

Bylaw #5

Procedure for the Conduct of General School Elections and Other Trustee Elections

September 20, 2005

Revision: May 31, 2011

This Bylaw provides for the determination of various procedures for the conduct of general school elections and other trustee elections.

Read a first time on the 31st day of May, 2011;

Read a second time on the 31st day of May, 2011;

Read a third time on the 31st day of May, 2011;

Reconsidered and Adopted on the 31st day of May, 2011.

WHEREAS the School Board has entered into an agreement under Section-and 45 of the School Act and Section 54 of the Local Government Act, under which the local government conducts an election for the school board, the Board enacts as follows:

1. That the Northern Rockies Regional Municipality Elections Procedures Bylaw #43, 2011 (as attached) and amendments thereto will apply to Trustee Elections and other voting conducted under this agreement.

Northern Rockies Regional Municipality Elections Procedure Bylaw No. 43, 2011

A bylaw of the Northern Rockies Regional Municipality to provide for the administrative procedures and requirements for the conduct of local government elections, by-elections and other voting.

WHEREAS under the authority of the Community Charter and Local Government Act, the Regional Council for the Northern Rockies Regional Municipality, wants to determine various procedures and requirements to be applied in the conduct of local government elections, by-elections and other voting;

AND WHEREAS pursuant to Section 54 of the Local Government Act, the Regional Council wishes to limit registration of electors to registration at the time of voting for all elections under Part 3 and 4 of the Local Government Act;

AND WHEREAS as per Section 38 and 45 of the School Act, School District No. 81 has entered into an agreement with the Regional Council under Section 40 of the Local Government Act, which agreement provides that the election procedures bylaws of the Northern Rockies Regional Municipality and amendments thereto will apply to trustee elections conducted under the agreement;

NOW THEREFORE the Regional Council for the Northern Rockies Regional Municipality in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as the "Elections Procedure Bylaw No. 43, 2011."
2. Definitions in this bylaw:
 - a) "Ballot" means ballot card designed for use in a vote counting system, which shows the names of all of the candidates for each of the offices to be filled and all the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought.
 - b) "Ballot box" means a container for ballots that have been marked by electors.
 - c) "Chief election officer" means the election official appointed under section 41 (1) of the Local Government Act.
 - d) "Elector" means a resident elector or property elector of the jurisdiction, being the Northern Rockies Regional Municipality as determined by Supplementary Letters Patent.
 - e) "Election" means an election for the number of persons required to fill a local government or school board office.

2. f) "Election official" means a person appointed under section 41 of the Local Government Act.
- g) "Local Government Election" means the elections held for the Mayor and all Regional Councillors and all School District Trustees which must be held in the year 2011 and every third year after that.
- h) "General voting day" means the day referred to in the Local Government Act as per section 36 (2) or set under section 37 (5), 38 (1) or (3) or 142 (5).
- i) "Other voting" other voting" means voting on a matter referred to in section 158 of the Local Government Act.

3. Voting Day Registration Only

As authorized under Section 54 of the Local Government Act, at the general local election to be held for the Mayor, the Regional Councillors and the School District Trustees and for other voting, qualified electors who wish to vote at such general local election are required to register at the time of voting.

4. Required Advance Voting Opportunities

As authorized under Section 97(2) of the Local Government Act, the required Advance Voting Opportunity for the 2011 general local election shall be held on the tenth day before general voting day, at the Regional Municipality Office, 5319 – 50th Avenue South, Fort Nelson, BC.

As authorized under Section 97(3) of the Local Government Act, the second required advance voting opportunity referred to in Section 97(2)(b) of the Local Government Act shall be held three days before general voting day for the 2011 general local election, at the Regional Municipality Office, 5319 – 50th Avenue South, Fort Nelson, BC.

5. Additional General Voting Opportunity

As authorized by Section 96 of the Local Government Act, the Chief Election Officer may provide an additional general voting opportunity on general voting day for each election or other voting in Electoral Area "A" or Electoral Area "B":

- a) at a site to be designated by the Chief Election Officer
- b) during the hours 8:00 am to 8:00 pm.

6. Special Voting Opportunities

- a) To give qualified electors, who may otherwise be unable to vote, an opportunity to do so, the Regional Council will provide a special voting opportunity on general voting day for each election and other voting as authorized under Section 99 of the Local Government Act for each election or other voting at the Fort Nelson General Hospital, 5315 Liard Street, Fort Nelson, BC, during the hours 2:00 pm to 3:00 pm.
- b) Any qualified elector may vote at a special voting opportunity if circumstances deem they will be present at the location and during the hours established for the special voting opportunity.
- c) The following procedures for voting and for conducting the voting proceedings apply to special voting opportunities:
 - i) Bedside voting and stationary voting may be conducted within the hospital
 - ii) The number of candidate representatives who may be present at any special voting opportunity is limited to 1 per candidate.

7. Mail Ballot Voting

- a) As authorized under section 100 of the Local Government Act voting and registration may be done by mail for those electors:
 - i) 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 the municipality on general voting day and at the times of all advance voting opportunities.
- b) Sufficient record will be kept by the chief election 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; and,
- c) 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 4:30 pm two days before general voting day, and 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.
- d) 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.

- e) For the purposes of mail ballot voting for the Northern Rockies Regional Municipality, Section 100 of the Local Government Act shall apply.
 - f) A person wishing to vote by mail ballot must apply, by giving their name and address to the Chief Election Officer during the period commencing ten (10) days before the first day of advance voting, and ending at 4:00 pm on the third day before General Voting Day.
 - g) Upon receipt of a request for a mail ballot and commencing on the first day of advance voting, the Chief Election Officer shall:
 - i) make available to the applicant, a mail ballot package, together with a statement advising the elector that the elector must meet the requirements specified in subsection 7 (a) or (b) and must attest to such fact.
 - ii) immediately record and, upon request, make available for inspection the name and address of the person to whom the mail ballot package was issued.
8. Mail Ballot Voting Procedure
- a) In order to vote using a mail ballot, the elector must mark the ballot in accordance with the instructions contained in the mail ballot package provided by the Chief Election Officer.
 - b) After marking the mail ballot, the elector must:
 - (i) place the mail 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) mail, or have delivered, the outer envelope and its contents to the Chief Election Officer at the Municipal Office so that it is received no later than the close of voting on General Voting Day.

8. c) 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 of the ballot being spoiled and by mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer.
- ii) The Chief Election Officer must, upon receipt of the spoiled ballot package record such fact and proceed in accordance with subsection 7 g) (i)

d) Mail Ballot Acceptance

Upon receipt of each mail ballot envelope and its contents, the Chief Election Officer must immediately record the date of such receipt; and 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 mail ballot is enclosed; and
 - ii) the completeness of the certification; and
 - iii) the fulfilment of the requirements of the Local Government Act in the case of a person who is registered as a new elector;
- e) The Chief Election Officer must mark the certification envelope as accepted and shall retain all certification envelopes in secure custody to deal with any challenges made in accordance with Section 7 of this bylaw.
- f) Mail Ballot Rejection

Where on receipt of an outer envelope, the Chief Election Officer is not satisfied as to the identity of the elector whose mail ballot is enclosed; or

- (i) 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 the Local Government Act; or
- (ii) the outer envelope is received by the Chief Election Officer after the close of voting on General Election Day;

The certification envelope shall remain unopened and the Chief Election Officer must mark such envelope as rejected and must note his/her reasons for doing so, and the mail ballot contained in such envelope must not be counted in the election.

- g) Any certification envelopes and their contents rejected in accordance with subsection (f) must remain unopened and are subject to the provisions of the Local Government Act with regard to their destruction.
- h) At 6:00 pm on General Voting Day, the Chief Election Officer must, in the presence of at least one other person, including any scrutineers present, place all secrecy envelopes received up until that time into a portable ballot box designated for such purposes, where:
 - (i) such secrecy envelopes were received from persons whose right to vote using a mail ballot has not been challenged; or
 - (ii) such challenge has been resolved, and the challenged person has been permitted to vote.
 - (iii) where an outer envelope and its contents are received by the Chief Election Officer by closing time on General Voting Day, the provisions of subsection 8 (d) with regard to ballot acceptance apply.
 - (iv) the Chief Election Officer must, in the presence of one other person, including any scrutineers present, open such certification envelopes containing the secrecy envelopes, and place the secrecy envelopes containing the mail ballots into the portable ballot box identified in subsection 8 (h).
- i) Mail Ballot Procedures After the Close of Voting

As soon as possible after all of the secrecy envelopes have been placed in the portable ballot box designated for that purpose, the ballot box must be opened under the supervision of the Chief Election Officer, and in the presence of at least one other person and any scrutineers present, the secrecy envelope must be opened and the mail ballots contained in such envelopes must be inserted into a ballot box designated to receive mail ballots, to be counted.
- j) As provided in the Local Government Act, a mail ballot must be received by the chief election officer before the close of voting on general voting day in order to be counted for an election.

9. Order of Names on Ballot

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

10. 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 Section 141 of the Local Government Act.

11. Repeals

All previous Town of Fort Nelson, Northern Rockies Regional District, and Northern Rockies Regional Municipality Election Bylaws, By-election Bylaws, and Voting Day Registration Only Bylaws are hereby repealed in their entirety.

12. Severability

If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any court or competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without the valid portion.

READ a first time this 26th day of April, 2011.

READ a second time this 26th day of April, 2011.

READ a third time this 26th day of April, 2011

Adopted this 9th day of May, 2011

Bill Streeper, Mayor

Heather Cosman, Corporate Manager

