



District of West Vancouver

# **General Local Elections Regulation**

## **Bylaw No. 4960, 2018**

Effective Date: January 22, 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

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- 3.1 General Local Elections Regulation Bylaw No. 4447, 2005 (adopted on July 28, 2005) and its amendments are hereby repealed.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 no later than fifty-two (52) days before general voting day for any election to which this bylaw applies.

## **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:

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

- on the fifth day before general voting day;
- on the tenth day before general voting day;
- on the eleventh 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**

- 10.1 For each election or assent voting, persons who meet the criteria set out in section 110 of the *Local Government Act* may vote by mail and register as electors by mail.
- 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.
- 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, fax, or e-mail.
- 10.4 The chief election officer may deliver a mail ballot and elector registration package:
  - 10.4.1 By hand to persons who request the package in person; or
  - 10.4.2 By mail to persons who request the package by mail, fax, or e-mail.
- 10.5 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 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.
- 10.8 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 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 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.

- 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 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.
- 10.13 As a voting procedure that differs from that established by section 127 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.
- 10.14 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.
- 10.15 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 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

*[Original signed by Mayor]*

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Mayor

*[Original signed by Municipal Clerk]*

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Municipal Clerk