

COLUMBIA SHUSWAP REGIONAL DISTRICT

BYLAW NO. 5661

A bylaw to provide for the determination of various procedures for the conduct of local government elections and other voting.

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

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

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

REPEAL

1. General Local Government Election and Other Voting Bylaw No. 5599 is hereby repealed.

DEFINITIONS

2. In this Bylaw:

"Chief Election Officer" means the person appointed by the Regional District Board to carry out the duties under this bylaw and the *Local Government Act* and includes a delegation to the person who is appointed by the Regional District Board as the Deputy Chief Election Officer.

"Elector" means a resident elector or a non-resident property elector of an electoral area of the Regional District as defined in the Local Government Act.

"Election" means an election for the number of persons required to fill a Regional District office.

"General Voting Day" means:

- (a) the date set by the Province of British Columbia for general local elections;
- (b) the date set for a by-election;
- (c) the date set for an election under a Minister's order;
- (d) the date set for a runoff election in the event of a tie after a judicial recount, or
- (e) the date set for Other Voting.

"Other Voting" means voting on a bylaw or a matter for which assent of the electors is authorized or required and on voting on a referendum.

"Regional District" means the Columbia Shuswap Regional District.

VOTING DAY REGISTRATION

3. At each Election or Other Voting, Electors who wish to vote are required to register at the time of voting.
4. Registration as an Elector is effective only for an Election or Other Voting for which the voting is being conducted at that time.

ADDITIONAL ADVANCE VOTING OPPORTUNITIES

5. The Chief Election Officer is authorized to establish additional advance voting opportunities for each Election or Other Voting to be held in advance of General Voting Day and to designate the voting places and to establish the date and voting hours of those additional advance voting opportunities.

ORDER OF NAMES ON BALLOT FOR AN ELECTION

6. The order of the names of candidates on the ballot for an Election will be alphabetical in accordance with the Local Government Act.

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ACCESS TO ELECTION DOCUMENTS

7. Nomination documents may be posted on the Regional District's website after their delivery to the Chief Election Officer and until 30 days after the declaration of the Election results.
8. Disclosure statements, supplementary reports and signed declarations may be posted on the Regional District's website after their delivery to the Chief Election Officer and until six months after General Voting Day for the Election to which they relate.

MAIL BALLOT VOTING

9. Voting and Elector registration for each Election or Other Voting may be done by mail for those Electors who request a mail ballot.

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10. The Chief Election Officer is authorized to establish the time limits in relation to voting by mail ballot.

11. An Elector wishing to vote by mail ballot must, during the time period and in the format established by the Chief Election Officer, apply to the Chief Election Officer.

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12. Upon receipt of a request for a mail ballot, the Chief Election Officer will:
 - (a) mail or otherwise deliver or make available in the manner requested by the Elector a mail ballot package to the person who applied for the mail ballot if the request for a mail ballot is delivered to the Chief Election officer before the deadline established for distributing ballots by mail; or
 - (b) make the mail ballot package available to the person who applied for it, or someone acting on their behalf, to pick up the mail ballot package at a location specified by the Chief Election Officer if the request for a mail ballot is delivered to the Chief Election officer after the deadline established for distributing ballots by mail; and
 - (c) record and, upon request, make available for inspection:

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- (i) the name and address of a person to whom the mail ballot package was issued, and
- (ii) the type of ballot or ballots that were issued to that person.

13. The Chief Election Officer may determine locations at which mail ballot packages may be picked up in person.

MAIL BALLOT VOTING PROCEDURE

14. To vote using a mail ballot, the Elector will mark the ballot in accordance with the instructions contained in the mail ballot package provided by the Chief Election Officer.
15. After marking the ballot, the Elector will:
- (a) place the ballot in the secrecy envelope provided and seal the secrecy envelope;
 - (b) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on the certification envelope, and then seal the certification envelope;
 - (c) place the certification envelope, together with a completed elector registration application and, if applicable, the non-resident property elector consent form and proof of property ownership in the outer envelope, and then seal the outer envelope;
 - (d) mail or otherwise deliver the outer envelope and its contents to the Chief Election Officer at the address specified on the outer envelope so that it is received by the Chief Election Officer no later than the close of voting on General Voting Day.

MAIL BALLOT ACCEPTANCE

16. Upon receipt of the outer mail ballot envelope and its contents and in the presence of at least one other person, the Chief Election Officer will immediately record the date of such receipt and will then open the outer envelope and remove and examine the certification envelope, the completed elector registration application and other required documentation. If the Chief Election Officer is satisfied as to:
- (a) the identity and entitlement to vote of the Elector whose ballot is enclosed; and
 - (b) the completeness of the certification, application and any other required documentation,
- the Chief Election Officer will mark the certification envelope as “accepted”.
17. The unopened certification envelopes will remain in the custody of the Chief Election Officer until the close of voting on General Voting Day. At that time, the Chief Election Officer will open all accepted and unchallenged certification envelopes in the presence of at least one other person, including any scrutineers present, and place the secrecy envelope containing the ballot into the ballot box designated for mail in ballots.
18. As soon as possible after all of the secrecy envelopes have been placed in the ballot box designated for that purpose, the ballot box will be opened under the supervision of the Chief Election Officer, and in the presence of at least one other person and any scrutineers present, the secrecy envelopes will be opened and the ballots contained therein counted in accordance with the provisions of the *Local Government Act*.

MAIL BALLOT REJECTION

19. Where:

- (a) upon receipt of an outer envelope, the Chief Election Officer is not satisfied as to the identity of the elector whose ballot is enclosed; or
- (b) the Elector's certification and application to register as an elector is not complete; or
- (c) any required additional documentation is not provided or is incomplete: or
- (c) the outer envelope is received by the Chief Election Officer after the close of voting on General Voting Day,

the certification envelope will remain unopened and the Chief Election Officer will mark such envelope as "rejected" and will list the reasons for its rejection.

20. Any certification envelopes and their contents that have been rejected will remain unopened and will be destroyed subject to the provisions of the *Local Government Act*.

MAIL BALLOT CHALLENGE OF ELECTOR

21. Before the 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.

22. 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 sections 22(b)(i) and 22(b)(ii) above.

23. Where a challenge has been received, the person asserting the right to vote must either:

- (a) provide evidence satisfactory to the Chief Election Officer that the person is entitled to vote; or
- (b) make a solemn declaration to the Chief Election Officer as to person's entitlement to vote.

ELECTOR'S NAME ALREADY USED

24. Where, upon receiving a request for a mail ballot, the Chief Election Officer determines that another person has voted or has already been issued a mail ballot in the elector's name, the person asserting the right to vote as the named Elector must either:

- (a) provide evidence satisfactory to the Chief Election Officer that the person is the named Elector; or
- (b) make a solemn declaration as to person's entitlement to vote as the named Elector.

REPLACEMENT OF SPOILED BALLOT

25. 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 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.
26. The Chief Election Officer will, upon receipt of the spoiled ballot package, record such fact, and proceed in accordance with Section 13 of this bylaw.

RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

27. In the event of a tie vote after a judicial recount, the tie vote will be resolved by lot.

CITATION

28. This Bylaw may be cited for all purposes as "General Local Government Election and Other Voting Bylaw No. 5661".

READ a first time this 16th day of May , 2013.

READ a second time this 16th day of May , 2013.

READ a third time this 16th day of May , 2013.

ADOPTED this 16th day of May , 2013.

Original signed by:

Charles Hamilton

CHIEF ADMINISTRATIVE OFFICER

Original signed by:

David Raven

CHAIR

CERTIFIED a true copy of
Bylaw No. 5661 as adopted.

Manager of Corporate
Administration Services