



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



## **Election and Assent Voting Bylaw No. 620, 2022**

**Adopted: May 17, 2022**

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0  
Phone: 604-921-9333 Fax: 604-921-6643  
Email: [office@lionsbay.ca](mailto:office@lionsbay.ca) Web: [www.lionsbay.ca](http://www.lionsbay.ca)

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**Village of Lions Bay**

**BYLAW NO. 620**

**A bylaw to conduct elections and assent voting**

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The Council of the Village of Lions Bay, in open meeting assembled, enacts as follows:

**1. CITATION**

This Bylaw may be cited for all purposes as “Election and Assent Voting Bylaw No. 620, 2022.”

**2. REPEAL OF PREVIOUS BYLAWS**

Elections Procedures Bylaw No. 474, 2014 is hereby repealed.

**3. DEFINITIONS**

(a) In this Bylaw,

“*Applicant*” means an elector who wants to vote by mail and make a request for a mail ballot;

“*Authorized Person*” means a person that the applicant has authorized, on the applicant’s behalf, to:

- (i) pick up a mail ballot package; or
- (ii) drop off a completed mail ballot package.

“*Chief Election Officer*” or “*CEO*” means the person appointed under section 58(1) of the *Local Government Act*, and in the absence or inability to act of the Chief Election Officer, the person(s) appointed as Deputy Chief Election Officer(s);

“*Election Sign*” means a sign promoting a political party or a candidate for office in a federal, provincial, municipal or school trustee election or by-election, or for a cause or part in relation to a referendum or other voting;

“*General Voting Day*” means:

the third Saturday of October in the year of a general local election;  
the Saturday set for a by-election or other voting under the *Local Government Act*;

“Other Voting” means voting under Part 4 of the *Local Government Act* [assent of the electors/referendum]; and

“Register of Mail Ballots” means the records that the Chief Election Officer must keep to address any challenges to an elector’s right to vote.

“Village” means the Village of Lions Bay.

- (b) Words and phrases in this Bylaw shall be interpreted consistently with the *Local Government Act* and the *Interpretation Act*. Any reference to a statute in this Bylaw refers to a statute of the Province of British Columbia, and a reference to an enactment includes the enactment as amended or replaced from time to time. Headings are for convenience only and do not limit, expand, or modify the scope of any provisions herein.

#### **4. ACCESS TO NOMINATION AND ENDORSEMENT DOCUMENTS**

- (a) The Chief Election Officer must give public access to nomination documents via the internet or other electronic means from the time of delivery until 30 days after the declaration of the election results under section 146 of the *Local Government Act*.
- (b) The Chief Election Officer must give public access to elector organization endorsement documents via the internet or other electronic means from the time of delivery until 30 days after the declaration of the election results under section 146 of the *Local Government Act*.

#### **5. ELECTOR REGISTRATION**

The most current available Provincial list of voters prepared under the *Election Act* shall form the register of resident electors and shall become the register of electors on the 52<sup>nd</sup> day prior to general voting day [or other time which is no later than 52 days prior to general voting day].

#### **6. REQUIRED ADVANCE VOTING OPPORTUNITIES**

- (a) An advance voting opportunity will be held on the 10<sup>th</sup> day (Wednesday) before General Voting Day, between the hours of 8:00 a.m. and 8:00 p.m.
- (b) Pursuant to section 107(2) of the *Local Government Act*, no other advance voting opportunity will be held.

## 7. ADDITIONAL GENERAL VOTING OPPORTUNITIES

The chief election officer may designate the voting places and set the voting hours within the limits set out in the *Local Government Act* for additional general voting opportunities.

## 8. MAIL BALLOT VOTING – APPLICATION PROCEDURE

- (a) As authorized under section 110 of the *Local Government Act*, voting may be done by mail ballot and registration of election may be done by mail in conjunction with mail ballot voting.
- (b) The Chief Election Officer may establish the time limits in relation to voting by mail.
- (c) An Applicant shall apply by giving their name and address to the Chief Election Officer during the period:
  - (i) commencing twenty-six (26) days before General Voting Day; and
  - (ii) ending at 4:00 p.m. on the Monday before General Voting Day.
- (d) Upon receipt of a request for a mail ballot, the Chief Election Officer shall, between the time when the ballots are ready and 4:00 p.m. on the Monday before General Voting Day:
  - (i) make available to the Applicant, a mail ballot package which 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
      - (1) the elector must meet the eligibility to vote criteria, and
      - (2) The elector must attest to such fact; and
  - (ii) record in the Register of Mail Ballots and, upon request, make available for inspection:
    - A. the name and address of the elector to whom the mail ballot package was issued; and
    - B. the number of the elector, the number of the voting division in which the person is registered as an elector, or “new elector”, if that person is not registered as an elector; and
    - C. any other information that the Chief Election Officer deems helpful to maintain the register of mail ballots.
- (e) As per the Applicant’s direction, the Chief Election Officer may distribute the mail ballot package in any of the following ways:
  - (i) sending the mail ballot package by Canada Post;

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- (ii) sending the mail ballot package by courier at the expense of the applicant;
  - (iii) having the mail ballot package picked up by the Applicant at a designated time and location; or
  - (iv) having the mail ballot package picked up by an Authorized Person at a designated time and location.
- (f) The Chief Election Officer may request that the Authorized Person show identification and sign a form before providing the Authorized Person with the mail ballot package.

**9. MAIL BALLOT VOTING - VOTING PROCEDURE**

- (a) To vote by 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.
- (b) After marking the ballot, the elector shall:
  - (i) place the ballot in the secrecy envelope provided and seal the secrecy envelope;
  - (ii) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
  - (iii) place the certification envelope, together with a completed elector registration application, if required, in the outer envelope, and then seal the outer envelope; and
  - (iv) mail, or have delivered, the outer 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. MAIL BALLOT VOTING – ACCEPTANCE OR REJECTION**

- (a) Until 4 p.m. on the Thursday, two days before General Voting day, the Chief Election Officer shall, upon receipt of the return envelope and its contents:
  - (i) immediately record the date of receipt in the Register of Mail Ballots; and
  - (ii) open the return envelope.
- (b) When the Chief Election Officer examines the certification envelope, the Chief Election Officer shall:
  - (i) confirm the identity of the elector as an Applicant on the Register of Mail Ballots;

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- (ii) determine the fulfilment of the requirements in section 70 of the *Local Government Act* and the completeness of any application to register, if required; and
  - (iii) determine the completeness of the certification envelope.
- (c) If the Chief Election Officer is satisfied that the elector has met the requirements in section 10(b), the Chief Election Officer shall:
- (i) mark the certification envelope as “accepted”;
  - (ii) place the accepted certification envelope with the other certification envelopes.
- (d) If the Chief Election Officer determines that:
- (i) the Chief Election Officer is not satisfied as to the identify to the elector; or
  - (ii) the elector has not completed the application to register properly;
- the Chief Election shall mark the certification envelope as “rejected”, indicate the reason for the rejection and set aside the rejected certification envelope unopened.
- (e) The Chief Election Officer shall retain in their custody all opened and unopened certification envelopes.
- (f) After 4:00 p.m. on the Thursday, two (2) days before General Voting Day, the Chief Election Officer, in the presence of at least one (1) other person, including any candidate representatives, shall:
- (i) deal with any challenges to the electors involving the accepted certification envelopes;
  - (ii) open the certification envelopes;
  - (iii) remove the secrecy envelopes containing the ballots; and
  - (iv) place the secrecy envelope containing the ballot in the ballot box.
- (g) If the Chief Election Officer receives a return envelope with its contents after 4:00 p.m. on Thursday, two (2) days before General Voting Day but before the close of general voting, the Chief Election Officer shall:
- (i) handle those return envelopes in accordance with section 10(a) at the time that the Chief Election Officer receives the return envelopes;

- (ii) retain all accepted certification envelopes until the close of general voting day;
  - (iii) process the accepted certification envelopes in accordance with sections 10(b) to 10(e) after the close of general voting day.
- (h) As soon as possible after all of the secrecy envelopes have been placed in the ballot box, in the presence of at least one (1) other person and any candidate representatives, the Chief Election Officer shall supervise:
- (i) the opening of the ballot box;
  - (ii) the opening of the secrecy envelopes and
  - (iii) the counting of the ballots in accordance with the provisions of the *Local Government Act*.
- (i) If the Chief Election Officer receives a return envelope with its contents after the close of general voting day, the Chief Election Officer shall:
- (i) mark the return envelope as “rejected”;
  - (ii) indicate the reason why the return envelope was rejected on the return envelope; and
  - (iii) place the unopened return envelope with the other rejected return envelopes.

#### **11. MAIL BALLOT VOTING - CHALLENGE OF ELECTOR**

A person who qualifies under section 126 of the *Local Government Act* may challenge the right of a person to vote by mail ballot on the grounds set out in section 126 of the *Local Government Act* up until 4 pm on Thursday, two (2) days before General Voting Day.

#### **12. MAIL BALLOT VOTING - ELECTOR’S NAME ALREADY USED**

If, 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 Chief Election Officer shall comply with section 127 of the *Local Government Act*.

#### **13. MAIL BALLOT VOTING - REPLACEMENT OF SPOILED BALLOT**

- (a) If an elector unintentionally spoils a mail ballot before returning it to the Chief Election Officer, the elector may request a replacement ballot by:
- (i) advising the Chief Election Officer of the ballot spoilage; and
  - (ii) mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer.

- (b) Upon receipt of the spoiled ballot package, the Chief Election Officer shall, record such fact, and proceed in accordance with Part 10 of this bylaw.

#### **14. ELECTION ADVERTISING – USE OF MUNICIPAL LOGOS**

Other than as expressly authorized in writing by the Village, no person shall use or display on any election sign or other form of election advertising a logo, trademark, or official mark, in whole or in part, that is owned or licensed by the Village.

#### **15. ELECTION ADVERTISING - SIGNS**

- (a) A person responsible for posting, erecting, or otherwise displaying an election sign must ensure the sign:
  - (i) is not illuminated and does not flash;
  - (ii) does not obstruct or otherwise interfere with sight lines or movement of vehicles, pedestrians, cyclists or any other highway traffic, or obstruct the visibility of regulatory signs or other traffic control devices;
  - (iii) is not attached to a utility pole or apparatus or a streetlight pole;
  - (iv) is not posted on or attached to the Village Hall or other Village structure or located on the lot thereof;
  - (v) is not located or displayed within 100 metres of a building, structure or other place where voting proceedings are being conducted, on the day of such proceedings;
  - (vi) as part of a structure, does not stand higher than 2.5 metres above the ground supporting the structure; or
  - (vii) is not, on any single side, more than 3.0 square metres in area.
- (b) A person must not post, erect or display an election sign earlier than 30 days before the date of a General Voting Day, and must remove any such signs within 72 hours after General Voting Day.
- (c) Sections 15(a) and 15(b) do not apply to the Village.



**16. RESOLUTION OF TIE 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*.

**READ A FIRST TIME** April 15, 2022

**READ A SECOND TIME** April 15, 2022

**READ A THIRD TIME** May 3, 2022

**ADOPTED** May 17, 2022

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**Mayor**

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**Corporate Officer**

**Certified a true copy of  
Bylaw No. 620, 2022 as adopted.**

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**Corporate Officer**