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DISTRICT OF LOGAN LAKE

BYLAW NO. 832, 2018

A bylaw to provide for the conduct of Local Government Elections, By-elections and Other Voting in the District of Logan Lake.

WHEREAS pursuant to the provisions of the *Local Government Act*, Council may by bylaw, determine various procedures and requirements to be applied in the conduct of Local Government Elections, By-elections and Other Voting;

AND WHEREAS Council wishes to establish various procedures and requirements for the conduct of Local Government Elections, By-elections and Other Voting;

NOW THEREFORE the Council of the District of Logan Lake, in open meeting assembled enacts as follows:

1. Title

This bylaw may be cited as "District of Logan Lake Election Procedures Bylaw 832, 2018.

2. Definitions

In this bylaw the following definitions apply:

Bylaw Enforcement Officer means the officer(s) or employee(s) appointed by the Council of the District of Logan Lake;

Chief Election Officer means the person appointed by the Council of the District of Logan Lake in the year of the said election;

Council means the Council of the District of Logan Lake;

Deputy Chief Election Officer means the person appointed by the Council of the District of Logan Lake in the year of the said election;

District means the District of Logan Lake;

Election Headquarters means the Fire Hall located at 120 Chartrand Place, Logan Lake, BC, or other location where voting procedures are being conducted at the discretion of the Chief Election Officer;

Election Officials means the persons so appointed by the Chief Elections Officer to assist in the conduct of the elections;

Election Event Sign means a sign erected for a specified period of time announcing or advertising an election related event of limited duration, including but not limited to campaign rallies, all candidate meetings, vote information and voting place locations;

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 and/or other voting opportunity conducted within the District of Logan Lake;

Elector means a resident elector or non-resident property elector of the District of Logan Lake;

General Local Government Election means the election for the office of Mayor and all Councillors of the District, which must be held in October 2018, and every fourth year thereafter, in October;

General Voting Day (GVD) 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 Elections Officer in accordance with the *Local Government Act*; and

Mail Ballot Voting means the opportunity to vote by mail ballot for:

- (a) persons who have a physical disability, illness or injury that affects their ability to vote in another voting opportunity; and
- (b) persons who expect to be absent from the municipality on general voting day and at the times of all advance voting opportunities;

Other Voting means voting on a matter referred to in Part 4, Division 1 of the *Local Government Act*.

3. Application

This bylaw applies to all District elections, by-elections and/or other voting opportunities required or permitted to be held under the *Local Government Act*.

4. List of Electors

For the purpose of this bylaw, the District's List of Electors as prepared and maintained under the direction of the Chief Elections Officer shall be used in the conduct of all District elections, by-elections or Other Voting opportunities.

5. Additional General Voting Opportunities

The Chief Elections Officer may:

- (a) establish additional voting opportunities for General Voting Day for each election and other voting opportunity; and
- (b) designate the voting places and voting hours, within the limits outlined in the *Local Government Act*, for additional general voting opportunities.

6. Advance Voting Opportunities

Advance voting opportunities must be held, for each election and/or other voting on the 10th day before General Voting Day from 8:00 am to 8:00 pm.

7. Additional Advance Voting Opportunities

An additional advance voting opportunity for all qualified electors and to accommodate the Teck Highland Valley Copper mine employees, shall be determined by the Chief Elections Officer in the year of the said election, by-election or other voting opportunity.

8. Mail Ballot Voting

8.1 Authorization

An elector who:

- (a) has a physical disability, illness or injury that affects their ability to vote in another voting opportunity;
or
- (b) expects to be absent from the municipality on General Voting Day and at the times of all advance voting opportunities, may vote by mail ballot.

8.2 Application Procedure

- (a) A person wishing to vote by mail ballot may apply in writing by providing their name and address to the Chief Elections Officer, during the period commencing seven (7) days before the first day of advance voting and ending at 4:00 pm on the date two (2) days before General Voting Day;
- (b) Upon receipt of a request for a mail ballot, the Chief Elections Officer shall, between the first day of advance voting and 4:00 pm on the date two (2) days before the General Voting Day:
 - (i) make available to the applicant by mail or in person, a mail ballot package containing the ballots,

- forms, envelopes and other documents required under the *Local Government Act*, and
- (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.

8.3 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 Elections 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; and
 - (iv) mail or have delivered, the mail ballot package to the Chief Elections Officer at election headquarters so that it is received no later than the close of voting on General Voting Day.

8.4 Ballot Acceptance or Rejection

- (a) upon receipt of mail ballot packages before the close of voting on General Voting Day, the Chief Elections Officer shall record the time and date of its receipt and shall examine the certification envelope;
- (b) If the Chief Elections Officer is satisfied as to:
 - (i) the identity and entitlement to vote of the elector whose ballot is enclosed; and
 - (ii) the completeness of the certification, shall mark the certification envelope as “accepted” and shall mark the voting book to indicate that the elector has voted;
- (c) The unopened certification envelopes marked as “accepted” shall remain in the custody of the Chief Elections Officer until the close of voting on General Voting Day, at which time the Chief Elections Officer shall, in the presence of at least one other election official, in addition to any scrutineers present:
 - (i) open the certification envelopes;
 - (ii) place the unopened secrecy envelopes together in a ballot box;
 - (iii) open the secrecy envelopes; remove the ballots within and mix them into the existing ballots;
- (d) The Chief Elections Officer shall retain all certification envelopes together with the voting books and for the purposes of document retention and destruction, shall treat the certification envelopes in the same manner as a voting book;
- (e) If:
 - (i) upon receipt of a mail ballot package, the Chief Elections Officer is not satisfied as to the identity of the elector whose ballot is enclosed or the completeness of the certification; or
 - (ii) the mail ballot package is received by the Chief Elections Officer after the close of voting on General Voting Day, the certification envelopes shall remain unopened and the Chief Elections Officer shall mark such envelope as “rejected” and shall note the reasons for the rejection.
- (f) Any certification envelopes and their contents rejected in accordance with Section (e) above, shall remain unopened and shall not be counted in the election.

8.5 Challenge of Elector

Between the time an elector requests a mail ballot package and the time that a mail ballot package is hand delivered or mailed to the elector requesting it, the elector’s right to vote may be challenged in accordance with *Local Government Act*.

8.6 Replacement of Spoiled Ballot

- (a) Where an elector unintentionally spoils a mail ballot before returning it to the Chief Elections Officer, the elector may request a replacement ballot by advising the Chief Elections Officer of the spoiled

- ballot and by mailing or otherwise delivering by an appropriate means, the spoiled ballot package in its entirety to the Chief Elections Officer at election headquarters.
- (b) The Chief Elections Officer shall, upon receipt of the spoiled mail ballot package, record such fact and issue a new mail ballot package to the elector.

9. Order of Names on the Ballot

The names of candidates on the ballots must be arranged alphabetically by their surnames; and if 2 or more candidates have the same surname, the names of those candidates must be arranged alphabetically in or order of their first given names.

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 the requirements of the *Local Government Act*.

11. Signs

11.1 Signs on Municipal Property

Election signs and/or posters for declared 'Candidates', are permitted on municipal boulevards excluding parks, public facilities and/or buildings; but are not permitted across any street, curb or sidewalk, or on any post, pole, traffic control or street sign, fire hydrant or fence."

11.2 Signs on Private Property

Any election signs on private property must comply with the provisions of this bylaw and can only be erected or placed on private property with the owner's permission.

11.3 General Regulations

- (a) Election signs for the purpose of a General Local Government Election, by-election and/or other voting opportunity, are permitted on private and public property only within the municipal election period beginning with the start of the nomination period and ending following General Voting Day;
- (b) A person or unincorporated organization must not display any election signs or election event signs within 100 meters of the election headquarters where voting procedures are being conducted at the time;
- (c) All election signs are permitted only if they do not obscure the line of vision from a street, access road or sidewalk to incoming traffic. The line of vision shall be measured at a distance of 8.0 meters back along both abutting and intersecting streets along the abutting property lines;
- (d) An election event sign shall:
- (i) be placed so as not to obstruct, hinder or in any way interfere with the use by drivers of motor vehicles and pedestrians on abutting streets or walkways;
 - (ii) shall not exceed an area of 3.0 m² or a maximum height of 2.5 m; and
 - (iii) remain only for the period that the election event is scheduled.

12. Enforcement and Offences

12.1 The Chief Elections Officer is hereby authorized to enforce the provision of this bylaw;

12.2 The Chief Elections Officer may order the removal of a sign which does not conform to this bylaw and upon removal will:

- (i) make a reasonable attempt to identify and notify the candidate or owner of the sign;
- (ii) store the sign for a period of one week;
- (iii) following the expiration of the one week period, destroy or otherwise dispose of the sign.

12.3 Upon direction by the Chief Elections Officer, the Bylaw Enforcement Officer shall have the right of entry

and may enter onto any land at all reasonable hours in order to ascertain whether the provisions of this bylaw are being carried out.

12.4 No person shall interfere with or obstruct the entry of any authorized District representative onto any land to which entry is made or attempted pursuant to the provisions of this bylaw.

13. Penalties and Offences

13.1 Every person who violates any of the provisions of this bylaw or suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or who refrains from doing anything required by the bylaw shall be deemed to be guilty of an infraction thereof and liable to the penalties imposed.

13.2 Every person who violates a provision of this bylaw commits an offence and is liable for payment of the following penalties:

(i) Signs on public property (11.1)	\$25.00
(ii) Signs on private property without permission (11.2)	\$25.00
(iii) Signs on property outside of the municipal election period (11.3(a))	\$25.00
(iv) Signs on property within 100 meters of election headquarters where voting procedures are being conducted (11.3(b))	\$50.00
(v) Signs obstructing a line of vision (11.3(c))	\$50.00
(vi) Signs not removed after election period (11.3(d))	\$50.00

14. General and Effective Date

14.1 District of Logan Lake Election Bylaw 683, 2011 and all amendments thereto are hereby repealed.

14.2 This bylaw shall come into full force and effect upon adoption.

READ A FIRST AND SECOND TIME this 13th day of March, 2018.

READ A THIRD TIME this 13th day of March, 2018.

RECONSIDERED AND ADOPTED this 27th day of March, 2018.

Mayor (R. Smith)

M. Miles (Corporate Officer)

INDEX OF AMENDING BYLAWS

Note to Users

“WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of adoption of the original and all amending bylaws”, pursuant to ‘Authority to Consolidate Municipal Bylaws No. 655, 2009’, which was adopted on the 3rd day of November, 2009.

Certified a true and correct copy this ____ day of _____, 20__.

Corporate Officer
District of Logan Lake