envelope and then seal the outer envelope; and
 - e) mail or otherwise deliver the outer envelope and its contents to the chief election officer at the address specified so that it is received by the chief election officer no later than the close of voting on general voting day.

12. MAIL BALLOT - REPLACEMENT OF SPOILED BALLOT

- 12.1 Where an elector unintentionally spoils a mail ballot before returning it to the chief election officer, the elector may request a replacement ballot by advising the chief election officer or designate of the ballot spoilage and by mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the chief election officer or designate.

12.2 The chief election officer shall, upon receipt of the spoiled ballot package, record such fact, and issue a replacement ballot package in accordance with section 10.2 of this bylaw.

13. MAIL BALLOTS RECEIVED

13.1 As soon as a mail ballot is delivered to the chief election officer, the chief election officer shall record the date and time of receipt on the outer envelope.

13.2 Before close of voting on general voting day, the chief election officer shall, in the presence of at least one other election official, proceed as follows.

- a) Open the outer envelope and remove and examine the certification envelope and the application to register as an elector.
- b) If the elector's certification and application to register as an elector are complete, the chief election officer shall mark the certification envelope as "accepted".
- c) If the elector's certification and application to register as an elector are not complete, the chief election officer shall mark the certification envelope as "not accepted", in which case the certification envelope shall not be opened and the ballots contained therein shall not be counted.
- d) Unless an elector's right to vote has been challenged as provided in section 14, the chief election officer shall open the certification envelopes marked as "accepted", and the secrecy envelopes contained therein shall be placed in a ballot box designated for that purpose.
- e) Notwithstanding section 13.2 d), if fewer than twenty-five (25) secrecy envelopes are received, they may be placed in any other ballot box in order to preserve secrecy.
- f) After close of voting on general voting day, the ballot box containing the secrecy envelopes and the secrecy envelopes contained therein shall be opened and the ballots shall be counted in the same manner as other ballots.

14. MAIL BALLOT - CHALLENGE OF ELECTOR

14.1 Before close of voting on general voting day and prior to the chief election officer opening the certification envelope, an election official, a candidate representative, a candidate or an elector of the jurisdiction may challenge the right of a person who delivered a mail ballot to the chief election officer to vote.

14.2 A person's right to vote may be challenged only on the basis that:

- a) that person is not entitled to vote, or
- b) that person has accepted an inducement:
 - i. to vote or refrain from voting, or
 - ii. to vote or refrain from voting for or against a particular candidate; or

iii. as a reward for having voted or refrained from voting as described in paragraph b)i or b)ii.

14.3 In the event that a person's right to vote is challenged under section 14.1, the chief election officer will mark "challenged" on the certification envelope, set it aside unopened, and the ballots contained therein shall not be counted.

14.4 If, after the determination of official election results as set out in the Local Government Act, the difference in the number of valid votes

a) cast for the candidate declared the winner and any other candidates, or

b) cast in favour of and cast in opposition to a referendum or other matter,

is equal to or less than the number of people whose right to vote in that election or other voting was challenged under section 14.1, the chief election officer must apply for a judicial recount as though there was an equality of valid votes cast in that election or other voting.

15. MAIL BALLOT – JUDICIAL RECOUNT

15.1 As soon as possible after the chief election officer

a) makes application to the Provincial Court for a judicial recount; or,

b) receives notice from any other person that they have applied to the Provincial court for a judicial recount,

the chief election officer must review the election records to determine whether or not an elector whose right to vote was challenged under section 14 received a ballot for the election that is the subject of a judicial recount.

15.2 If an elector whose right to vote was challenged under section 14 received a ballot for the election that is the subject of a judicial recount, the chief election officer must make reasonable efforts to notify that elector:

a) that their right to vote has been challenged;

b) that an application has been made for a judicial recount; and,

c) of the place and the time set for the judicial recount.

15.3 An elector whose right to vote was challenged under section 14 and who received a ballot for the election that is the subject of a judicial recount may provide to the Provincial Court, at the time set for the judicial recount, evidence or a solemn declaration supporting their right to vote and the Provincial Court may consider such evidence or solemn declaration during the judicial recount.

16. RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

- 16.1 In the event of a tie vote after a judicial recount, the tie vote will be resolved by lot rather than a runoff election.

17. ACCESS TO CAMPAIGN FINANCING DOCUMENTS

As authorized under section 93 of the Local Government Act, public access to disclosure statements, signed declarations, and supplementary reports required under sections 90 and 90.1 of the Local Government Act will be provided on the Regional District website for a three-month period following the deadline date for filing the disclosure statements.”

18. “Election Bylaw No. 234, 1993” and “Election Procedure Amendment Bylaw No. 234.1, 1999” are hereby rescinded.

19. This bylaw may be cited as the "Election Procedure Bylaw No. 420, 2008".