



District of West Vancouver

General Local Elections Regulation Bylaw No. 4960, 2018

Effective Date: January 22, 2018

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	Effective Date
Bylaw No. 5370, 2024	December 16, 2024
Bylaw No. 5217, 2022	June 27, 2022
Bylaw No. 5170, 2022	March 7, 2022

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the parent bylaw (General Local Elections Regulation Bylaw No. 4960, 2018). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

General Local Elections Regulation Bylaw No. 4960, 2018

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District of West Vancouver

General Local Elections Regulation Bylaw No. 4960, 2018

A bylaw to provide for the determination of various procedures for the conduct of general local elections and assent voting

Previous amendments: *Amendment Bylaw 5170, 5217, and 5370.*

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 assent voting;

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

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as General Local Elections Regulation Bylaw No. 4960, 2018.

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- 3.1 General Local Elections Regulation Bylaw No. 4447, 2005 (adopted on July 28, 2005) and its amendments are hereby repealed.

Part 4 Definitions

- 4.1 In this bylaw:

“**assent voting**” means voting on a matter referred to in section 170 of the *Local Government Act*.

“**Council**” means the Council of the municipality;

“**District**” means The Corporation of the District of West Vancouver;

“**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 District which must be held in the year 2014 and in every fourth year after that;

“general voting day” means

- (a) for a general local election, set under section 52 of the *Local Government Act*, the third Saturday of October in the year of the election;
- (b) for other elections, the date set under section 54, 55, or 152 of the *Local Government Act*; and
- (c) for assent voting, the date set under section 174 of the *Local Government Act*;

“municipal hall” means The Corporation of the District of West Vancouver Municipal Hall located at 750 17th Street, West Vancouver, BC, V7V 3T3;

“nomination documents” means the documents required under section 87 of the *Local Government Act*.

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

- 5.1 As authorized under section 76 of 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 Pursuant to section 76(2) of the *Local Government Act*, the Provincial list of voters becomes the register of resident electors on the fifty-second (52nd) day before general voting day for any election to which this bylaw applies.

Amendment
Bylaw No. 5217

Part 6 Registration at the Time of Voting

- 6.1 An eligible voter who is 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 Public Access to Nomination and Endorsement Documents

- 7.1 Pursuant to section 89 of the *Local Government Act*, nomination documents delivered to the chief election officer will be available for public inspection on the District's website from the time of delivery until 30 days after the declaration of the election results.
- 7.2 Pursuant to sections 89 and 93 of the *Local Government Act*, elector organization endorsement documents delivered to the chief election officer will be available for public inspection on the District's website from the time of delivery until 30 days after the declaration of the election results.

Part 8 General Voting Opportunities

8.1 In addition to the required general voting opportunities in sections 104 and 105 of the *Local Government Act*, pursuant to section 106 of the *Local Government Act*, additional general voting opportunities may be established as follows:

8.1.1 Additional General Voting Opportunities: the Council authorizes the chief election officer to establish, if considered necessary, additional general voting opportunities for general voting day and to designate the voting places and voting hours, within the limits set out in the *Local Government Act*.

Part 9 Advance Voting Opportunities

Required Advance Voting Opportunities

9.1 Pursuant to section 107 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:

Amendment
Bylaw No. 5370

9.1.1 Required advance voting opportunities will be held on the following days:

- on the fifth day before general voting day; and
- on the tenth day before general voting day.”

9.1.2 Required advance voting opportunities voting hours will be from 8 a.m. to 8 p.m.

9.1.3 Required advance voting opportunities will be held at the municipal hall.

Additional Advance Voting Opportunities

9.2 Pursuant to section 108 of the *Local Government Act*, the Council authorizes the chief election officer to establish dates for additional advance voting opportunities for each election and to designate the voting places and set the voting hours for additional advance voting opportunities.

Part 10 Mail Ballot Voting Authorization and Provisions

Amendment
Bylaw No. 5217

10.1 For each election or assent voting, voting by mail ballot and registration by mail in conjunction with mail ballot voting is authorized.

10.2 As a registration procedure that differs from that established in sections 72 and 73 of the *Local Government Act*, electors who register by mail are not required to provide evidence of their identity and place of residence.

Amendment
Bylaw No. 5217

10.3 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 or by e-mail. Upon receiving such a request, the chief election officer shall, at a time after the ballots are ready, provide to the applicant a mail ballot and elector registration package that contains:

- a) the content set out in section 110(7) of the *Local Government Act*;
- b) additional instructions; and
- c) a statement advising the elector that the elector must meet the eligibility to vote criteria and must attest to such fact.

Amendment
Bylaw No. 5217

10.4 The chief election officer may deliver a mail ballot and elector registration package to a person who requests the package, either by mail or by having the package picked up by that person at municipal hall.

Amendment
Bylaw No. 5217

10.5 The chief election officer shall keep a written record of all persons who request a mail ballot and elector registration package, including their address, their elector category (resident or non-resident), whether they are a registered elector or new elector, the method of delivery of the package, the date their request is reviewed, the date the package is distributed and returned, and any other information the chief election officer deems helpful. This 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 assent voting.

10.6 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.

10.7 As a voting procedure that differs from that established by section 128 of the *Local Government Act*, if an elector unintentionally spoils a mail ballot, the elector may, after delivery of the spoiled ballot to the chief election officer and subject to time limits that may be set by the chief election officer, request a replacement ballot.

Amendment
Bylaw No. 5217

10.8 The right of a person to vote by mail ballot can be challenged on the grounds set out in section 126 of the *Local Government Act*.

10.9 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.

10.10 To vote by mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot and elector registration package. 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, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
- c) place the certification envelope, together with the completed elector registration application, if required, in the return envelope, and then seal the return envelope; and
- d) mail, or have delivered, the return 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.

10.11 To be counted, mail ballot and elector registration packages must be received by the chief election officer at municipal hall before the close of voting on general voting day, and votes will not be counted if the package is not received by the chief election officer at municipal hall before the close of voting on general voting day.

10.12 After receipt of a mail ballot and elector registration package, the chief election officer shall record the time and date of receipt, open the return envelope, review the certification envelope, and review the registration application, if applicable. When the chief election officer examines the mail ballot and elector registration package, the chief election officer shall:

- a) confirm the identity of the elector as an applicant on the record of persons requesting a mail ballot;
- b) confirm the entitlement to vote of the elector named in the certification; and
- c) determine the completeness of the certification envelope.

10.12.1 If the chief election officer is satisfied that the elector has met the requirements in section 10.12, the chief election officer shall mark the certification envelope as “accepted” and place the accepted certification envelope with the other certification envelopes; and mark the voting book to indicate that the elector has voted.

10.12.2 If the chief election officer is not satisfied that the elector has met the requirements in section 10.12 or receives the mail ballot and elector registration package after 8:00 p.m. on general voting day, 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.

Amendment
Bylaw No. 5217

Amendment
Bylaw No. 5217

10.13 If the chief election officer determines that another person has voted or has already received a mail ballot in the elector's name, section 127 of the *Local Government Act* will apply to the extent applicable.

Amendment
Bylaw No. 5217

10.14 The unopened accepted certification envelopes shall remain in the custody of the chief election officer until 12:01 p.m. on general voting day, after which time they shall be processed in accordance with section 9.2 of Automated Vote Counting System Authorization and Procedure Bylaw No. 5165, 2022 in the presence of at least one other election official and any candidate representatives. For certainty, all mail ballot and elector registration packages received after 12:01 p.m. on general voting day shall be handled in accordance with 10.12 to 10.12.2 of this Bylaw at the time of receipt and all accepted certification envelopes shall be processed in accordance with this section.

Amendment
Bylaw No. 5217

10.15 The chief election officer shall retain all registration applications and certification envelopes together with the voting books, and for the purposes of the document retention and destruction shall treat the certification envelopes in the same manner as a voting book.

Part 11 Resolution of the Votes after Judicial Recount

11.1 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 12 Local Government Act

12.1 If anything regarding the general local election and assent voting are not referenced in this Bylaw, the *Local Government Act* shall apply.

READ A FIRST TIME on January 8, 2018

READ A SECOND TIME on January 8, 2018

READ A THIRD TIME on January 8, 2018

ADOPTED by the Council on January 22, 2018

Mayor

Municipal Clerk