

VILLAGE OF PORT CLEMENTS

BYLAW NO.420, 2015

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

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

AND WHEREAS Council wishes to establish voting procedures and requirements under that authority;

NOW THEREFORE, the Village of Port Clements Council, in open meeting assembled, enacts as follows:

1. ADVANCE VOTING OPPORTUNITIES

- a) In accordance with Section 97(3) of the *Local Government Act*, a second advance voting opportunity will not be held.

2. MAIL BALLOT VOTING

- a) As authorized under Section 100 of the *Local Government Act*, voting may be done by mail for those electors who meet the criteria in paragraph (b)
- b) The following electors are permitted 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 Port Clements on general voting day AND for advance voting;
- c) The following procedures for voting MUST apply:
 - i) sufficient records will be kept by the Chief Elections officer so that challenges of the

elector's right to vote may be made in accordance with the intent of Section 116 of the *Local Government Act*;

- ii) a person exercising the right to vote by mail under the provisions of Section 100 may be challenged in accordance with, and on the grounds specified in Section 116 of the *Local Government Act*, until 4:30pm two days before general voting day.

d) The following application procedure must be adhered to:

- i) Following the Declaration of Election by vote but at least 14 days prior to the General voting date, a person wishing to vote by mail ballot shall submit an "Application to Vote by Mail" to the Chief Elections officer (exhibit A).
- ii) Upon receipt of an "Application to Vote by Mail" the Chief Elections Officer or designate shall, as soon as ballot packages are available but no later than 10 days prior to General voting date, make available to the applicant a mail ballot package.
- iii) Record the name, residential address, and in the case of a non-resident property elector, the address of the property in relation to which they are voting, for the "vote by mail" applicant and, upon request, make available for inspection the list containing said information.
- iv) Completed mail in ballots **MUST BE** received by the Chief Elections Officer or designate by 8pm on the general voting day. **The Village of Port Clements is not responsible for mail delivery problems which delay the receipt of the mail in ballot.**
- v) To vote using a mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided. After marking the ballot the elector shall place the ballot in the secrecy envelope provided and seal the envelope. They then place the secrecy envelope in the certification envelope and complete and sign the certification printed on the envelope and then seal the certification envelope. Finally the certification envelope is

placed in the outer envelope which is then sealed and mailed or delivered to the Chief Elections Officer or designate at the address specified so that it is received no later than 8pm on general voting day.

- vi) Upon receipt the Chief Elections Officer or designate shall record the date of receipt and open the outer envelope to examine the certification envelope. If satisfied as to the identity and entitlement to vote of the elector, and that the requirements of Section 55 of the *Local Government Act* have been fulfilled shall mark the certification envelope as accepted, open it in the presence of at least one other person and place the secrecy envelopes into a ballot box.
- vii) If the Chief Election Officer or designate is not satisfied with the identity of the elector, or if the envelope is received after 8pm on general election date, the certification envelope shall remain unopened and the envelope will be marked rejected noting the reason for rejection and the ballot shall not be counted in the election. Unopened envelopes shall be subject to the provisions of Section 150(6) of the *Local Government Act* with regards to their destruction.
- viii) Where, upon receiving a mailed in ballot, the Chief Elections Officer or designate determines that another person by the same name has voted, the provisions of Section 117 of the *Local Government Act* shall apply, so far as applicable.

3. RESOLUTION OF TIE VOTE(S) 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*.

This Bylaw may be cited for all purposes as the "Elections and Asset Voting Bylaw #420, 2015".


Bylaw #251, 1993 is hereby repealed.

Read a first time this 2nd day of February, 2015

Read a second time this 2nd day of March, 2015

Read a third time this 2nd day of March, 2015

Reconsidered and finally adopted this 23rd day of March, 2015



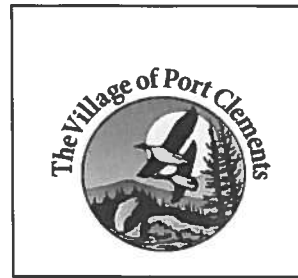
Ian Gould - Mayor



Kim Mushynsky - CAO

CERTIFIED A TRUE COPY OF VILLAGE OF
PORT CLEMENTS ELECTIONS PROCEDURE BYLAW
NO. 420, 2015

APPLICATION TO VOTE BY MAIL



Instructions: 1. Complete this form and deliver by hand, mail, fax or scan to email to the Village of Port Clements at PO Box 198, Port Clements, BC V0T 1R0
Fax: 250-557-4568 or email: cao@portclements.ca

2. If your application is filled out correctly the Village of Port Clements will send you a mail ballot package at least 10 days prior to General Voting Date. Due to mail challenges on Haida Gwaii, the earlier the application is received the better. **The Village of Port Clements WILL NOT be responsible for mail delays.**

3. **You are responsible for ensuring that your completed ballot is received by the Village of Port Clements before 8pm on General Voting Day.**

4. For more information please call the Chief Administrative Officer at 250-557-4295 or email cao@portclements.ca

I, _____,
(Name of Elector – Please print)

Of _____,
(Residential Address of Elector – Please print)

Or _____,
(For Non-resident electors, the address of the real property to which elector is voting)

Request that I receive a ballot to vote by mail, under the provisions of Section 100 of the *Local Government Act*. I hereby declare that I am:

- 18 years of age or older as of General Election date; **AND**
- A Canadian Citizen; **AND**
- A resident of the Village of Port Clements for at least the past 30 days **OR** a non-resident owner of real property in the Village of Port Clements for at least the past 30 days; **AND**
- A resident of British Columbia for at least the past 6 months; **AND**
- Not disqualified by law from voting in an election.

I further declare that I am entitled to vote by mail for the following reason(s) (check at least one):

- I have a physical disability, illness or injury that affects my ability to vote at one of the voting opportunities for this election; **AND/OR**
- I expect to be absent from the Village of Port Clements at the time of the advance voting opportunity **AND** on General Election Day.

I request that you provide me a mail ballot package as follows (**check only one**):

- Keep it at the Municipal office for me to pick up; **OR**
- Mail it to my residential address; **OR**
- Mail it to the following address:

Signature of Elector

Date

Signature of Witness