



Regional District of Alberni-Clayoquot

Bylaw No. A1072

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

WHEREAS under the *Local Government Act*, 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 Regional District of Alberni-Clayoquot, in open meeting assembled, enacts as follows:

1. **CITATION**

- a. This Bylaw may be cited for all purposes as “Elections Bylaw No. A1072, 2011.”

2. **ADVANCE VOTING OPPORTUNITIES**

- a. In addition to the required advance voting opportunity on 10th day before general voting day, the 4th day before general voting day is hereby established as an advance voting opportunity for a general local election and other voting.
- b. Advance voting opportunities on the dates specified in subsection 2. (a) shall be available between the hours of 8:00 am and 8:00 pm at the following location:

Alberni-Clayoquot Regional District Office
3008 Fifth Avenue
Port Alberni, BC

- c. As authorized under Section 98 of the *Local Government Act*, the Board authorizes the Chief Election Officer to establish additional advance voting opportunities for an 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 for these voting opportunities.

3. SPECIAL VOTING OPPORTUNITIES

- a. To give electors who may otherwise be unable to vote an opportunity to do so, the Board will provide a special voting opportunity as authorized under section 99 of the *Local Government Act* for each election and other voting and authorizes the Chief Election Officer to establish a special voting opportunity for each election and other voting and to designate the location, the date and the voting hours within the limits set out in section 99 of the *Local Government Act*, for the special voting opportunity.

4. ADDITIONAL GENERAL VOTING OPPORTUNITIES

- a. The Board will provide additional general voting opportunities as authorized under section 96 of the *Local Government Act* for each election and other voting and authorizes the Chief Election Officer to designate the location, the date and the voting hours within the limits set out in section 96 of the *Local Government Act*, for the additional general voting opportunities.

5. VOTING DAY REGISTRATION ONLY

- a. The Board limits registration of electors to registration at the time of voting for all elections and other voting as per section 54 of the *Local Government Act*.

6. MAIL BALLOT VOTING

- a. Voting and registration may be done by mail for those electors who:
 - i. Have a physical disability, illness or injury that affects their ability to vote at another voting opportunity;
 - ii. Expect to be absent from the Regional District of Alberni-Clayoquot on general voting day and at the times of all advance voting opportunities, or
 - iii. Reside in Electoral Areas “A” (Bamfield), “C” (Long Beach) or “D” (Sproat Lake) where:
 1. Their only access to their residence is by boat or aircraft, or
 2. Their travel time by road from their residence to the nearest voting place at which the person is entitled to vote is greater than thirty minutes.
- b. The Board authorizes the Chief Election Officer to establish the time limits in relation to voting by mail ballot.

7. REQUEST FOR MAIL BALLOTS

- a. A person wishing to vote by mail ballot shall, during the time period established by the Chief Election Officer, apply in writing to the Chief Election Officer by giving:
 - i. Their name,
 - ii. Their mailing address, and
 - iii. The property address where they reside, if they are registered as a resident elector or the property address for which they are registered as a non-resident property elector, whichever the case may be.
- b. Upon receipt for a mail ballot, the Chief Election Officer must:
 - i. If the request for a mail ballot is delivered to the Chief Election Officer before the deadline the Chief Election Officer has established, mail or otherwise, deliver a mail ballot package to the person who applied for it, or
 - ii. If the request for a mail ballot is delivered to the Chief Election Officer after the deadline the Chief Election Officer has established, make the mail ballot package available to the person who applied for it, or someone acting on their behalf, to pick up at a location specified by the Chief Election Officer.
- c. After issuing a mail ballot, the Chief Election Officer shall record and, upon request, make available for inspection:
 - i. The name and address of a person to whom the mail ballot package was issued, and
 - ii. The ballot or ballots that were issued to that person.

8. MAIL BALLOT 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 the certification envelope, and

- then seal the certification envelope,
- iii. Complete the elector registration application,
 - iv. Place the certification envelope and the completed elector registration application in the outer envelope and then seal the outer envelope, and
 - v. Mail or otherwise deliver the outer envelope and its contents to the Chief Election Officer at the address specified so that it is received by the Chief Election Officer no later than the close of voting on general voting day.

9. MAIL BALLOTS RECEIVED

- a. As soon as a mail ballot is delivered to the Chief Election Officer, the Chief Election Officer shall record the date and time of receipt on the outer envelope.
- b. Before close of voting on general voting day, the Chief Election Officer shall, in the presence of at least one other election official:
 - i. Open the outer envelope and remove and examine the certification envelope and the application to register as an elector.
 - ii. If the elector's certification and application to register as an elector are complete, the Chief Election Officer shall mark the certification envelope as "accepted"; otherwise, the Chief Election Officer shall mark the certification envelope as "not accepted", in which case the certification envelope shall not be opened and the ballots contained therein shall not be counted.
 - iii. Unless elector's right to vote has been challenged as provided in section 10, the Chief Election Officer shall open the certification envelopes and the secrecy envelopes contained therein shall be placed in a ballot box designated for that purpose.
 - iv. Notwithstanding section 9. (b) (iii), if there are fewer than twenty-five secrecy envelopes received, they may be placed in any other ballot box in order to preserve secrecy.
 - v. After the close of voting on general voting day, the ballot box containing the secrecy envelopes and the secrecy envelopes contained therein shall be opened and the ballots shall be counted in the same manner as other ballots.

10. MAIL BALLOT – CHALLENGE OF ELECTOR

- a. Before close of voting on general voting day and prior to the Chief Election Officer opening the certification envelope, an election official, a candidate representative, 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.
- b. A person's right to vote may only be challenged on the basis that:
 - i. That person is not entitled to vote, or
 - ii. That person has accepted an inducement:
 1. To vote or refrain from voting,
 2. To vote or refrain from voting for or against a particular candidate, or
 3. As a reward for having voted or refrained from voting as described in paragraph (1) or (2).
- c. In the event that a person's right to vote is challenged under section 10 (a), the Chief Election Officer will mark "challenged" on the certification envelope, set it aside, not open it and the ballots contained therein shall not be counted.
- d. If, after the determination of official election results as set out in the *Local Government Act*, the difference in the number of valid votes:
 - i. Cast for the candidate declared the winner and any other candidates, or
 - ii. Cast in favour of and cast in opposition to a referendum or other matter,

Is equal or less than the number of people whose right to vote in that election or other voting was challenged under section 10 (a), the Chief Election Officer must apply for a judicial recount as though there was an equality of valid votes cast in that election or other voting.

11. MAIL BALLOT – REPLACEMENT OF A SPOILED BALLOT

- a. If 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 issue a replacement ballot package in accordance with

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section 7 (b) of this bylaw.

12. MAIL BALLOT – JUDICIAL RECOUNT

- a. As soon as possible after the Chief Election Officer
 - i. Makes application to the Provincial Court for a judicial recount; or,
 - ii. Receives notice from any other person that they have applied to the Provincial Court for a judicial recount,

The Chief Election Officer must review the election records to determine whether or not an elector whose right to vote was challenged under section 10 received a ballot for the election that is subject of a judicial recount.

- b. If an elector whose right to vote was challenged under section 10 received a ballot for the election that is the subject of a judicial recount, the Chief Election officer must make reasonable efforts to notify that elector:
 - i. Of the fact that their right to vote has been challenged;
 - ii. That an application has been made for a judicial recount; and,
 - iii. Of the place and the time set for the judicial recount.

13. ORDER OF NAMES ON BALLOT

- a. The order of names of candidates on the ballot will be determined by lot in accordance with section 107 of the *Local Government Act*.

14. RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

- a. 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 141 of the *Local Government Act*.

15. RESCINDED

- a. Bylaw No. A1064, Elections Bylaw, 2008 is hereby rescinded.

READ A FIRST TIME THIS	27	DAY OF	July, 2011.
READ A SECOND TIME THIS	27	DAY OF	July, 2011.
READ A THIRD TIME THIS	27	DAY OF	July, 2011.
ADOPTED THIS	27	DAY OF	July, 2011.


Chairperson


Chief Administrative Officer