

PEACE RIVER REGIONAL DISTRICT

Bylaw No. 2485, 2022

*A bylaw to establish election and
assent voting procedures.*

WHEREAS, pursuant to the *Local Government Act*, a local government may, by bylaw prescribe procedures applicable to elections and other voting;

AND WHEREAS, the Regional Board wishes to establish voting procedures and requirements under that authority;

NOW THEREFORE the Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

SECTION 1 – GENERAL PROVISIONS

1. This bylaw may be cited for all purposes as "Election and Assent Voting Bylaw No. 2485, 2022".
2. If any portion of this bylaw is declared invalid by a court, the invalid portion shall be severed and the remainder of the bylaw is deemed valid.
3. The headings used in this bylaw are for convenience only and do not form part of this bylaw, and are not to be used in the interpretation of this bylaw.
4. Any enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time.
5. Elections and Voting Procedures Bylaw No. 1825, 2008, and all amendments thereto, is hereby repealed.

SECTION 2 – PUBLIC ACCESS TO NOMINATION AND ENDORSEMENT DOCUMENTS

6. The Chief Election Officer must give public access to nomination documents on the official Peace River Regional District website from the time of delivery until thirty days after the declaration of the official election results.
7. The Chief Election Officer must give public access to elector organization endorsement documents on the official Peace River Regional District website from the time of delivery until thirty days after the declaration of the official election results.

SECTION 3 – VOTING DAY REGISTRATION ONLY

8. A person may register as an elector only at the time of voting for all elections and assent voting.

SECTION 4 – ADVANCE VOTING OPPORTUNITIES

9. At each election or other voting, in addition to the required advance voting opportunity held on the 10th day before general voting day, the second advanced voting opportunity required for all electoral areas with a population of more than 5,000 must be held on the 3rd day before general voting day.
10. The Chief Election Officer is authorized to establish additional advance voting opportunities to be held in advance of general voting day and may designate the dates, locations, and set the voting hours for these additional advance voting opportunities.

SECTION 5 – ADDITIONAL GENERAL VOTING OPPORTUNITIES

11. The Chief Election Officer is authorized to establish additional general voting opportunities that will be held, and may designate the dates, locations, and set the voting hours for these additional general voting opportunities, within the limits set out in the *Local Government Act*.

SECTION 6 – SPECIAL VOTING OPPORTUNITIES

12. The Chief Election Officer is authorized to establish special voting opportunities, and may designate the dates, locations, and set the voting hours for these special voting opportunities, within the limits set out in the *Local Government Act*.
13. If the Chief Election Officer, under Section 12, determines that special voting opportunities will be held, special voting opportunities may be established at health care facilities in the region, in which case, only:
 - a) those persons who have been admitted as residents or patients of the facility on the date of the special voting opportunity prior to the close of voting, and are qualified electors under the *Local Government Act*; and
 - b) those persons who are employed at the health care facility at which the special voting opportunity is held, at the time of the special voting opportunity,shall be permitted to vote at a special voting opportunity held in a health care facility.
14. Bedside voting is permitted and may be requested by any patient or resident of a health care facility in which a special voting opportunity is being held.
15. A voting station may be set up in health care facility in which a special voting opportunity is being held, to allow residents and patients who do not require bedside voting procedures, and employees, to cast their ballot.
16. The number of candidate representatives who may be present at a special voting opportunity is limited to one.

SECTION 7 – MAIL BALLOT VOTING

17. As authorized by the *Local Government Act*, voting may be done by mail ballot and registration for voting may be done in conjunction with mail ballot voting.
18. The Chief Election Officer is authorized to establish time limits in relation to voting by mail, including the locations and time limits that apply to the return of mail ballot packages, and the times and locations when certification envelopes may be opened prior to the close of voting on general voting day.
19. The Chief Election Officer is not responsible for failing to deliver a mail ballot package if a request for a mail ballot is not received by the time limit for requesting a mail ballot established under section 18 of this bylaw.
20. In this bylaw,
 - a) Applicant means an elector who wants to vote by mail and who makes a request for a mail ballot, either by phone, fax, email, or in person;
 - b) Authorized Person means a person that the applicant has authorized, on the applicant's behalf, to:
 - i. Pick up a mail ballot package; or
 - ii. Drop off a completed mail ballot package
 - c) Mail Ballot Register means the records that the Chief Election Officer must keep in relation to mail ballot voting that includes:
 - i. the name, address, and contact information for the person who requested a mail ballot;
 - ii. an indication of whether the applicant requests a resident elector mail ballot package or a non-resident mail ballot package,
 - iii. the method by which the mail ballot was requested (in person, by mail, fax, phone, or email);
 - iv. the date the request for a mail ballot was received;
 - v. the mail ballot delivery method option requested by the applicant:
 - in person pick up by applicant
 - in person pick up by authorized person
 - by regular mail to the applicant, to their residential address, or an address provided by the applicant different than the residential address
 - by courier, at the applicants expense;
 - vi. the name of the authorized person on behalf of the mail ballot voter to pick up or return a mail ballot package;
 - vii. the date the mail ballot package was issued, and the method by which the mail ballot package was delivered to the applicant;
 - viii. the date the mail ballot package was returned;
 - ix. whether or not the mail ballot certification was accepted or rejected;

21. The Chief Election Officer shall maintain, and make available for public viewing upon request, a Mail Ballot Register that is sufficient to permit a challenge of an elector's right to vote in accordance with the intent of the *Local Government Act*.

SECTION 8 – MAIL BALLOT VOTING PROCEDURES

22. Any elector may apply for a mail ballot package by telephone, fax, email, or in person at any Peace River Regional District Office, from the time an Election by Voting is declared until 4:00pm on the day before general voting day.
23. The Chief Election Officer, or designate, upon receipt of a mail ballot package request, shall:
 - a) Verify that the applicant is eligible to vote as a resident or non-resident voter;
 - b) As soon as practically possible, prepare a mail ballot package, for either a resident or non-resident voter, that complies with the required content provisions for a mail ballot package contained in the *Local Government Act*;
 - c) Deliver the mail ballot package to the applicant, via the method requested by the applicant;
 - i. The Chief Election Officer may request that an authorized person show identification and sign a form before releasing the mail ballot package in the name of an applicant, to an authorized person
 - d) Update the mail ballot register.
24. If, 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 package in the elector's name, the Chief Election Officer shall comply with the *Local Government Act, s.127*.
25. The applicant, upon receipt of the mail ballot package, to vote by mail, shall:
 - a) Mark their ballot(s) in accordance with the instructions contained in the mail ballot package;
 - b) Place each ballot inside the secrecy envelope provided for the ballot and seal the secrecy envelope;
 - c) Place the secrecy envelope inside the certification envelope provided for that ballot, and seal the certification envelope;
 - d) Complete each certification envelope and declaration in accordance with the instructions contained in the mail ballot package;
 - e) Place the certification envelope(s), the application for mail ballot registration, and any additional information required for registration including proof of property ownership and non-resident property elector consent form, as applicable, in the outer envelope, and seal the outer envelope;
 - f) Mail, or have otherwise delivered, the outer envelope and its contents to the Chief Election Officer by no later than the close of voting on general voting day.

26. The Chief Election Officer, upon receipt of the returned sealed mail ballot package, shall:
- a) Record the date of receipt of the returned sealed mail ballot package in the mail ballot register;
 - b) In the presence of at least one other person; open the mail ballot package and examine the certification envelope and any additional documentation submitted by the elector to determine if the Chief Election Officer is satisfied as to the identity and residency of the elector, and their entitlement to vote;
 - c) Mark the certification envelope as either accepted, rejected, or awaiting additional information, and record the mail ballot package status in the mail ballot register;
 - d) If the Chief Election Officer identifies the returned mail ballot package as missing information, the Chief Election Officer shall contact the applicant to advise them of any outstanding requirements that must be met in order to register to vote and vote by mail, to provide the applicant with the opportunity to provide the missing information or documentation which must be received by the Chief Election Officer prior to the close of voting on general voting day in order to allow the mail ballot to be considered for acceptance;
 - e) Retain all unopened certification envelopes until:
 - i. the time specified under Section 18 of this bylaw when accepted certification envelopes will be opened and secrecy envelopes placed into a ballot box; or
 - ii. the close of voting on general voting day, whichever is earlier;
 - f) At the pre-determined time set by the Chief Election Officer under Section 18 of this bylaw, or the close of voting, or both, finalize acceptance or rejection of all certification envelopes; open all certification envelopes marked as accepted and place the secrecy envelopes into a sealed ballot box;
 - g) Retain all opened accepted certification envelopes, and all unopened rejected certification envelopes, until destruction is permitted under the *Local Government Act*; for the purpose of retention of election materials, certification envelopes and the mail ballot register shall be treated in the same manner as a voting book.
 - h) At the close of voting on general voting day, the Chief Election Officer shall supervise the election officials who are directed to open the sealed ballot boxes containing mail ballot secrecy envelopes, open each secrecy envelope, and commence counting procedures in accordance with the *Local Government Act*.

SECTION 9 – RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

27. 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 provisions of the *Local Government Act*.

READ A FIRST TIME this 12th day of May, 2022.

READ A SECOND TIME this 12th day of May, 2022.

READ A THIRD TIME this 12th day of May, 2022.

ADOPTED this 12th day of May, 2022.

Original signed by

Brad Sperling, Chair

(Corporate Seal has been affixed to the original bylaw)

Original signed by

Tyra Henderson,
Corporate Officer

I hereby certify the foregoing to be a true and correct copy of
"Election and Assent Voting Bylaw No. 2485, 2022"
as adopted by the Peace River Regional District
Board on May 12, 2022.

Original signed by

Tyra Henderson, Corporate Officer