

Bowen Island Municipality

“Bowen Island Municipality Election Procedures Bylaw No. 55, 2002 Amendment Bylaw No. 292, 2010”

CONSOLIDATED FOR CONVENIENCE – February 22,2011

Amendment Bylaw	Date of Adoption
Bylaw No. 292, 2010	December 13, 2010

BOWEN ISLAND MUNICIPALITY

BYLAW NO. 55, 2002

Being a Bylaw to provide for the determination of various procedures for the conduct of local government elections and other voting.

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

AND WHEREAS pursuant to Order in Council Number 1160 dated September 21, 1999, Council must follow a process outlined in Section 5.2 to 5.8 inclusive of the Letters Patent in selecting and appointing municipal trustees for the Islands Trust Council, in conjunction with the general local election;

AND WHEREAS Council desires to establish procedures and requirements pursuant to the *Local Government Act*;

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

1. **DEFINITIONS**

In this Bylaw:

“**Act**” means the *Local Government Act*, R.S.B.C., 1996, Chapter 323.

“**Chief Election Officer**” is the person appointed by Council under Section 41 of the *Act* to conduct the election.

“**Council**” means the Council of the Bowen Island Municipality.

“**Elector**” means a resident elector or property elector of the jurisdiction as defined in the *Act*;

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

“**General local election**” means the election held for mayor and all councillors of the Municipality which must be held in the year 1993 and in every third year thereafter;

"General voting day" means:

- (a) for a general local election, the third Saturday of November in the year of the election
- (b) for other elections, the date set under Sections 37(5), 38(1), 38(3) or 142(5) of the *Act*, and
- (c) for other voting, the date set under Section 162 of the *Act*;

"Jurisdiction" means the Bowen Island Municipality for which an election is held;

"Municipality" means the Bowen Island Municipality;

"Other voting" means voting on a matter referred to in section 158 of the *Act* and includes voting on a referendum under section 238 of that *Act*;

2. **APPLICATION**

This bylaw shall apply to all general local elections, other elections, and other voting in Bowen Island Municipality.

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 52nd 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 52nd 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."

4. **ADDITIONAL GENERAL VOTING OPPORTUNITIES**

- (a) The Council authorizes the *Chief Election Officer* to establish additional general voting opportunities for *general voting day* for each *election* and to designate the voting place and voting hours, within the limits set out in Section 96(2) of the *Act*, for such voting opportunities;

5. **REQUIRED ADVANCE VOTING OPPORTUNITIES**

- (a) As provided under Section 97 of the *Act*, an advance voting opportunity will be held on the 10th day before general voting day from 8:00 a.m. to 8:00 p.m. for each election;
- (b) The advance voting opportunity referred to in Section 97(2)(b) of the *Act* will not be held for the *general local election*.

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

In the event of a tie vote after judicial recount, the tie vote will be resolved by conducting a lot in accordance with Section 141 of the *Act*.

7. **BYLAW REPEAL**

“Greater Vancouver Regional District Election Procedures Bylaw No. 841, 1996” and subsequent amendments are hereby repealed.

8. **CITATION**

This Bylaw may be cited as "Bowen Island Municipality Election Procedures Bylaw No. 55, 2002".

9. **ACCESS TO NOMINATION DOCUMENTS**

As authorized under Section 73 of the *Local Government Act*, public access to nomination documents will be provided by way of the Municipal website for a period of 30 days after the declaration of the election results.

10. **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 by way of the Municipal website for a period of three years from the time of filing.

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 10th day of June, 2002.

READ A SECOND TIME this 24th day of June, 2002.

READ A THIRD TIME this 24th day of June, 2002.

RECONSIDERED AND FINALLY ADOPTED this 8th day of July, 2002.

(Original signed: Lisa Barrett)
Mayor

(Original signed by: Isabell Hadford)
Clerk

Certified to be a true and correct
copy of Bylaw No.55, 2002 cited as
“Bowen Island Municipality Election
Procedures Bylaw No. 55, 2002”
adopted by the Council of Bowen
Island Municipality this 8th day of
July, 2002.

(Original signed by: Isabell Hadford)
Clerk