



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5149

A bylaw of the Cariboo Regional District to provide for the determination of various procedures for the conduct of local government elections and assent voting.

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

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

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

1. **CITATION**

This Bylaw may be cited for all purposes as “Election and Assent Voting Bylaw No. 5149, 2018”.

2. **MINIMUM NUMBER OF NOMINATORS**

As authorized under Section 86 of the *Local Government Act*, the minimum number of qualified nominators required to make a nomination for office as an Electoral Area Director shall be two.

3. **ADVANCE VOTING OPPORTUNITIES**

As required under section 107 of the *Local Government Act*, in addition to the required advance voting opportunity on the 10th day before general voting day, the additional advance voting opportunity for elections and assent voting shall be on the 5th day preceding general voting day. If the 5th day preceding general voting day is a public holiday, the additional advance voting opportunity shall be held on the next day.

4. ADDITIONAL ADVANCE VOTING OPPORTUNITIES

As authorized under section 108 of the *Local Government Act*, the Board authorizes the Chief Election Officer to determine whether additional advance voting opportunities shall be made available, and to establish dates for those additional voting opportunities to be held in advance of general voting day and to designate the voting places and set the voting hours for these voting opportunities.

5. MAIL BALLOT VOTING

(a) As authorized under Section 110 of the *Local Government Act*, voting and elector registration may be done by mail for those electors who meet the criteria in section 5 (b) of this bylaw for each election or assent voting.

(b) The following electors are permitted to register to vote by mail and to vote by mail ballot:

- (i) those persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity;
- (ii) persons who expect to be absent from their jurisdiction on general voting day and at the times of all advance voting opportunities;
- (iii) persons who reside within the voting jurisdiction but more than 90 kilometres from the closest polling station at which they are entitled to vote.

(c) Mail ballot voting procedures

- (i) A person wishing to vote by mail ballot shall apply by giving their name and address to the Chief Election Officer or to the person designated by the Chief Election Officer for such purposes, during the period commencing 25 days before general voting day and ending at 4:00 pm on the Thursday two days before general voting day.
- (ii) Upon receipt of a request for a mail ballot, the Chief Election Officer or designate shall, no later than 12 days before general voting day and up to 4:00 pm on the Thursday two days before general voting day:
 - (a) make available to the applicant, a mail ballot package as specified in Section 110 (7) of the *Local Government Act*, together with a statement advising the elector that the elector must meet one or more of the mail ballot criteria specified in Section 5 (b) of this bylaw, and that they must attest to such fact; and

- (b) immediately record and, upon request, make available for inspection:
 - (i) the name and address of the person to whom the mail ballot package was issued; and
 - (ii) the electoral area in which the person is registered as an elector.

(d) Mail ballot voting process

- (i) 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.
- (ii) 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, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
 - (c) place the certification envelope, together with a completed elector registration application in the outer envelope, and then seal the outer envelope;
 - (d) mail, or have delivered, the outer envelope and its contents to the Chief Election Officer at the address specified so that it is received no later than the close of voting on general voting day.

(e) Mail ballot acceptance or rejection

- (i) Until 4:00 pm on the Thursday two days before general voting day, upon receipt of the outer envelope and its contents, the Chief Election Officer or designate shall immediately record the date of such receipt and shall then open the outer envelope and remove and examine the certification envelope and the completed elector registration application, and if satisfied as to:
 - (a) the identity and entitlement to vote of the elector whose ballot is enclosed; and
 - (b) the completeness of the certification; and
 - (c) the fulfilment of the requirements of section 70 of the *Local Government Act*;

the Chief Election Officer or designate shall mark the certification envelope as “accepted”, and shall retain in their custody all such certification envelopes in order to deal with any challenges made in accordance with Section 5 (f) of this bylaw.

- (ii) The unopened certification envelopes shall remain in the custody of the Chief Election Officer or designate until 4:00 pm on the Thursday two days before general voting day, at which time the certification envelopes containing the secrecy envelopes shall be opened in the presence of at least one other person, including any scrutineers present.
- (iii) At 4:00 pm on the Thursday two days before general voting day, the Chief Election Officer or designate shall place all secrecy envelopes received up until that time into a ballot box specified for such purpose, where such secrecy envelopes were received from persons whose right to vote using a mail ballot has not been challenged, or where such challenge has been resolved and the challenged person permitted to vote.
- (iv) Where an outer envelope and its contents are received by the Chief Election Officer or designate between 4:00 pm on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of Section 5 (e) (i) of this bylaw with regard to ballot acceptance shall apply and the Chief Election Officer or designate shall retain such envelopes in their possession until the close of voting and at that time shall open such 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 containing the other unopened secrecy envelopes.
- (v) As soon as possible after all of the secrecy envelopes have been placed in the ballot box designated for that purpose, the ballot box shall be opened under the supervision of the Chief Election Officer or designate, and in the presence of at least one other person and any scrutineers present, the secrecy envelopes shall be opened and the ballots contained therein counted in accordance with the provisions of the *Local Government Act*.
- (vi) 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) in the case of a person required to complete an application for registration as an elector, such application has not been completed in accordance with section 70 of the *Local Government Act*; or

- (c) the outer envelope is received by the Chief Election Officer or designate after the close of voting on general voting day,

the certification envelope shall remain unopened and the Chief Election Officer shall mark such envelope as “rejected”, and shall note the reasons therefor, and the ballot contained therein shall not be counted in the election.

- (vii) Any certification envelopes and their contents rejected in accordance with Section 5 (e) (vi) of this bylaw shall remain unopened and shall be subject to the provisions of Section 160 of the *Local Government Act* with regard to their destruction.

(f) Mail ballot challenge of elector

- (i) A person exercising the right to vote under the provisions of this bylaw may be challenged in accordance with and on the grounds specified in Section 126 of the *Local Government Act*, until 4:00 pm on the Thursday two days before general voting day.
- (ii) The provisions of Section 126 (2) to (5) inclusive of the *Local Government Act* shall apply where a challenge of an elector using a mail ballot has been made.

(g) Mail ballot – elector’s name already used

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 provisions of Section 127 of the *Local Government Act* shall apply, so far as applicable.

(h) Mail ballot – replacement of spoiled ballot

- (i) 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.
- (ii) The Chief Election Officer shall, upon receipt of the spoiled ballot package, record such fact, and proceed in accordance with Section 5 (c) (ii) of this bylaw.

6. VOTING DAY REGISTRATION ONLY

- (a) As authorized under section 69 of the *Local Government Act*, for all elections and assent voting, a person may register as an elector only at the time of voting, or in accordance with Section 5 of this bylaw.
- (b) Registration as an elector under Section 6 (a) 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.

7. RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with Section 151 of the *Local Government Act*.

8. REPEAL

“Cariboo Regional District Elections and Other Voting Bylaw No. 4843, 2013” is hereby repealed.

READ A FIRST TIME this ___ day of _____, 2018.

READ A SECOND TIME this ___ day of _____, 2018.

READ A THIRD TIME this ___ day of _____, 2018.

ADOPTED this ___ day of _____, 2018.

Chair

Corporate Officer

I hereby certify this to be a true and correct copy of “Election and Assent Voting Bylaw No. 5149, 2018” as adopted by the Cariboo Regional District Board of Directors on the ___ day of _____, 2018.

Corporate Officer