

THE CORPORATION OF THE CITY OF GREENWOOD

Elections Procedure Bylaw No. 991, 2022

A Bylaw to provide for the determination of various procedures for the conduct of local 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 elections and assent voting;

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

NOW THEREFORE, the Council of the City of Greenwood, in open meeting assembled, enacts as follows:

1. MINIMUM NUMBER OF NOMINATORS

- (a) The minimum number of qualified nominators required to make a nomination for office as a member of Council shall be two (2).

2. ACCESS TO NOMINATION AND ENDORSEMENT DOCUMENTS

- (a) As authorized under section 89(7) of the Local Government Act, public access to nomination documents will be available at City Hall during regular office hours from the time of delivery to the Chief Election Officer until 30 days after the declaration of the election results (34 days after general voting day).
- (b) As authorized under section 89 and 93 of the Local Government Act, public access to elector organization endorsement documents will be provided

A person who inspects or otherwise access nomination documents under this section must not use the information included in them except for the purposes of this Act or purposes of the Local Government Act.

3. ORDER OF NAMES ON THE BALLOT

- (a) The order of names of candidates on the ballot will be determined by lot in accordance with section 117 of the Local Government Act.

4. ADVANCE VOTING OPPORTUNITY

- (a) As required under section 107 of the Local Government Act, the required advance voting opportunity will be held on the 10th day before general voting day.
- (b) As authorized under section 107(2) of the Local Government Act, a second optional advance voting opportunity will not be held.

5. RESIDENT ELECTORS

- (a) The City will maintain an ongoing register of resident electors.

6. MAIL IN BALLOTS

Authorization

- (a) Voting by mail ballot and elector registration by mail in conjunction with mail ballot voting are hereby authorized.
- (b) The only electors who may vote by mail in ballot are the following:
 - i. persons who have physical disability, illness, or injury that affects their ability to vote at another voting opportunity;
 - ii. persons who expect to be absent from the City of Greenwood on general voting day and at the times of advance voting opportunities.

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 p.m. on the Thursday two days before general voting day:
 - i. 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 the Mail In Ballot Authorization Section 6(b) of this bylaw, and that they must attest to such fact; and
- (c)** Immediately record and, upon request, make available for inspection:
 - i. the name and address of the elector to whom the mail ballot package was issued.

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. 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.

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;
- ii. the completeness of the certification; and
- iii. the fulfilment of the requirements of section 70 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 the Challenge Section of this bylaw.

- (b) The unopened certification envelopes shall remain in the custody of the chief election officer or designate until 4:00 p.m. 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.
- (c) At 4:00 p.m. 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 p.m. on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of Mail In Ballot Acceptance and Rejection Section 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.

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 therefore, and the ballot contained therein shall not be counted in the election.
- (d) any certification envelopes and their contents rejected in accordance with Mail In Ballot Acceptance or Rejection Section of the bylaw shall remain unopened and shall be subject to the provisions of section 160(2) of the Local Government Act with regard to their destruction.

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 126 of the Local Government Act, until 4:00 pm on the Thursday two days before general voting day.
- (b) The provisions of sections 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.

Elector’s Name Already Used

- (a) 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.

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 the Mail In Ballot Application Procedure Section of this bylaw.

7. 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 151 of the Local Government Act.

8. NUMBER OF SCRUTINEERS AT VOTING PLACES

- (a) As authorized under section 120 of the Local Government Act, the number of scrutineers for each candidate that may attend at an election is one (1) scrutineer for each ballot box in use.

9. NUMBER OF SCRUTINEERS FOR ASSENT VOTING

- (a) As authorized under section 181 of the Local Government Act, for assent voting, the number of scrutineers for the question and the number of scrutineers against the question that may attend at each voting place is one (1) scrutineer.

10. GENERAL

- (a) Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.
- (b) 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 of 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 invalid portion.
- (c) This Bylaw may be cited as the "Elections Procedure Bylaw No. 991, 2022".
- (d) This Bylaw repeals and replaces "Elections Procedure Bylaw No. 926, 2018".

Read a FIRST time this 13th day of June 2022.


Read a SECOND time this 13th day of June 2022.

Read a THIRD time this 13th day of June 2022.

FINALLY ADOPTED this 27th day of June 2022.



Mayor



Corporate Officer

Certified a true copy of Bylaw No. 991, 2022
as adopted on the 27th day of June, 2022