

District of West Vancouver



## **General Local Elections Regulations Bylaw No. 4447, 2005**

Effective Date – July 28, 2005

### **Consolidated for Convenience Only**

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

**Amendment Bylaw**  
Bylaw No. 4571, 2008

**Effective Date**  
July 28, 2008

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the parent bylaw (General Local Elections Regulations Bylaw 4447, 2005). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

# General Local Elections Regulations Bylaw No. 4447, 2005

## Table of Contents

---

---

	Page #
Part 1 Citation .....	1
Part 2 Severability .....	1
Part 3 Previous Bylaw Repeal.....	1
Part 4 Definitions.....	2
Part 5 Use of Provincial List of Voters as the Register of Resident Electors....	2
Part 6 Registration at the Time of Voting .....	3
Part 7 Additional General Voting Opportunities.....	4
Part 8 Advance Voting Opportunities .....	4
Part 9 Resolution of the Votes after Judicial Recount .....	4
Part 10 Public Access to Nomination Documents and Campaign Financing Disclosure Statements .....	4
Part 11 Mail Ballot Voting Authorization and Provisions .....	5
Part 12 <i>Local Government Act</i> .....	7

# **General Local Elections Regulations Bylaw No. 4447, 2005**

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

WHEREAS the *Local Government Act* provides opportunities for the Council to, by bylaw, determine various procedures and requirements to be applied in the conduct of local government elections and other voting;

AND WHEREAS the Council deems it appropriate to establish various procedures and requirements under that authority;

NOW THEREFORE, the Council of the District of West Vancouver, in open meeting assembled, enacts as follows:

## **Part 1 Citation**

- 1.1 This bylaw may be cited as General Local Elections Regulation Bylaw No. 4447, 2005.

## **Part 2 Severability**

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

## **Part 3 Previous Bylaw Repeal**

- 3.1 General Local Elections Regulations Bylaw No. 4307, 2002 (adopted on July 08, 2002) is hereby repealed.

## Part 4 Definitions

4.1 In this bylaw:

- Bylaw 4571 “**campaign financing disclosure statements**” means the disclosure statements, supplementary reports and signed declarations required under section 90 and 90.1 of the *Local Government Act*;
- “**election**” means an election for the number of persons required to fill a local government office;
- “**general local election**” means the elections held for the Mayor and all Councillors of the Corporation of the District of West Vancouver, (the District) which must be held in the year 2005, and in every 3<sup>rd</sup> year after that;
- “**general voting day**” means:
- a) For a general election, set under Section 36(2) of the *Local Government Act*, the 3<sup>rd</sup> Saturday of November in the year of the election;
  - b) For other elections, the date set under Section 37(5), 38(1) or (3), or 142(5) of the *Local Government Act*, and
  - c) For other voting, the date set under Section 162 of the *Local Government Act*;
- Bylaw 4571 “**municipal hall**” means The Corporation of the District of West Vancouver Municipal Hall located at 750 17<sup>th</sup> Street, West Vancouver, BC, V7V 3T3.
- Bylaw 4571 “**nomination documents**” means the documents required under section 72 of the *Local Government Act*.
- “**other voting**” means voting on a matter referred to in Section 158 of the *Local Government Act*.

## Part 5 Use of Provincial List of Voters as the Register of Resident Electors

- 5.1 As authorized under the *Local Government Act*, the most current available Provincial list of voters prepared under the *Election Act*, is to be the register of resident electors for the District.
- 5.2 The Provincial List of voters becomes the register of resident electors no later than fifty-two days before voting day for each election of other voting

for the District.

## **Part 6 Registration at the Time of Voting**

- Bylaw 4571 6.1 Eligible voters that are not on the Provincial list of voters may register as an elector on general voting day, at an advance voting opportunity or by mail in accordance with this bylaw.

## **Part 7 Additional General Voting Opportunities**

- 7.1 The Council authorizes the Chief Election Officer (CEO) to establish, if considered necessary, additional general voting opportunities for general voting day for each election or other voting and to designate the voting places and voting hours, within the limits set out in the *Local Government Act*, for such voting opportunities.

## **Part 8 Advance Voting Opportunities**

- 8.1 Pursuant to Sections 97 and 98 of the *Local Government Act*, the following advance voting opportunities are established for each election, to be held in advance of general voting day for each election as follows:

8.1.1 A required advance voting opportunity will be held on the tenth day before general voting day;

Bylaw 4571 8.1.2 Additional advance voting opportunities will be held on the eleventh and fifth days before general voting day.

8.1.3 All advance voting opportunities will be held at the Municipal Hall;

8.1.4 The voting hours for the additional advance voting opportunities will be from 8 a.m. until 8 p.m.

- 8.2 Pursuant to Section 98 of the *Local Government Act* the Council authorizes the Chief Election Officer (CEO) to establish additional voting opportunities for each election to be held in advance of general voting day and to designate the voting places and establish the date and the voting hours for these opportunities.

## **Part 9 Resolution of the Votes after Judicial Recount**

- 9.1 In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with the *Local Government Act*.

## **Part 10 Public Access to Nomination Documents and Campaign Financing Disclosure Statements**

- 10.1 Nomination documents delivered to the chief election officer must be available for public inspection on the District of West Vancouver website from the time of delivery until 30 days after the declaration of the election results.

- 10.2 Campaign financing disclosure statements and signed declarations and the supplementary reports and signed declarations must be available for public inspection on the District of West Vancouver website from the time of filing until one year after general voting day for the election to which they relate.

## **Part 11 Mail Ballot Voting Authorization and Provisions**

Bylaw 4571

- 11.1 For each election or other voting, persons who meet the criteria set out in section 100(2) of the *Local Government Act* may vote by mail and register as electors by mail.
- 11.2 As a registration procedure that differs from that established in sections 57 and 57.1 of the *Local Government Act*, electors who register by mail are not required to provide evidence of their identity and place of residence.
- 11.3 A mail ballot and elector registration package may be requested by a person who presents the chief election officer with a written request for a package in person, by mail, fax, or e-mail.
- 11.4 The chief election officer may deliver a mail ballot and elector registration package:
- 11.4.1 by hand to persons who request the package in person; or
  - 11.4.2 by mail to persons who request the package by mail, fax, or e-mail.
- 11.5 The chief election officer shall keep a written record of all persons who request a mail ballot and elector registration package and their addresses (unless a person requests to have his or her address obscured) and that record may be inspected by any person who signs a statement that the record is being inspected only for the purposes of the election or other voting.
- 11.6 The chief election officer is not responsible for failing to mail a mail ballot and elector registration package if a request is not received, or not received before a time limit that may be set by the chief election officer for applying for packages, and the chief election officer is not responsible for any delay or failure in the elector's receipt of the package or the elector's return of the package.

- 11.7 As a voting procedure that differs from that established by section 118 of the *Local Government Act*, if an elector unintentionally spoils a mail ballot, the elector may, after delivery of the spoilt ballot to the chief election officer and subject to time limits that may be set by the chief election officer, request a replacement ballot.
- 11.8 Between the time a person requests a mail ballot and elector registration package and the time that the package is hand delivered or mailed to the person, the person's right to vote can be challenged under section 116 of the *Local Government Act*.
- 11.9 The chief election officer may establish time limits in relation to registration and voting by mail ballot, including a time limit for persons to apply for a mail ballot and elector registration package.
- 11.10 To register and vote using a mail ballot, the elector shall complete the registration application and mark the ballot in accordance with the instructions contained in the mail ballot and elector registration package provided by the chief election officer.
- 11.11 To be counted, mail ballot and elector registration packages must be received by the chief election officer before the close of voting on general voting day and votes will not be counted if the package is not delivered to the chief election officer at municipal hall on general voting day.
- 11.12 After receipt of mail ballot and elector registration packages, the chief election officer shall record the time and date of their receipt, and shall review the registration application and certification envelopes, and mark them as accepted or rejected, and where accepted, the voting book shall be marked to indicate that the elector has voted, and the chief election officer may undertake this process after the close of voting on general voting day or at earlier times chosen by the chief election officer.
- 11.13 As a voting procedure that differs from that established by section 117 of the *Local Government Act*, if a voting book available to the chief election officer indicates that another person has already voted with the same name as a mail ballot elector, the chief election officer, may after considering the address of the elector, the distinctiveness of the name, and other factors, accept or reject the mail ballot.
- 11.14 The unopened accepted certification envelopes shall remain in custody of the chief election officer until the close of voting on general voting day, after which, in the presence of another election official, they must be opened and all secrecy envelopes placed together into a ballot box, and then opened and counted.

11.15 The chief election officer shall retain all registration applications and 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.

## **Part 12 *Local Government Act***

12.1 If anything regarding the local government elections and other voting are not referenced in this Bylaw, the *Local Government Act* shall apply.

READ A FIRST TIME on July 25, 2005

READ A SECOND TIME on July 25, 2005

READ A THIRD TIME on July 25, 2005

ADOPTED by the Council on July 28, 2005

---

Mayor

---

Municipal Clerk