



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



# Election Procedures Bylaw No. 474, 2014

## Office Consolidation

This document is an office consolidation of Election Procedures Bylaw No. 474, 2014 with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Election Procedures Bylaw No. 474, 2014 as amended, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: [admin@lionsbay.ca](mailto:admin@lionsbay.ca)

### List of Amending Bylaws

Bylaw No.	Section	Description	Adopted
511	All	Various amendments	May 16, 2017

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A BYLAW TO PROVIDE FOR THE VARIOUS PROCEDURES FOR THE CONDUCT OF LOCAL GOVERNMENT  
ELECTIONS AND OTHER VOTING OPPORTUNITIES WITHIN THE MUNICIPALITY

WHEREAS pursuant to the Local Government Act, Council of the Municipality of the Village of Lions Bay may, by bylaw, determine various procedures and requirements to be applied in the conduct of local government elections and other voting opportunities;

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

AND WHEREAS the Council of the Municipality of the Village of Lions Bay wishes to establish various procedures and requirements under these authorities;

NOW THEREFORE Council of the Municipality of the Village of Lions Bay, in open meeting assembled, enacts as follows:

**PART 1 – CITATION, REPEAL AND INTERPRETATION**

**CITATION**

1.1 This bylaw may be cited as “Election Procedures Bylaw 474, 2014.”

**REPEAL OF PREVIOUS BYLAWS**

1.2 The following bylaws are hereby repealed:

*Bylaw #220 Elections Regulations 1993;*

*Bylaw #375 Lions Bay Register of Electors; and*

*Bylaw #429 Mail Ballot Authorization and Procedure Bylaw.*

**DEFINITIONS**

1.3 In this Bylaw,

“*Chief Election Officer*” or “*CEO*” means the person appointed under section 41 of the *Local Government Act*, and in the absence or inability to act of the Chief Election Officer, the person appointed as deputy chief election officer;

“*election*” sign means a sign promoting a political party or a candidate for office in a federal, provincial, municipal or school trustee election or by-election, or for a cause or part in relation to a referendum or other voting;

“*General Voting Day*” means:

the third Saturday of October in the year of a general local election; [Bylaw No. 511, 2017]

the Saturday set for a by-election or other voting under the *Local Government Act*;

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“other voting” means voting under Part 4 of the *Local Government Act* [assent of the electors/referendum]; and

“Village” means the Village of Lions Bay.

- 1.4 Words and phrases in this Bylaw shall be interpreted consistently with the *Local Government Act* and the Interpretation Act. Any reference to a statute in this Bylaw refers to a statute of the Province of British Columbia, and a reference to an enactment includes the enactment as amended or replaced from time to time. Headings are for convenience only and do not limit, expand or modify the scope of any provisions herein. If any part, section, subsection or paragraph of this bylaw is held to be invalid by a court of competent jurisdiction, it shall be severed and the remainder of the bylaw shall remain valid and in effect.

## **PART 2 - REGISTRATION OF ELECTORS**

- 2.1 The most current provincial list of voters prepared under the *Election Act* that is available at the time of an election or other voting shall become the register of resident electors for the Village for such election or other voting.
- 2.2 The Provincial list of voters shall become the register of resident Electors no later than 52 days before General Voting Day for any election or other voting held in the municipality.

## **PART 3 – GENERAL PROCEDURES**

### **Proceedings Before the Poll**

- 3.1 The Chief Election Officer will order ballot papers and other supplies for the purposes of the Election and will see to the provision of ballot boxes and polling booths, the rental of necessary premises and all other physical arrangements for the holding of the Election. The Chief Election Officer will arrange for polling clerks to efficiently and expeditiously conduct the Election.

### **Access to Documents**

- 3.2 Subject to restrictions under the *Local Government Act*, public access to nomination documents will be available via the internet or other electronic means. [Bylaw No. 511, 2017]

### **Additional General Voting Opportunities**

- 3.3 The Chief Election Officer may establish additional voting opportunities for General Voting Day for each election or for other voting, and for this purpose may:
- (a) designate the location of voting places, and
  - (b) set the voting hours, up to 8 p.m. on General Voting Day.

### **Required Advance Voting Opportunities**

- 3.4 An advance voting opportunity will be held on the 10<sup>th</sup> day (Wednesday) before General Voting Day, between the hours of 8 a.m. and 8 p.m.
- 3.5 Pursuant to section 107 (2) of the *Local Government Act*, no other advance voting opportunity will be held. [Bylaw No. 511, 2017]

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**PART 4 - MAIL BALLOT AUTHORIZATION & PROCEDURE**

**Mail Ballot Authorization**

- 4.1 An elector who:
- (a) has a physical disability, illness, or injury that affects their ability to vote at another voting opportunity; or
  - (b) expects to be absent from the Village of Lions Bay on General Voting Day and at the times of all advance voting opportunities
- may vote by mail ballot in accordance with this Bylaw.
- 4.2 A person applying to vote by mail ballot may also apply to register as an elector in conjunction with voting by mail ballot.

**Mail Ballot Application Procedure**

- 4.3 A person wishing to vote by mail ballot, and to register as an elector for that purpose, must apply by giving their name and address to the Chief Election Officer during the period commencing twenty-six (26) days before General Voting Day and ending at 4:00 pm on the Monday before General Voting Day. [Bylaw No. 511, 2017]
- 4.4 Upon receipt of a request for a mail ballot, the Chief Election Officer will, between the day after ballots are received from the printers and 4:00 pm on the Monday before General Voting Day, make available to the mail ballot applicant, a mail ballot package as specified in Section 110 of the *Local Government Act*. [Bylaw No. 511, 2017]
- 4.5 The Chief Election Office will record and make available for inspection, upon request by any person, the name and address of the person to whom the mail ballot package was issued.
- 4.6 It is the obligation of the applicant for a mail ballot to ensure that the completed certification envelope and ballot is received by the Chief Election Officer before the close of voting on General Voting Day.

**Mail Ballot Voting Procedure**

- 4.7 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.
- 4.8 After marking the ballot, the elector must:
- (a) place the ballot in the secrecy envelope provided and seal the secrecy envelope;
  - (b) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
  - (c) place the certification envelope, together with a completed elector registration application, if required, in the outer envelope, and then seal the outer envelope;
  - (d) 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.

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### Mail Ballot Acceptance or Rejection

- 4.9 Until 4 p.m. on the Thursday two days before General Voting Day, on receiving the outer envelope and its contents, the Chief Election Officer will, in the following order:
- (a) immediately record the date of receiving the outer envelope;
  - (b) open the outer envelope and remove and examine the certification envelope and if applicable, the application for registration as an elector; and
  - (c) mark the certification envelope as “accepted”, if satisfied as to:
    - i. the application for registration as an elector, if applicable;
    - ii. the identity and entitlement to vote of the elector whose ballot is enclosed; and
    - iii. the completeness of the elector’s certification,
  - (d) mark the certification envelope as “challenged” if not satisfied as to the requirements in subsections 4.9 (c) (i) and (ii) and shall:
    - i. attempt to contact the elector and request they provide evidence satisfactory to the CEO that the person is entitled to vote; and
    - ii. reject and not count in the election the challenged certification envelope and its contents unless the CEO is satisfied that the person is entitled to vote.
  - (e) advise the candidates, or their representatives, that they may review with the CEO and challenge, if applicable, under section 126 (2) of the *Local Government Act*, the certification envelopes with the CEO at 4 pm on the Thursday two days before General Voting Day, or as soon as possible thereafter, at a place specified by the CEO and, in the presence of at least one witness;
  - (f) in the event of any challenges under subsection 4.9 (e) above, the CEO shall follow the procedure in subsection 4.9 (d) (i) and (ii). [Bylaw No. 511, 2017]

### Custody and Counting of Mailed Ballots

- 4.10 Any certification envelopes received after 4 pm the Thursday two days before General Voting Day shall be dealt with in the same manner as specified in subsections 4.9 (a) through (d) and all certification envelopes will remain, unopened, in the custody of the Chief Election Officer until the close of voting on General Voting Day. [Bylaw No. 511, 2017]
- 4.11 After the close of voting on General Voting Day, unless the right of a person voting by mail ballot has been challenged and not resolved in favour of the person being permitted to vote, the Chief Election Officer will remove all secrecy envelopes from accepted certification envelopes and deposit the ballots inside the secrecy envelopes into the ballot box for mailed in ballots. [Bylaw No. 511, 2017]
- 4.12 If there are fewer than 25 accepted certification envelopes, the ballots contained therein shall be deposited into the ballot box for advance voting and that ballot box may then be opened and the ballots counted in accordance with Part 3, Division 14, of the *Local Government Act*. [Bylaw No. 511, 2017]

- 4.13 Any certification envelopes received after the close of voting on General Voting Day shall remain unopened and not counted in the election.
- 4.14 The Chief Election Officer will retain and treat all certification envelopes in the same manner as for a voting book.

## **PART 5 ELECTION ADVERTISING**

### **Use of Municipal Logos**

- 5.1 Other than as expressly authorized in writing by the Village, no person shall use or display on any election sign or other form of election advertising a logo, trademark or official mark, in whole or in part, that is owned or licensed by the Village.

### **Election Signs**

- 5.2 A person responsible for posting, erecting or otherwise displaying an election sign must ensure the sign:
- (a) is not illuminated and does not flash;
  - (b) does not obstruct or otherwise interfere with sight lines or movement of vehicles, pedestrians, cyclists or any other highway traffic, or obstruct the visibility of regulatory signs or other traffic control devices;
  - (c) is not attached to a utility pole or apparatus or a street light pole;
  - (d) is not posted on or attached to the Village Hall or other Village structure or located on the lot thereof;
  - (e) is not located or displayed within 100 metres of a building, structure or other place where voting proceedings are being conducted, on the day of such proceedings;
  - (f) as part of a structure, does not stand higher than 2.5 metres above the ground supporting the structure; or
  - (g) is not, on any single side, more than 3.0 square metres in area. [Bylaw No. 511, 2017]
- 5.3 A person must not post, erect or display an election sign earlier than 30 days before the date of a General Voting Day, and must remove any such signs within 72 hours after General Voting Day.
- 5.4 Sections 5.2 and 5.3 do not apply to the Village. [Bylaw No. 511, 2017]

## **PART 6 VOTING PLACE PROCEDURES**

- 6.1 As soon as an elector enters a voting place, he or she must proceed to an election official and follow any directions given by that official for producing identification, registering to vote, signing a written declaration, signing the list of electors or the voting book and obtaining assistance, as applicable.
- 6.2 After receiving a ballot, the elector must:
- (a) immediately proceed to a voting booth provided;

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- (b) while the ballot is screened from observation, mark it by making a cross or tick in the blank space opposite the name of the candidate or candidates for whom the elector wishes to vote; and
  - (c) in the case of other voting (on a bylaw or other matter for which the assent or an opinion of the electors is sought), place a mark beside either “yes” or “no” on the ballot;
  - (d) fold the ballot to conceal all marks made on it;
  - (e) deposit the ballot in the sealed ballot box to which the elector has been directed; and
  - (f) leave the voting place without delay.

### **Replacement of Spoiled Ballot**

- 6.3 If, before inserting the ballot into the ballot box, an elector determines that he or she has made a mistake when marking the ballot, the elector may request a replacement ballot by advising the presiding election official, who will then issue a replacement ballot to that elector, mark the original ballot as spoiled, and retain the spoiled ballot for return to the Chief Election Officer.

### **PART 7 CLOSE OF VOTING**

- 7.1 Ballots will be considered and counted manually, under the direction of the Chief Election Officer.  
[Bylaw No. 511, 2017]
- 7.2 If a recount is required it shall be conducted under the direction of the Chief Election Officer.

### **Resolution of Tie Vote**

- 7.3 In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with the *Local Government Act*.

<b>READ A FIRST TIME</b>	<b>May 6, 2014</b>
<b>READ A SECOND TIME</b>	<b>May 6, 2014</b>
<b>READ A THIRD TIME</b>	<b>June 17, 2014</b>
<b>ADOPTED</b>	<b>July 22, 2014</b>

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**Mayor**

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**Corporate Officer**

**Certified a true copy of  
Bylaw No. 474, 2014 as adopted.**

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**Corporate Officer**