

**THE CORPORATION OF THE
CITY OF WHITE ROCK
BYLAW 1849**



A Bylaw to establish authorization for Mail Ballot and Procedures for Elections.

The Council of the City of White Rock, in an open meeting, enacts as follows:

1. CITATION

- 1.1 This bylaw may be cited as “Mail Ballot Authorization and Procedure Bylaw No. 1849”.

2. AUTHORIZATION

- 2.1 Voting by mail ballot and elector registration by mail in conjunction with mail ballot voting are authorized.
- 2.2 In accordance with the provisions of Section 100(2) of the *Local Government Act* the only electors who may vote by mail ballot are:
- (a) persons who have a physical disability, illness or injury that affects their ability to vote at 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.
- 2.3 Once a mail ballot package has been accepted, that voter may only vote by mail in ballot.

3. APPLICATION PROCEDURE

- 3.1 A person wishing to vote by mail ballot must complete an Application for Mail Ballot form including giving their name and address to the Chief Election Officer or to the person designated by the Chief Election Officer for such purposes, during the period commencing seven (7) days before the first day of advance voting, and ending at 4:00 p.m. on the Thursday two days before general voting day.

- 3.2 Upon receipt of a request for a mail ballot, the Chief Election Officer or designate must, between the first day of advanced voting and 4:00 p.m. on the Thursday two days before general voting day:
- a) make available to the applicant, a mail ballot package as specified in Section 100(7) of the *Local Government Act*, together with a statement advising the elector that the elector must meet one or more of the mail ballot requirements specified in subsection 2.2 of this bylaw, and that they must attest to such fact; and
 - b) immediately record and, upon request, make available for inspection:
 - i) the name and address of the person to whom the mail ballot package was issued; and
 - ii) information as to whether the person is registered as an elector, or is a “new elector”, if that person is not on the register of electors.

4. VOTING PROCEDURE

- 4.1 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.
- 4.2 After marking the mail ballot, the elector must:
- a) place the mail ballot in the secrecy envelope provided, and seal the secrecy envelope;
 - b) place the secrecy envelope in the certification envelope, and 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, if required, 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 no later than the close of voting on General Voting Day.

5. MAIL BALLOT ACCEPTANCE OR REJECTION

- 5.1 Until 4:00 p.m. on the Thursday two days before general voting day, upon receipt of the outer envelope and its contents, the Chief Election Officer or designate must immediately record the date of such receipt and must then open the outer envelope and remove and examine the certification envelope and the completed elector registration application, if applicable, and if satisfied as to:
- a) the identity and entitlement to vote of the elector whose mail ballot is enclosed; and
 - b) the completeness of the certification; and
 - c) the fulfillment of the requirements of Section 55 of the *Local Government Act* in the case of a person who is registering as a new elector;

the Chief Election Officer or designate must mark the certification envelope as “accepted”, and must retain all such certification envelopes in secure custody to deal with any challenges made in accordance with Section 6 of this bylaw.

- 5.2 The unopened certification envelopes must remain in the secure custody of the Chief Election Officer or designate until 4:00 p.m. on the Thursday two days before general voting day, at which time the certification envelopes containing the secrecy envelopes must be opened in the presence of at least one other person, including any scrutineers present.
- 5.3 At 4:00 pm on the Thursday two days before general voting day, the Chief Election Officer or designate must place all secrecy envelopes received up until that time into a ballot box specified for such purpose, where such secrecy envelopes were received from persons whose right to vote using a mail ballot has not been challenged, or where such challenge has been resolved and the challenged person permitted to vote.
- 5.4 Where an outer envelope and its contents are received by the Chief Election Officer or designate between 4:00 p.m. on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of Section 5.1 of this bylaw with regard to ballot acceptance must apply and the Chief Election Officer or designate must retain such envelope in secure custody until the close of voting and at that time must open such certification envelopes in the presence of at least one other person, including any scrutineers present, and place the secrecy envelope containing the ballot into the ballot box containing the other unopened secrecy envelopes.

5.5 As soon as possible after all of the secrecy envelopes have been placed in the ballot box designated for that purpose, the ballot box must be opened under the supervision of the Chief Election Officer or designate, and in the presence of at least one other person and any scrutineers present, the secrecy envelopes must be opened and the ballots contained therein counted in accordance with the provisions of the *Local Government Act*.

5.6 Where:

- a) upon receipt of an outer envelope, the Chief Election Officer is not satisfied as to the identity of the elector whose mail ballot is enclosed; or
- b) 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 Section 56 of the *Local Government Act*; or
- c) 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 his/her reasons for doing so, and the mail ballot contained in such envelope must not be counted in the election.

5.7 Any certification envelopes and their contents rejected in accordance with Section 5.6 of the bylaw must remain unopened and are subject to the provisions of Section 150(6) the *Local Government Act* with regard to their destruction.

6. CHALLENGE OF ELECTOR

6.1 A person exercising the right to vote by mail ballot may be challenged in accordance with, and on the grounds specified in Section 116 of the *Local Government Act* until 4:00 p.m. on the Thursday two days before general voting day.

6.2 The provisions of Section 116(2) to (5) of the *Local Government Act* apply, so far as applicable, where a challenge of an elector using a mail ballot has been made.

7. ELECTOR'S NAME ALREADY USED

7.1 Where, 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 that elector's name, the provisions of Section 117 of the *Local Government Act* apply, so far as applicable.

8. REPLACEMENT OF SPOILED BALLOT

- 8.1 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 Election Officer or designate of the ballot being spoiled and by mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer or designate.
- 8.2 The Chief Election Officer must, upon receipt of the spoiled ballot package, record such fact, and proceed in accordance with Section 3.2 of this bylaw.

RECEIVED FIRST READING on the	14 th	day of	July, 2008.
RECEIVED SECOND READING on the	14 th	day of	July, 2008.
RECEIVED THIRD READING on the	14 th	day of	July, 2008.
RECONSIDERED AND FINALLY ADOPTED on the	28 th	day of	July, 2008.

MAYOR

CITY CLERK