

**VILLAGE OF PORT ALICE
BYLAW NO. 511 – ELECTION**

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, the Council may, by bylaw, determine various procedures and requirements to be applied in the conduct of local government elections and other voting:

AND WHEREAS, the Council hereby establishes various procedures and requirements under that authority;

NOW THEREFORE the Council of the Village of Port Alice, 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 Mayor and all Councillors of the municipality which must be held in the year 1993 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 the Local Government Act; and
- c) for other voting, the date set under the Local Government Act.

“Jurisdiction” means, in relation to an election, the Village of Port Alice.

“Local Government” means the Council of the Village of Port Alice.

“Other Voting” means voting on a matter referred to in the Local Government Act and includes voting on a referendum under that Act.

2. Voting Day Registration

As authorized under the Local Government Act, at each election or other voting, electors who wish to vote at such elections, or other voting, are required to register at the time of voting.

Registration as an elector under paragraph 2.1 is effective only for the election or other voting for which the voting is being conducted at that time.

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3. Advance Voting Opportunities

- 3.1 As required under the Local Government Act, there will be an advance voting opportunity on the 10th day before General Voting Day.
- 3.2 As authorized under the Local Government Act, the following additional advance voting opportunities are established for each election or other voting, to be held in advance of General Voting Day for each election or other voting:
- a) additional advance voting opportunities will be available at the Municipal Office, located at 1061 Marine Drive, Port Alice, BC,
 - b) additional advance voting opportunities will be held on each of the five (5) business days preceding General Voting Day on which the Municipal Office is open for regular business, and
 - c) the voting hours at these additional advance voting opportunities will be from 9:00 am to 5:00 pm.

4. Mail Ballot

4.1 Authorization

- a) Pursuant to Section 100 of the *Local Government Act*, voting by mail ballot and elector registration by mail in conjunction with mail ballot voting is hereby authorized.
- b) Pursuant to Section 100(2) of the *Local Government Act*, only those persons who have a physical disability, illness, or injury that affects their ability to vote at another voting opportunity shall be permitted to vote by mail ballot.

4.2 Application Procedure

- a) 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 7 days before the first day of advance voting and ending at 4:00 pm on the Thursday two days before general voting day.
- b) Upon receipt of a request for a mail ballot, the Chief Election Officer or designate shall, between the first day of advanced voting and 4:00 pm on the Thursday two days before general voting day:
 - i) make available to the applicant, a mail ballot package as specified in Section 100(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 4.1.b of this bylaw, and that they must attest to such fact; and

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- ii) immediately record and, upon request, make available for inspection:
 - A. the name and address of the person to whom the mail ballot package was issued; and
 - B. notice that the person is registered as an elector, or “new elector”, if that person is not on the register of electors.

4.3 Voting Procedure

- a) 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.
- b) After marking the ballot, the elector shall:
 - i) place the ballot in the secrecy envelope provided and seal the secrecy envelope;
 - ii) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
 - iii) place the certification envelope, together with a completed elector registration application, if required, in the outer envelope, and then seal the outer envelope;
 - iv) contact the Chief Election Officer to arrange for delivery of 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.

4.4 Ballot Acceptance or Rejection

- a) 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, if applicable, and if satisfied as to:
 - i) the identity and entitlement to vote of the elector whose ballot is enclosed; and
 - ii) the completeness of the certification; and
 - iii) the fulfilment of the requirements of Section 56 of the *Local Government Act*, in the case of a person who is registering as a new elector;

the Chief Election Officer or designate shall mark the certification envelope as “accepted”, and shall retain in his custody all such certification envelopes in order to deal with any challenges made in accordance with Section 4.5 of this bylaw.

- b) 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.

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- c) 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.
- d) 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 4.4.a 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.
- e) 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*. For the purpose of ensuring the secrecy of the voters ballot, if the number of mail ballots are less than 20 in the ballot box, the Chief Election Officer, or designate, shall open the secrecy envelopes and place the folded ballot(s) into the general voting day ballot box(s) so as to prevent identification of the voters ballot.
- f) Where:
 - i) 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
 - ii) 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 56 of the *Local Government Act*; or
 - iii) 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 therefore, and the ballot contained therein shall not be counted in the election.

- g) Any certification envelopes and their contents rejected in accordance with Section 4.4.f of the bylaw shall remain unopened and shall be subject to the provisions of Section 150(6) of the *Local Government Act* with regard to their destruction.

4.5 Challenge of Elector

- a) 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 116 of the *Local Government Act*, until 4:00 pm on the Thursday two days before general voting day.

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- b) The provisions of Section 116(2) to (5) inclusive of the *Local Government Act* shall apply where a challenge of an elector using a mail ballot has been made.

4.6 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 117 of the *Local Government Act* shall apply, so far as applicable.

4.7 Replacement of Spoiled Ballot

- a) 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.
- b) The Chief Election Officer shall, upon receipt of the spoiled ballot package, record such fact, and proceed in accordance with Section 4.2 of this bylaw.

5. Order of Names on Ballot

The order of names of candidates on the ballot will be determined by *Lot* in accordance with the *Local Government Act*.

6. Resolution of Tie Votes 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 the *Local Government Act*.

7. Repeal

Village of Port Alice Elections and Other Voting Bylaw No. 469 is hereby repealed.

8. Citation

This Bylaw may be cited as Village of Port Alice Elections and Other Voting Bylaw No. 511.

READ A FIRST, SECOND, AND THIRD TIME the 13th day of July, 2005.

RECONSIDERED AND FINALLY PASSED AND ADOPTED the 27th day of July, 2005.

Acting Mayor

Clerk/CAO

Certified a true and correct copy of Bylaw No. 511, as adopted by Council.

Clerk/CAO