



# BYLAW

## Elections and Other Voting Bylaw

### No. 504, 2011

**Consolidated for convenience only July 29, 2022**

This Consolidation includes the following Bylaw Amendments:

504-1, 2018

504-2, 2022

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of this bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Corporate Officer for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

DISTRICT OF SECHELT

BYLAW NO. 504, 2011

A bylaw to establish procedures for the conduct of  
local government elections and other voting

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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 voting procedures and requirements under that authority;

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

**1. Title**

This Bylaw may be cited for all purposes as “District of Sechelt Elections and Other Voting Bylaw No. 504, 2011”.

**2. Access to Nomination and Endorsement Documents**

As authorized under the *Local Government Act*, public access to nomination documents required under the *Act* will be provided by making copies available at the District of Sechelt offices during regular office hours on request of any person and by posting on the District’s website from the time of delivery of any nomination documents to the Chief Election Officer until 30 days after the declaration of the election results.

**3. Provincial Voters List**

The most current available Provincial list of voters prepared under the *Election Act* of British Columbia becomes the register of resident electors no later than 52 days before general voting day.

**4. Advance Voting Opportunities**

- (a) In addition to the required advance voting opportunity on the 10th day before general voting day, the following day is hereby established as an additional advance voting opportunity for the general local election and other voting:

- (i) the 4th day before general voting day
- (b) Voting hours for the advance voting opportunities shall be from 8:00 a.m. to 8:00 p.m.
- (c) As authorized under section 107 of the *Local Government Act*, the Council authorizes the chief election officer to designate the voting places for these advance voting opportunities.

## **5. Special Voting Opportunities**

- (a) To give electors who may otherwise be unable to vote an opportunity to do so, the Council will provide a special voting opportunity as authorized under section 109 of the *Local Government Act* by establishing the following places as special voting places for the general local election.
  - (i) Shorncliffe Residential Care Facility  
5847 Medusa Street  
Sechelt, BC
  - (ii) Totem Lodge  
5544 Sunshine Coast Highway  
Sechelt, BC
  - (iii) Sechelt / shíshálh Hospital  
5544 Sunshine Coast Highway  
Sechelt, BC
- (b) Only electors who are residents, patients or workers at the special voting locations may vote at the special voting opportunities.
- (c) The Council authorizes the chief election officer to establish the date, the voting hours and procedures within the limits set out in section 109 of the *Local Government Act*, for the special voting opportunities authorized in section 4(a) of this bylaw.

## **6. Mail Ballot Voting**

- (a) As authorized under section 110 of the *Local Government Act*, voting may be done by mail ballot and registration of electors may be done by mail in conjunction with mail ballot voting.
- (b) Mail ballot voting procedures
  - (i) A person wishing to vote by mail ballot shall apply by 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 25 days before general voting day and ending at 4:00 pm on the Thursday, two days before general voting day.

- (ii) Upon receipt of a request for a mail ballot, the chief election officer or designate shall, no later than 12 days before general voting day and up to 4:00 pm on the Thursday two days before general voting day, make available to the applicant, a mail ballot package as specified in section 110(7) of the *Local Government Act*, and immediately record and, upon request, make available for inspection the name and address of the person to whom the mail ballot package was issued.

(c) Mail ballot voting process

- (i) To vote using a mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided by the chief election officer.
- (ii) 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 a completed elector registration application in the outer envelope, and then seal the outer envelope;
  - (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.

(d) Mail ballot acceptance or rejection

- (i) Until 4:00 pm on the Thursday two days before general voting day, upon receipt of the outer envelope and its contents, the chief election officer or designate shall immediately record the date of such receipt and shall then open the outer envelope and remove and examine the certification envelope and the completed elector registration application, and if satisfied as to:

(a) the identity and entitlement to vote of the elector whose ballot is enclosed; and

(b) the completeness of the certification; and

(c) the fulfillment of the requirements of Section 70 of the *Local Government Act*;

the chief election officer or designate shall mark the certification envelope as “accepted”, and shall retain in their custody all such certification envelopes in order to deal with any challenges made in accordance with section 6(e) of this bylaw.

- (ii) The unopened certification envelopes shall remain in the custody of the chief election officer or designate until 4:00 pm on the Thursday two days before general voting day, at which time the certification envelopes containing the secrecy envelopes shall be opened in the presence of at least one other person, including any scrutineers present.
- (iii) At 4:00 pm on the Thursday two days before general voting day, the Chief Election Officer or designate shall 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.
- (iv) Where an outer envelope and its contents are received by the chief election officer or designate between 4:00 pm on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of section 6(d) (i) of this bylaw with regard to ballot acceptance shall apply and the chief election officer or designate shall retain such envelopes in their possession until the close of voting and at that time shall 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.
- (v) As soon as possible after all of the secrecy envelopes have been placed in the ballot box designated for that purpose, the ballot box shall 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 shall be opened and the ballots contained therein counted in accordance with the provisions of the *Local Government Act*.

- (vi) Where:
    - (a) upon receipt of an outer envelope, the chief election officer is not satisfied as to the identity of the elector whose 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 70 of the *Local Government Act*; or
    - (c) the outer envelope is received by the chief election officer or designate after the close of voting on general voting day, the certification envelope shall remain unopened and the chief election officer shall mark such envelope as “rejected”, and shall note the reasons therefor, and the ballot contained therein shall not be counted in the election.
  - (vii) Any certification envelopes and their contents rejected in accordance with Section section 6(d)(vi) of the bylaw shall remain unopened and shall be subject to the provisions of Section 160 of the *Local Government Act* with regard to their destruction.
  - (e) Mail ballot challenge of elector
    - (i) A person exercising the right to vote under the provisions of this bylaw may be challenged in accordance with and on the grounds specified in Section 126 of the *Local Government Act*, until 4:00 pm on the Thursday two days before general voting day.
    - (ii) The provisions of Section 126(2) to (5) inclusive of the *Local Government Act* shall apply where a challenge of an elector using a mail ballot has been made.
  - (f) Mail ballot – elector’s name already used
- 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 the elector’s name, the provisions of Section 127 of the *Local Government Act* shall apply, so far as applicable.
- (g) Mail ballot – replacement of spoiled ballot
    - (i) 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 spoilage and by mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the chief election officer or designate.

- (ii) The chief election officer shall, upon receipt of the spoiled ballot package, record such fact, and proceed in accordance with section 6(b)(ii) of this bylaw.

**7. Resolution of the 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*.

**8. Repeal**

Election Bylaw No. 208, 1993, and all amendments thereto, are hereby repealed.

READ A FIRST TIME THIS	20 <sup>th</sup>	DAY OF	July, 2011
READ A SECOND TIME THIS	20 <sup>th</sup>	DAY OF	July, 2011
READ A THIRD TIME THIS	20 <sup>th</sup>	DAY OF	July, 2011
ADOPTED THIS	27 <sup>th</sup>	DAY OF	July, 2011

'Darren Inkster'

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Mayor

'Jo-Anne Frank'

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Corporate Officer

I hereby certify that this is a true copy of "District of Sechelt Election Bylaw No. 504, 2011".

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Corporate Officer