

**VILLAGE OF PEMBERTON
BYLAW No. 925, 2022**

A bylaw to establish procedures for the conduct of general local elections and other voting.

The Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS:**

PART 1: CITATION

1. This bylaw may be cited for all purposes as the “Village of Pemberton Election and Assent Voting Bylaw No. 925, 2022”.

PART 2: INTERPRETATION

- 2(1) In this Bylaw, a reference to a statute, regulation, or enactment refers to that enactment as amended or replaced from time to time.

- 2(2) In this Bylaw,

Applicant means an elector who makes a request for a mail ballot;

Authorized person means a person that the applicant has authorized, on the applicant’s behalf, to:

- a) pick up a mail ballot package; or
- b) drop off a completed mail ballot package.

Register of mail ballots means the records that the chief election officer must keep that will enable the chief election officer to address any challenges to an elector’s right to vote.

Village means the Village of Pemberton

- 2(3) The definitions contained in the *Local Government Act* shall apply in this bylaw.
- 2(4) If any part, section, sentence, clause, phrase, or word of this Bylaw is for any reason held to be invalid by a court of competent jurisdiction, the invalid portion will be severed and the remainder of the Bylaw deemed valid.

PART 3: GENERAL ELECTION PROCEDURES

Access to Nomination Documents

- 3(1) Nomination documents and elector organization endorsement documents will be made available for public inspection:
 - a) at the *Village* office during its regular office hours; and

b) on the *Village* website

from the time of delivery until thirty (30) days after the declaration of election results.

Voter registration

3(2) Registration of electors is limited to:

- a) registration at the time of voting or,
- b) by mail in conjunction with mail ballot voting.

Scrutineers

3(5) The following restrictions apply to scrutineers permitted under sections 120 and 181 of the *Local Government Act* to be present at a voting place:

- a) cellular phones may not be turned on; and
- b) other electronic devices may not be used.

Part 4: ADVANCE VOTING OPPORTUNITIES

4 (1) In addition to the advance voting opportunity on the tenth day before general voting day, a second advance voting opportunity shall be held on the third day before general voting day from 8:00am to 8:00pm at a location to be established by the chief election officer.

4 (2) The chief election officer may establish additional dates for voting opportunities in advance of general voting days and designate the voting places and voting hours for these voting opportunities.

Part 5: MAIL BALLOT VOTING

5 (1) Voting may be done by mail ballot.

5 (2) The chief election officer may establish time limits in relation to voting by mail in addition to those set out in this section.

Application Procedure

5 (3) An applicant shall apply for a mail ballot by giving their name and address to the chief election officer during the period:

- a) commencing fourteen (14) days before the first advance voting day; and
- b) ending at 4:00pm on general voting day.

5 (4) Upon the applicant making a request for a mail ballot, the chief election officer shall, between the time when the ballots are ready and 4:00pm on general voting day,

- a) make available to the applicant, a mail ballot package which contains:
 - i. the content set out in section 110(7) of the *Local Government Act*;
 - ii. additional instructions;
 - iii. a statement advising the elector that the elector must meet the eligibility criteria to vote; and
 - iv. a statement that the elector must attest to their eligibility to vote.
 - b) record in the register of mail ballots, and, upon request, make available for inspection:
 - i. the name and address of the elector to whom the mail ballot package was issued; and
 - ii. any other information that the chief election officer deems helpful to maintain the register of mail ballots.
- 5 (5) As per the applicant's direction, the chief election officer may distribute the mail ballot package in any of the following ways:
- a) sending the mail ballot package by Canada Post;
 - b) sending the mail ballot package by courier at the expense of the applicant;
 - c) having the mail ballot package picked up by the applicant at a designated time and location; or
 - d) having the mail ballot package picked up by an authorized person at a designated time and location.
- 5 (6) The chief election officer may request that the authorized person show identification and sign a form before providing the authorized person with the mail ballot package.

Voting Procedure

- 5 (7) To vote by a mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided by the chief election officer.
- 5 (8) After marking the ballot, the elector shall:
- a) place the ballot in the secrecy envelope provided and seal the secrecy envelope;
 - b) place the secrecy envelope in the certification envelope, 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, in the outer envelope, and then seal the outer envelope; and

- 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 by the chief election officer no later than the close of voting on general voting day.

Ballot Acceptance or Rejection

5 (9) Until 9:00am on the day before general voting day, the chief election officer shall, upon receipt of the mail ballot return envelope and its contents:

- a) immediately record the date of receipt in the register of mail ballots; and
- b) open the return envelope.

5 (10) When the chief election officer examines the mail ballot certification envelope, the chief election officer shall:

- a) confirm the identity of the elector as an applicant on the register of mail ballots;
- b) determine the fulfilment of the requirements in section 70 of *the Local Government Act* and the completeness of an application to register; and
- c) determine the completeness of the certification envelope.

5 (11) If the chief election officer is satisfied that the elector has met the requirements in section 5(10), the chief election officer shall:

- a) mark the certification envelope as “accepted”, and
- b) place the accepted certification envelope with the other accepted certification envelopes.

5 (12) If the chief election officer determines that:

- a) the chief election officer is not satisfied as to the identity of the elector; or
- b) the elector has not completed the application to register property,

the chief election officer shall mark the certification envelope as “rejected”, indicate the reason for the rejection and set aside the rejected certification envelope unopened.

5 (13) The chief election officer shall retain in their custody all accepted and unaccepted certification envelopes.

5 (14) After 9:00am on the day before general voting day, the chief election officer, in the presence of at least one (1) other person, including any candidate representatives, shall:

- a) deal with any challenges to the electors involving the accepted certification envelopes;

- b) open the certification envelopes;
 - c) remove the secrecy envelopes containing the ballots; and
 - d) place the secrecy envelope containing the ballot in the ballot box.
- 5 (15) If the chief election officer receives a return envelope with its contents after 9:00am on the day before general voting day but before the close of general voting, the chief election officer shall:
- a) handle those return envelopes in accordance with section 5(9) at the time that the chief election officer receives the return envelopes;
 - b) retain all certification envelopes until the close of general voting day;
 - c) process the accepted certification envelopes in accordance with sections 5(10) through 5(14) after the close of general voting day.
- 5 (16) As soon as possible after all the secrecy envelopes have been placed in the ballot box, in the presence of at least one (1) other person and any candidate representatives, the chief election officer shall supervise:
- a) the opening of the ballot box;
 - b) the opening of the secrecy envelopes, and
 - c) the counting of the ballots in accordance with the provisions of the *Local Government Act*.
- 5 (17) If the chief election officer receives a return envelope with its contents after the close of general voting day, the chief election officer shall:
- a) mark the return envelope as “rejected”;
 - b) indicate the reason why the return envelope was rejected on the return envelope; and
 - c) place the unopened return envelope with the other rejected return envelopes.

Challenge of Elector

- 5 (18) A person who qualifies under section 126 of the *Local Government Act* may challenge the right of a person to vote by mail ballot on the grounds set out in section 126 of the *Local Government Act* up until 9:00am on the day before general voting day.

Elector's Name Already Used

5 (19) 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 in the elector's name, the chief election officer shall comply with section 127 of the *Local Government Act*.

Replacement of Spoiled Ballot

5 (20) If an elector unintentionally spoils a mail ballot before returning it to the chief election officer, the elector may request a replacement ballot by:

- a) advising the chief election officer of the ballot spoilage; and
- b) mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the chief election officer.

5 (21) Upon receipt of the spoiled mail ballot package, the chief election officer shall record such fact and proceed in accordance with sections 5 (4) through 5 (6) of this Bylaw.

PART 6: RESOLUTION OF TIE VOTE AFTER JUDICIAL RECOUNT

6 (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*.

PART 7: REPEAL

7 (1) Village of Pemberton General Local Government Election Procedures Bylaw No. 831, 2018, is repealed.

READ A FIRST TIME this 26th day of April, 2022.

READ A SECOND TIME this 26th day of April, 2022.

READ A THIRD TIME this 26th day of April, 2022.

ADOPTED this 17th day of May, 2022.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer