



Cultus Lake Park

MAIL BALLOT AUTHORIZATION AND PROCEDURE BYLAW

Bylaw No. 1214, 2022

A Bylaw to provide for the use of mail voting and to establish procedures

Section 12 of the *Cultus Lake Park Act*, SBC 1932, c 63, as amended, enables the Cultus Lake Park Board to adopt bylaws, and Section 9.2 (1) provides that Section 260 – Enforcement Powers of the *Community Charter* (British Columbia) apply to the enforcement of the bylaws of the Board, and Section 261 – Payment of Fines and Other Penalties to Municipality under the *Community Charter* (British Columbia) provides that fines and other penalties imposed and collected under or because of Cultus Lake Park bylaws must be paid to the Board.

Every Person who offends against any of the provisions of this Bylaw or who suffers or permits any act to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act or thing which violates any of the provisions of this Bylaw, will be in breach of this Bylaw, and will be liable to the fines as outlined in the Cultus Lake Park Bylaw Notice Enforcement Bylaw No. 1140, 2019 and all amendments.

Under the *Local Government Act* the Board may, by bylaw, permit voting by mail ballot and establish procedures; and

In open meeting assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as “Cultus Lake Park Mail Ballot Authorization and Procedure Bylaw No. 1214, 2022”.

2. INTERPRETATION

2.1 Words or phrases defined in *The Cultus Lake Park Act* (British Columbia), the *Interpretation Act* (British Columbia), the *Motor Vehicle Act* (British Columbia), the *Transportation Act* (British Columbia), the *Local Government Act* (British Columbia), the *Community Charter* (British Columbia) or any successor legislation to any of them, will have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.

2.2 DEFINITION OF TERMS

“**Applicant**” means an Elector who wants to vote by mail and makes a request for a mail ballot.

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

- (a) Pick up a mail ballot package; or
- (b) Drop off a completed mail ballot package.

“Board” means the Cultus Lake Park Board.

“Chief Election Officer” means the person responsible for the administration of the election for the Cultus Lake Park Board.

“Designate” means the Deputy Chief Election Officer, or Cultus Lake Park Staff member, as appointed by the Chief Election Officer.

“Elector” means an Eligible Resident Voter or an Eligible Non-Resident Leasehold Voter of the jurisdiction.

“Eligible Resident Voter” means a person, with a Cultus Lake Park mailing address.

“Eligible Non-Resident Leasehold Voter” means a person, with a mailing address outside of Cultus Lake Park. One ballot per leased lot will be accepted regardless of the number of leaseholders listed on the residential lease document. Leaseholders must designate one (1) leaseholder to vote, and must submit the completed Eligible Non-Resident Leasehold Voter affidavit Form

“Eligible Non-Resident Leasehold Voter Affidavit Form” means the form, required to be signed by all leaseholders of a leased lot, to designate one (1) leaseholder to vote.

“General Voting Day” means the 3rd Saturday of October in the year of the General Local Government election.

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

3. AUTHORIZATION

- 3.1** Voting by mail ballot and Elector registration by mail in conjunction with mail ballot voting are authorized.
- 3.2** All Eligible Resident Voters and Eligible Non-Resident Leasehold Voters are allowed to vote by mail ballot.

4. APPLICATION PROCEDURE

- 4.1** A person requesting to vote by mail ballot will apply by giving their name and address to the Chief Election Officer or Designate, during the period commencing seven (7) days before the first day of advance voting and ending at 4:00 pm on the Thursday two days before General Voting Day.

4.2 Upon receipt of a request for a mail ballot, the Chief Election Officer or Designate will, between the first day of advanced voting and 4:00 pm on the Thursday two days before General Voting Day:

(a) Make available to the Applicant, a mail ballot package which contains:

- (i) the content set out in section 110(7) of the *Local Government Act*;
- (ii) a statement advising the Elector that they must meet the eligibility to vote criteria;
- (iii) Eligible Non-Resident Leasehold Voter Affidavit Form, if required;
- (iv) any additional instructions; and

(b) record in the Register of Mail Ballots and, upon request, make available for inspection:

- (i) the name and address of the Elector to whom the mail ballot package was issued; and
- (ii) any other information that the Chief Election Officer deems helpful to maintain the Register of Mail Ballots.

4.3 As per the Applicant's direction, the Chief Election Officer may distribute the mail ballot package in any of the following ways:

(a) Sending the mail ballot package by Canada Post;

(b) sending the mail ballot package by courier at the expense of the Applicant;

(c) having the mail ballot package picked up by the Applicant at a designated time and location; or

(d) having the mail ballot package picked up by an Authorized Person at a designated time and location.

4.4 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.

5. VOTING PROCEDURE

5.1 To vote using a mail ballot, the Elector will mark the ballot in accordance with the instructions contained in the mail ballot package provided by the Chief Election Officer.

5.2 After marking the ballot, the Elector will:

(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 and the Eligible Non-Resident Leasehold Voter Affidavit Form, if required, 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.

6. BALLOT ACCEPTANCE OR REJECTION

6.1 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 will immediately record the date of such receipt and will then open the outer envelope and remove and examine the certification envelope and the completed Elector registration application and the Eligible Non-Resident Leasehold Voter Affidavit Form, if applicable, and if satisfied as to:

- (a) The identity and entitlement to vote of the Elector whose ballot is enclosed;
- (b) the completeness of the certification;
- (c) the fulfilment of the requirements of section 70 of the *Local Government Act* in the case of a person who is registering as a new Elector; and
- (d) the completion of the Eligible Non-Resident Leasehold Voter Affidavit Form, if applicable;

the Chief Election Officer or Designate will mark the certification envelope as “accepted” and will retain in their custody all such certification envelopes to deal with any challenges made in accordance with section 7 of this bylaw.

6.2 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 or the Eligible Non-Resident Leasehold Voter Affidavit Form, if required, as an Elector and 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 Designated after the close of voting on General Voting Day,

the certification envelope will remain unopened, and the Chief Election Officer will mark such envelope as “rejected”, and will note the reasons, and the ballot contained therein will not be counted in the election.

- 6.3** The unopened certification envelopes will 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 will be opened in the presence of at least one other person, including any scrutineers present.
- 6.4** At 4:00 pm on the Thursday two days before General Voting Day, the Chief Election Officer or Designate will place all secrecy envelopes received up until that time into a ballot box specified for such purpose, where such secrecy envelopes were received from Electors whose right to vote using a mail ballot has not been challenged, or where such challenge has been resolved and the challenged Elector is permitted to vote.
- 6.5** 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 day, the provisions of section 6.1 of this bylaw, regarding ballot acceptance, will apply. The Chief Election Officer or Designate will retain such envelopes in their possession until the close of voting and at that time, will 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.
- 6.6** After all the secrecy envelopes have been placed in the ballot box designated for that purpose, the ballot box will be opened under the supervision of the Chief Election Officer or Designate. In the presence of at least one other person and any scrutineers present, the secrecy envelopes will be opened, and the ballots contained therein counted in accordance with the provisions of the *Local Government Act*.
- 6.7** Any certification envelopes and their contents rejected in accordance with section 6.2 of this bylaw will remain unopened and will be subject to the provisions of section 160(2) of the *Local Government Act* regarding their destruction.

7. CHALLENGE OF ELECTOR

- 7.1** 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.
- 7.2** The provisions of sections 126(2) to (5) inclusive of the *Local Government Act* will apply where a challenge of an Elector using a mail ballot has been made.

8. ELECTOR'S NAME ALREADY USED

If upon receiving a request for a mail ballot, the Chief Election Officer or Designate, determines that another person had voted or has already been issued a mail ballot in the Elector's name, the Chief Election Officer will comply with section 127 of the *Local Government Act*.

9. REPLACEMENT OF SPOILED BALLOT

9.1 If an Elector unintentionally spoils a mail ballot before returning it to the Chief Election Officer or Designate, the Elector may request a replacement ballot by:

- (a) Advising the Chief Election Officer or Designate, of the ballot spoilage; and
- (b) mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer or Designate.

9.2 Upon receipt of the spoiled ballot package, the Chief Election Office or Designate, will record such fact and proceed according to section 4.2 of this bylaw.

10. SEVERABILITY

If any part of this Bylaw is for any reason held invalid by a court or competent jurisdiction, the invalid portion will be severed and the severance will not affect the validity of the remainder.

11. REPEAL

The Cultus Lake Park Mail Ballot Authorization and Procedure Bylaw No. 1116, 2018 and all amendments are repealed.

12. EFFECTIVE DATE

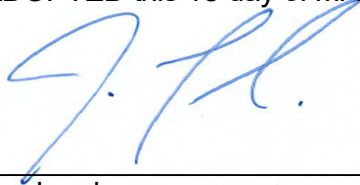
This Bylaw will come into force and effect upon its adoption.

READ A FIRST TIME this 20 day of APRIL, 2022

READ A SECOND TIME this 20 day of APRIL, 2022

READ A THIRD TIME this 20 day of APRIL, 2022

ADOPTED this 18 day of MAY, 2022

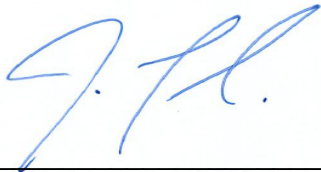


Joe Lamb,
Chief Administrator Officer



David Renwick, Chair
Cultus Lake Park Board

I HEREBY CERTIFY the foregoing to be a
True and correct copy of Cultus Lake Park
Mail Ballot Authorization and Procedure
Bylaw No. 1214, 2022



Chief Administrative Officer