

**BOWEN ISLAND MUNICIPALITY**

**BYLAW NO. 292, 2010**

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A bylaw to amend Election Procedures Bylaw No. 55, 2002

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WHEREAS the Council of Bowen Island Municipality adopted “Bowen Island Municipality Election Procedures Bylaw No. 55, 2002”;

AND WHEREAS Council deems it necessary to amend the “Bowen Island Municipality Election Procedures Bylaw No. 55, 2002”;

AND WHEREAS Section 59 of the *Local Government Act* empowers Council, by bylaw, to provide that the most current available Provincial list of voter prepared under the *Election Act* to be the register of resident electors;

AND WHEREAS pursuant to Section 100 of the *Local Government Act*, Council may, by bylaw, permit voting by mail ballot and establish procedures thereof;

NOW THEREFORE the Council of Bowen Island Municipality, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “Bowen Island Municipality Election Procedures Bylaw No. 55, 2002, Amendment Bylaw No. 292, 2010”.
2. That Bylaw No. 55, 2002 is amended by replacing Section 3 with the following:

**“3. USE OF LISTS OF REGISTERED ELECTORS**

3.1 Resident Electors:

- (a) For the purposes of all local elections and submissions to the electors under Part 3 and 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 52<sup>nd</sup> day prior to the general voting day for such elections and submissions to the electors.
- (b) Eligible voters that are not on the Provincial list may register as an elector on general voting day or at an advance voting opportunity in accordance with this bylaw.

3.2 Non-Resident Property Electors:

- (a) For the purposes of all local elections and submissions to the electors under Part 3 and 4 of the *Local Government Act*, the Corporate Officer shall prepare a list of non-resident property electors, which shall become the register of non-resident property electors on the 52<sup>nd</sup> day prior to the general voting day for such elections and submissions to the electors.

(b) Eligible voters that are not on the list of non-resident property electors may register as an elector on general voting day or at an advance voting opportunity in accordance with this bylaw.”

3. That Bylaw No. 55, 2002 is amended by the addition of the following:

**“11. MAIL BALLOT VOTING**

- 11.1 As authorized under section 100 of the *Local Government Act*, voting may be done by mail for each election or other voting for those electors who meet the criteria in subsection 11.2.
- 11.2 The following electors are permitted to vote by mail ballot:
- (a) Those persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity; and
  - (b) Persons who expect to be absent from the municipality on general voting day and at the times of all advance voting opportunities.
- 11.3 The time limits in relation to voting by mail ballot will be determined by the Chief Election Officer, including the time limit to apply for a mail ballot package.
- 11.4 An elector who wishes to vote by mail ballot must submit a request to the Chief Election Officer using the application form established by the Chief Election Officer, including a declaration of the elector’s right to vote by mail ballot, in accordance with subsection 11.2 of this bylaw.
- 11.5 The Chief Election Officer will make available to the applicant elector a mail ballot package, as specified in Section 100(7) of the *Local Government Act*, upon availability of the ballot.
- 11.6 The Chief Election Officer shall keep a written record of all persons who request a mail ballot package and their addresses (unless the applicant for the package has requested that the address be obscured) and that record may be inspected by any person who signs a statement that the record is being inspected only for the purposes of the election or other voting.
- 11.7 Between the time an elector requests a mail ballot package and the time that the mail ballot package is made available to the applicant, such elector can be challenged under section 116 of the *Local Government Act*.

- 11.8 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.
- 11.9 After marking the ballot, the elector shall:
- (a) Place the ballot in the secrecy envelope provided, and then seal the secrecy envelope;
  - (b) Place the secrecy envelope in the certification envelope, complete and sign the certification printed on the certification envelope, and then seal the certification envelope;
  - (c) Place the certification envelope in the outer envelope, and then seal the outer envelope; and
  - (d) Mail or deliver the outer envelope and its contents to the Chief Election Officer at the address specified so that the Chief Election Officer receives it no later than 8:00 p.m. on general voting day.
- 11.10 Upon receipt of the outer envelope, the Chief Election Officer must immediately:
- (a) Record the date of such receipt;
  - (b) Open the outer envelope;
  - (c) Remove and examine the certification envelope;
  - (d) Mark the certification envelope as “accepted” if satisfied as to:
    - i. The identity and entitlement to vote of the elector named in the certification, and
    - ii. The completeness of the certification.
- 11.11 If the Chief Election Officer:
- (a) Is not satisfied as to the identity and entitlement to vote of the elector named in the certification, or the completeness of the certification; and/or
  - (b) Receives the outer envelope after 8:00 p.m. on general voting day;
- the Chief Election Officer must:
- (a) Not open the certification envelope;
  - (b) Mark the certification envelope as “rejected”;
  - (c) Note the reason for the rejection; and
  - (d) Not count the ballot contained in the certification envelope in the election.

- 11.12 A certification envelope rejected under subsection 11.11 of this Bylaw must remain unopened.
- 11.13 Each certification envelope must remain in the custody of the Chief Election Officer for the purpose of dealing with a challenge. If an elector's right to vote using a mail ballot is challenged, the Chief Election Officer will proceed, as far as practical, in accordance with Section 116 of the *Local Government Act*.
- 11.14 Each unopened certification envelope accepted under subsection 11.10 must be inserted into a portable ballot box, maintained in the custody of the Chief Election Officer until 8:00 p.m. on general voting day, after which time the Chief Election Officer must supervise the opening of the certification envelope containing the secrecy envelope in the presence of at least one other person.
- 11.15 After opening a certification envelope from an elector, if:
- (a) No other person has challenged the elector's right to vote using a mail ballot; or
  - (b) The elector, after resolution of such challenge, has the right to vote using a mail ballot;
- the Chief Election Officer, in the presence of at least one other person, must supervise of the opening of each secrecy envelope, and then proceed to count such ballots.
- 11.16 If an elector:
- (a) Unintentionally spoils a mail ballot before returning it to the Chief Election Officer; and
  - (b) Before 8:00 p.m. on general voting day gives the spoiled ballot package in its entirety to the Chief Election Officer;
- the elector may request a replacement ballot.
- 11.17 In order to be counted for an election, a mail ballot must be received by the Chief Election Officer before the close of voting on general voting day and it is the obligation of the person applying to vote by mail ballot to ensure that the mail ballot is received by the Chief Election Officer within this time limit.

11.18 The Chief Election Officer must retain all certification envelopes together with the voting books and for the purposes of document retention and destruction shall treat the certification envelope in the same manner as a voting book.”

READ A FIRST TIME this 29<sup>th</sup> day of November, 2010

READ A SECOND TIME this 29<sup>th</sup> day of November, 2010

READ A THIRD TIME this 29<sup>th</sup> day of November, 2010

RECONSIDERED AND FINALLY ADOPTED this 13th day of December, 2010.

( Original signed)

Bob Turner  
Mayor

( Original signed)

Kathy Lalonde  
Corporate Officer

Certified to be a true and correct copy of  
Bylaw No. 292, 2010 cited as “Bowen Island  
Municipality Election Procedure Bylaw No. 55, 2002  
Amendment Bylaw No. 292, 2010” adopted by the  
Council of Bowen Island Municipality on this 13th  
day of December, 2010.

(Original signed)

Kathy Lalonde  
Corporate Officer