

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9138

TO ESTABLISH PROCEDURES FOR THE
CONDUCT OF LOCAL GOVERNMENT ELECTIONS AND OTHER VOTING

WHEREAS the Council may pursuant to the *Local Government Act* enact a bylaw to determine and set out procedures and requirements to be applied in the conduct of local government elections and other voting;

NOW THEREFORE the Municipal Council of The Corporation of the District of Saanich in open meeting assembled enacts as follows:

1. Definitions

In this bylaw,

“Council” means the Council of the Municipality;

“Elector” means a qualified resident elector or non-resident property elector of the Municipality;

“Election” means an election for the number of persons required to fill a local government office;

“General local election” means an election held in 1993 and in every 3rd year after 1993 for the mayor and all councillors of the Municipality;

“General voting day” means:

- a) For a general local election, the 3rd Saturday of November in the year of the election,
- b) For other elections, the date set under sections 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*;

“Municipality” means The Corporation of the District of Saanich;

“Nominator” means an elector of the Municipality;

“Other voting” means voting on a matter referred to in section 158 of the *Local Government Act* and includes voting on a referendum under section 797.3 of that Act.

2. Nomination of Candidates – Required Number of Qualified Nominators

- a) In accordance with section 71(2) (a) of the *Local Government Act*, the Council sets the required minimum number of qualified nominators at 10.
- b) Notwithstanding section 2 a) of this Bylaw, the minimum number of qualified nominators for the office of School Trustee in the District of Saanich and Juan De Fuca (Willis Point) and District of Highlands (Durrance Lake Road) Trustee Electoral Area for School District No. 63 (Saanich) remains set at 2 in accordance with section 71(1) (a) of the *Local Government Act*.

3. Electronic Access to Nomination Documents and Disclosure Statements

- a) In accordance with section 73 (7) of the *Local Government Act*, the Council provides for public access to nomination documents via the Saanich website from the time of filing until 30 days after the declaration of the election results.
- b) In accordance with section 93 (2) of the *Local Government Act*, the Council provides for public access to the campaign financing disclosure statements, the signed declarations, and the supplementary reports via the Saanich website from the time of filing until seven years after general voting day for the election to which they relate.

4. Additional General Voting Opportunities

In accordance with section 96 of the *Local Government Act*, the Council authorizes the chief election officer to:

- a) Establish additional general voting opportunities for general voting day for each election or other voting; and
- b) Designate the voting places and voting hours, within the limits set out in section 96 (2) of the *Local Government Act*, for the additional general voting opportunities.

5. Required Advance Voting Opportunities

In accordance with section 97 (2) (b) of the *Local Government Act*, the Council requires the 2nd advance voting opportunity for each election or other voting to be held on the 5th day before general voting day.

6. Additional Advance Voting Opportunities

In accordance with section 98 of the *Local Government Act*, the Council authorizes the chief election officer to:

- a) Establish dates for additional advance voting opportunities for each election or other voting to be held in advance of general voting day; and

- b) Designate the voting places and set the voting hours for additional advance voting opportunities.

7. Special Voting Opportunities

In accordance with section 99 of the *Local Government Act*, the Council:

- a) Establishes special voting opportunities for each election or other voting;
- b) Authorizes the chief election officer to establish the date and voting hours when and the place where the special voting opportunities are to be conducted;
- c) Restricts the persons who may vote at the special voting opportunities to electors who, on the date on which the special voting opportunities are held and before the end of the voting hours for the special voting opportunities:
 - (i) Have been accepted as patients and/or residents to the hospitals, care facilities, and/or seniors residences; or
 - (ii) Are employees of the hospitals, care facilities, and/or seniors residences at which the special voting opportunities are conducted;
- d) Authorizes the use of an automated voting system for conducting the voting proceedings at the special voting opportunities, and in this regard the provisions of Bylaw 7155, so far as applicable, shall apply; and
- e) Authorizes the chief election officer to limit the number of candidate representatives who may be present at the special voting opportunities.

8. Mail Ballot Voting

- a) In accordance with section 100 of the *Local Government Act*, the Council provides for voting by mail ballot, and elector registration by mail, in conjunction with mail ballot voting, for those electors who meet the criteria in Section 8 b) for each election or other voting;
- b) The following electors are permitted to register to vote by mail and to vote by mail ballot:
 - (i) those persons who have a physical disability, illness, or injury that affects their ability to vote at another voting opportunity;
 - (ii) persons who expect to be absent from the Municipality on general voting day and at the times of all advance voting opportunities.
- c) The following procedures for voting and registration must apply:
 - (i) sufficient records will be kept by the chief election officer so that challenges of the electors' right to vote may be made in accordance with the intent of section 116 of the *Local Government Act*;

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- (ii) a person exercising the right to vote by mail ballot may be challenged in accordance with, and on the grounds specified in section 116 of the *Local Government Act* until 4:30 pm two days before general voting day.
 - d) The Council authorizes the chief election officer to determine and set time limits in relation to voting by mail.
 - e) As provided in the *Local Government Act*, a mail ballot must be received by the chief election officer before the close of voting on general voting day in order to be counted for an election.

9. Resolution of Tie Votes 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 141 of the *Local Government Act*.

10. Repeal

Elections Procedures Bylaw, 1993, No. 7164 and all amendments thereto are hereby repealed.

11. Title

This bylaw may be cited for all purposes as the “**ELECTIONS PROCEDURES BYLAW, 2011, NO. 9138**”.