



Village of Burns Lake

Bylaw No. 1048

Election and Voting Bylaw

Corporation of the Village of Burns Lake

Bylaw No 1048, 2022

A bylaw of the procedures to conduct a local government election 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 procedures and requirements under that authority;

NOW THEREFORE, the Council of the Village of Burns Lake, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as the “Corporation of the Village of Burns Lake Local Government Election and Voting Bylaw No. 1048, 2022

2. ADMINISTRATIVE PROVISION

This bylaw repeals Bylaw No. 925, 2011 and any amendments thereto.

3. DEFINITIONS

In this bylaw, the following definitions apply:

“acceptable mark” – an elector marks in the space provided on a ballot opposite the name of any candidate or opposite either “yes” or “no” on any question.

“ballot” means a ballot card, printed on one side, that includes:

- a. the names of all candidates for all contested offices in the election, and
- b. all questions.

“counting centre” means the area designated by the Chief Election Officer for the conduct of vote accumulation.

“elector” is a resident or property elector of the jurisdiction as defined in the *Local Government Act*.

“general voting” means voting proceedings at required general voting opportunities and additional general voting opportunities and, if applicable, those proceedings as adjourned under section 62 of the *Local Government Act*.

“special voting opportunity” as authorized under section 109 of the *Local Government Act*

4. MINIMUM NUMBER OF NOMINATORS

- a. The minimum number of qualified nominators required to nominate for office as a council member is two (2).

5. ELECTOR REGISTRATION – VOTING DAY ONLY

- a. A person may register as an elector only when voting for all elections.

6. ADVANCED VOTING OPPORTUNITIES

6-1 REQUIRED ADVANCED VOTING OPPORTUNITIES

- a. One advanced voting opportunity will be held for each general local election on the 10th day before general voting day.

6-2 ADDITIONAL ADVANCED VOTING OPPORTUNITIES

- a. The Chief Election Officer may:
 - i. Establish additional voting opportunities to be held in advance of the general voting day; and
 - ii. Designate the voting places and set the voting hours for these opportunities.

7. SPECIAL VOTING OPPORTUNITIES

The Chief Election Officer may establish the dates, location and voting hours within limits set out in the *Local Government Act* for special voting opportunities. The number of candidate representatives who may be present at a special voting opportunity is limited to one (1).

7-1 VOTING AT SPECIAL OPPORTUNITIES

Electors may only vote at a special voting opportunity if they:

- a. Are residents or patients of a hospital care facility or similar facility located within the municipality.

8. MAIL BALLOT VOTING

As authorized under section 110 of the *Local Government Act*, [and elector registration]. The following procedures for voting [and elector registration] must apply. Section 110(1)

8-1 MAIL BALLOT APPLICATION PROCESS

- a. A person wishing to vote by mail ballot may apply in writing to the Chief Election Officer using the mail ballot application form. The completed form must be submitted to the Chief Election Officer:
 - 1. By mail during the period commencing on the closing date of the nomination period and ending at 4:00 pm, twelve (12) days before the general voting day.

2. In-persons request and pick up of ballot commencing on the closing date of the nomination period and ending at 4:00 pm, one (1) day before the general voting day.
- b. Upon receipt of a request for a mail ballot, the Chief Election Officer shall:
- Make available to the applicant by mail or in person a mail ballot package containing:
 - I. the ballot or ballots the elector is entitled
 - II. a secrecy envelope
 - III. a certification envelope
 - IV. if permitted by the bylaw under subsection (1) and application for registration as an elector
 - V. instructions as to how to vote by mail ballot
 - The Chief Election Officer or designate must immediately record, and upon request, make available for inspection the record of the name and address of the person to whom the mail ballot package was issued.

8-2 MAIL BALLOT VOTING PROCEDURE

- a. To vote using a mail ballot, the elector shall mark the ballot per the instructions in the mail ballot package provided by the Chief Election Officer.
- b. After marking the ballot, the elector shall:
 - i. Place the ballot in the secrecy envelope provided and seal the secrecy envelope;
 - ii. Place the secrecy envelope in the certification envelope, complete and sign the certification printed on such envelope, and seal the certification envelope;
 - iii. Place the certification envelope in the outer envelope, then seal the outer envelope;
 - iv. Mail or deliver the outer envelope and contents to the Chief Election Officer at the address specified so that it is received before 8:00 pm on general voting day.

8-3 MAIL BALLOT ACCEPTANCE

- a. Upon receipt of the outer envelope, the Chief Election Officer must immediately:
 - I. Record the date of such receipt;
 - II. Open the outer envelope;
 - III. Remove and examine the certification envelope and the completed elector registration application, if applicable, **and**

If 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 shall mark the certification envelope as “accepted” and shall mark the voting book to indicate the elector has voted.

- b. The unopened certification envelopes marked as “accepted” shall remain in the custody of the Chief Election Officer until the close of voting on general voting day. At that time, the Chief Election 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 into a ballot box; and
 - III. Open the secrecy envelopes and remove the ballots within.
- c. The Chief Election Officer shall retain all certification envelopes with the voting books for document retention and destruction and to deal with any challenges. The Chief Election Officer shall treat the certification envelopes in the same manner as a voting book.

8-4 MAIL BALLOT REJECTION

Upon review of an outer envelope, if the Chief Election Officer:

- a. is not satisfied as to the identity of the elector whose ballot is enclosed or the completeness of the certification; or
- b. the application for registration of an elector has not been completed in accordance with the Local Government Act; or
- c. the outer envelope is received by the Chief Election Officer after the close of voting on the general voting day.

The certification envelope shall remain unopened, and the Chief Election Officer shall mark such envelope as “**rejected**” and note the reasons for the rejection.

Any rejected certification envelopes and their contents shall remain unopened and placed with other rejected envelopes.

8-5 MAIL BALLOT - CHALLENGE OF ELECTOR

- a. 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*.

8-6 ELECTOR'S NAME IS ALREADY USED

- a. 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*.

8-7 MAIL BALLOT – REPLACEMENT OF SPOILED BALLOT

If an elector:

- a. unintentionally spoils a mail ballot before returning it to the Chief Election Officer; **and**
- b. gives the spoiled ballot package in its entirety to the Chief Election Officer; the elector may request a replacement ballot.

9 ORDER OF NAMES ON THE BALLOT

- a. The names of the candidates must be arranged alphabetically by their surnames, and
- b. If two (2) or more candidates have the same surname, their names must be arranged alphabetically in order of their first given names.

10 NUMBER OF SCRUTINEERS AT VOTING PLACES

- a. The number of scrutineers for each candidate that may attend an election is one (1) scrutineer for each ballot box in use.
- b. In addition to the restrictions and conditions outlined in Section 102 of the *Local Government Act*, the Corporation of the Village of Burns Lake hereby requires that:
 - i. Scrutineers permitted under this bylaw to be present at a voting place shall remain in an area as indicated by the Chief Election Officer so as not to interfere with the election process.
 - ii. Scrutineers shall be in an area where observance of the election procedures and ballot boxes is unimpeded.

11 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*.


The Corporation of the Village of Burns Lake Election Bylaw No. 925, 2011 is hereby repealed.

READ A FIRST TIME **June 21, 2022**


READ A SECOND TIME **June 21, 2022**

READ THIRD TIME on **June 21, 2022**

ADOPTED on **June 23, 2022**



Mayor



Corporate Officer

Certified to be a true copy of the Corporation of the Village of Burns Lake Election and Voting Bylaw No. 1048, 2022.

