

DISTRICT OF ELKFORD
Election Bylaw No. 868, 2022

A Bylaw to provide for the determination of procedures for the conduct of elections and assent voting.

WHEREAS under the *Local Government Act*, Council may, by bylaw, determine various procedures and requirements to be applied in 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 District of Elkford, in open meeting assembled, enacts as follows:

1. DEFINITIONS

BYLAW ENFORCEMENT OFFICER means the officer(s) or employee(s) appointed by the Council of the District of Elkford.

CANDIDATE means a person who is a candidate for election pursuant to the *Local Government Act*, the *School Act* (BC), the *Election Act* (BC), or the *Canada Elections Act*.

CHIEF ELECTION OFFICER means the person appointed by the Council of the District of Elkford in the year of the said election, or designee.

CORPORATE OFFICER means the person appointed by District of Elkford council as the Director of Corporate Services.

COUNCIL means the Council of the District of Elkford.

ELECTION means an election for the number of persons required to fill a local government office.

ELECTION SIGN means a sign identifying any candidate, group of candidates, elector organizations or political party or issue for a general local government election, by-election or other voting opportunity conducted within the District of Elkford.

ELECTOR means a resident elector or non-resident elector of the District of Elkford.

GENERAL VOTING DAY means:

- a) for a General Local Government Election, the third Saturday of October in the year of the election.
- b) for by-elections and other voting, the dates as determined by the Chief Election Officer in accordance with the *Local Government Act*.

2. CITATION

- 2.1 This bylaw may be cited for all purposes as ***"Election Bylaw No. 868, 2022"***.

3. ACCESS TO NOMINATION AND ENDORSEMENT DOCUMENTS

- 3.1 As authorized by section 89(7) of the *Local Government Act*, public access to nomination documents will be provided in person at the Office of the Corporate Officer, 744 Fording Drive, Elkford, B.C. during

normal working hours from the time of delivery until 30 days after the declaration of the election results.

- 3.2 As authorized by sections 89(7) and 93 of the *Local Government Act*, public access to elector organization documents will be provided in person at the Office of the Corporate Officer, 744 Fording Drive, Elkford, B.C. during normal working hours from the time of delivery until 30 days after the declaration of the election results.

4. ELECTOR REGISTRATION

- 4.1 For the purposes of all elections and other voting under Parts 3 and 4 of the *Local Government Act*, a person may register as an elector only at the time of voting for all elections and assent voting, pursuant to section 69 of the *Local Government Act*.
- 4.2 Registration of an elector must be in accordance with the *Local Government Act*.
- 4.3 Registration as an elector is valid only for the voting or other matters on which the opinion of the electors is being sought at the time of voting.

5. ADVANCE VOTING OPPORTUNITIES

- 5.1 In addition to the required advance voting opportunity on the tenth day before general voting day from 8 a.m. to 8 p.m., under section 107 of the *Local Government Act*, a second advance voting opportunity must be held on the fourth day before general voting day, from 8 a.m. to 4 p.m., as authorized under section 108 of the *Local Government Act*.

6. MAIL BALLOT VOTING AUTHORIZATION AND PROCEDURES

- 6.1 As authorized by section 110 of the *Local Government Act*, voting may be done by mail ballot and registration may be done by mail in conjunction with mail ballot voting.
- 6.2 Time limits in relation to voting by mail ballot will be determined by the Chief Election Officer.
- 6.3 The Chief Election Officer shall keep sufficient records so that the challenges of the elector's right to vote may be made in accordance with the intent of section 126 of the *Local Government Act*.
- 6.4 A person exercising the right to vote by mail under the provision of section 110 of the *Local Government Act* may be challenged in accordance with, and on the grounds specified in section 126 of the *Local Government Act*, until 4:30 p.m. two days before general voting day.
- 6.5 As provided in the *Local Government Act*, to be counted, a mail ballot must be received by the Chief Election Officer before the close of voting on general voting day.

7. ORDER OF NAMES ON BALLOT

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

8. RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

- 8.1 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*.

9. RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

- 9.1 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*.

10. SIGNS

- 10.1 Election signs are not permitted on municipal property.
- 10.2 Election signs can only be placed on private property with the owner's permission.
- 10.3 Election signs for the purpose of a general local election, by-election or other voting opportunity are permitted only within the municipal election period beginning with the start of the nomination period and ending on the day following General Voting Day.
- 10.4 Pursuant to section 163 (4) of the *Local Government Act*, Election signs must not be displayed within 100 metres of a building, structure, or other place where voting proceedings are being conducted at the time.
- 10.5 Election signs shall be placed so as not to obstruct, hinder or in any way interfere with the use by driver of motor vehicles and pedestrians on abutting streets or walkways.
- 10.6 The Chief Election Officer and/or the Bylaw Enforcement Officer are hereby authorized to enforce the provisions of Section 10 of this bylaw.
- 10.7 Election signs placed in contravention of this bylaw are subject to removal at the discretion of the Chief Election Officer and/or the Bylaw Enforcement Officer.

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11. SEVERABILITY

- 11.1 If a portion of this bylaw is held invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsequent, paragraph, or subparagraph.

12. REPEAL

- 12.1 Bylaw No. 723, 2011, cited as "District of Elkford Election Procedures Bylaw No. 723, 2011" and any amendments thereto are hereby repealed.

READ A FIRST TIME this 11th day of April, 2022.

READ A SECOND TIME this 11th day of April, 2022.

READ A THIRD TIME this 11th day of April, 2022.

ADOPTED this 25th day of April, 2022.

Dean McKerracher, Mayor

Chantel Dawson, Director of Corporate Services