



THE CORPORATON OF THE VILLAGE OF FRASER LAKE ELECTIONS BYLAW No. 834, 2022

A bylaw to provide for the determination of various procedures for the conduct of local government elections and other voting.

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

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

NOW THEREFORE, the Council of The Corporation of The Village of Fraser Lake, in an open meeting assembled, enacts as follows:

1. Citation:

This Bylaw may be cited for all purposes as "The Corporation of the Village of Fraser Lake Elections Bylaw No.834, 2022."

2. Definitions:

For the purpose of this By-law:

- (a) Election means an election for the number of persons required to fill a local government office;
- (b) Elector means a resident elector or property elector of the jurisdiction as defined under the Local Government Act;
- (c) Register of Mail Ballots means the records that the Chief Election Officer must keep in order to address any challenges to an elector's right to vote.

3. Registration:

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

4. Advance Voting Opportunities:

In addition to the required advanced voting opportunities on the 10th day before general voting, the following days shall be designated as additional advanced voting opportunities:

- (a) The 3rd day before general voting day between 8:00 am and 8:00 pm at the Municipal Hall or such other voting place or voting time as may be designated by the chief election officer.

There is no advanced voting day designated pursuant to section 107(2).

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5. Special Voting Opportunities:

- (a) The Chief Election Officer will hold a special voting opportunity at 199 Langley Avenue on the general voting day between 12:00 pm and 1:00 pm or such other time as may be designated by the Chief Election Officer.
- (b) Only electors who are residents of the senior citizen's facility located at 199 Langley Avenue may vote at the special voting opportunity.
- (c) The number of scrutineers who may be present at a special voting opportunity is limited to one per candidate.

6. Order of names on ballot:

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

7. Number of scrutineers at voting places:

The number of scrutineers for each candidate that may attend an election is one (1) scrutineer for each ballot box in use at that time for receiving ballots for that election.

8. Mail Ballot Voting:

- (a) As authorized under section 110 of the *Local Government Act*, voting and elector registration may be done by mail.
- (b) The Register of Mail Ballots will be kept by the Chief Election Officer.
- (c) The time limits in relation to voting by mail will be determined by the Chief Election Officer.
- (d) As provided in section 110(d) of 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.

9. Application procedure:

- (a) A person wishing to vote by mail ballot must apply in writing by completing the mail ballot application form and providing it to the Chief Election Officer, during the period commencing on the closing date of the nomination period and ending at 4:00 pm 12 days before the general voting day.
- (b) Upon receipt of a request for a mail ballot, the Chief Election Officer must, between the period commencing at the first day of the nomination period and ending at 4:00 pm 12 days before the general voting day.
 - (i) Make available to the applicant by mail or in person, a mail ballot package containing:
 - 1. The content required under the *Local Government Act* section 110(7); and,
 - 2. A statement advising the elector must meet the eligibility criteria to vote and the elector must attest to such fact;

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- (ii) Immediately record in the Register of Mail Ballots and upon request, make available for inspection:
 - 1. the name and address of the person to whom the mail ballot package was issued; and,
 - 2. the number of the voting division in which the person is registered as an elector, or “new elector”, if that person is not on the register of electors;
 - 3. any other information the Chief Election Officer deems helpful to maintain the Register of Mail Ballots.

10. 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 Election Officer.
- (b) After marking the ballot, the elector must:
 - (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.

11. Ballot acceptance or rejection:

- (a) Upon receipt of mail ballot packages before 4:00 pm on the Thursday two (2) days before general voting day, the Chief Election Officer must record the date of its receipt in the Register of Mail Ballots and must examine the certification envelope.
- (b) If the Chief Election 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,the Chief Election Officer must mark the certification envelope as “accepted” and must mark the voting book to indicate the elector has voted.
- (c) The unopened certification envelopes marked as “accepted” must remain in the custody of the Chief Election Officer until the close of voting on general voting day, at which time the Chief Election Officer must, in the presence of at least one other election official, in addition to any scrutineers present:
 - (i) Open the certification envelopes;

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- (ii) Remove the secrecy envelopes from the certification envelopes;
 - (iii) Place the unopened secrecy envelopes into a ballot box.
- (d) The Chief Election Officer must retain all certification envelopes together with the voting books and for the purposes of document retention and destruction, and in order to deal with any challenges. The Chief Election Officer must treat the certification envelopes in the same manner as a voting book.
- (e) If:
- (i) Upon review of an outer envelope, the Chief Election Officer is not satisfied as to the identity of the elector whose ballot is enclosed or the completeness of the certification; or
 - (ii) 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 the *Local Government Act*, or
 - (iii) The outer envelope is received by the Chief Election Officer after the close of voting on general voting day,
- the certification envelope must remain unopened and the Chief Election Officer must mark such envelope as “rejected” and must note the reasons for the rejection.
- (f) Any certification envelopes and their contents rejected in accordance with Section 10(e) of this Bylaw must remain unopened, must not be counted in the election and must be subject to the provisions of section 160(8)(a) of the *Local Government Act* with regard to their destruction.
- (g) Upon receipt of mail ballot packages after 4:00 pm on the Thursday two (2) days before general voting day, the Chief Election Officer must retain all mail ballot packages until the close of general voting day and then process such mail ballot packages in accordance with section 11(b) to (f) of this Bylaw.

12. Challenge of an elector:

Between the time an elector requests a mail ballot package and the time that the mail ballot package is hand delivered or mailed to the elector requesting it, the elector’s right to vote may be challenged under Section 126 of the *Local Government Act*.

13. Electors name already used:

Upon receiving a request for a mail ballot, the Chief Election Officer determines that another person has voted or has been issued a mail ballot in the elector’s name, the provisions of Section 127 of the *Local Government Act* must apply

14. Replacement of a 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

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- Election Officer 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
- (b) The Chief Election Officer must, upon receipt of the spoiled ballot package, record such fact and issue a new mail ballot package to the elector
- (c) The request for a replacement ballot must fall within the timelines outlined in Section 8

15. Resolution of tie vote 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 Section 151 of the *Local Government Act*.

16. General:

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 must be severed and the decision that it is invalid must not affect the validity of the remainder which must continue in full force and effect and be construed as if the bylaw had been adopted without the invalid portion.

17. Repeals:

- (a) That Village of Fraser Lake Voting Day Registration Bylaw No. 637, 2005 and all amendments are repealed.
- b) That Village of Fraser Lake General Local Government Election Bylaw No. 636, 2005 and all amendments are repealed.
- c) That Village of Fraser Lake Mail Ballot Authorization and Procedure Bylaw No. 642, 2005 and all amendments are repealed.

READ A FIRST TIME ON THE 13 DAY OF APRIL, 2022

READ A SECOND TIME ON THE 13 DAY OF APRIL, 2022

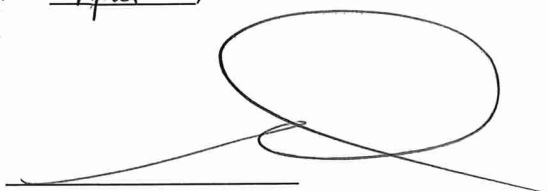
READ A THIRD TIME ON THE 13 DAY OF APRIL, 2022

ADOPTED BY COUNCIL ON THE 27 DAY OF April, 2022



Sarrah Storey
Mayor

Acting Mayor




Rodney J Holland
Corporate Administrative Officer

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I hereby certify that this is a true copy
of Bylaw 834, 2022 as adopted this

27 day of April 2022



RODNEY J HOLLAND, CAO

April 27, 2022

DATE