

## RESORT MUNICIPALITY OF WHISTLER

### MAIL BALLOT AUTHORIZATION AND PROCEDURE BYLAW NO. 2190, 2018

#### A BYLAW TO AUTHORIZE MAIL BALLOT VOTING AND TO ESTABLISH PROCEDURES FOR MAIL BALLOT VOTING

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**WHEREAS** pursuant to Section 110 of the *Local Government Act*, Council may, by bylaw, permit voting by mail ballot and establish procedures for mail ballot voting;

**NOW THEREFORE**, the Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

#### 1. CITATION

1.1 This Bylaw may be cited as "Mail Ballot Authorization and Procedure Bylaw No. 2190, 2018".

#### 2. AUTHORIZATION

2.1 Voting by mail ballot and elector registration by mail in conjunction with mail ballot voting are hereby authorized.

2.2 The only electors who may vote by mail ballot are the following:

- (a) persons who have a physical disability, illness, or injury that affects their ability to vote at another voting opportunity; and
- (b) persons who expect to be absent from the municipality on general voting day and at the times of all advance voting opportunities.

#### 3. APPLICATION PROCEDURE

3.1 A person wishing to vote by mail ballot shall apply by completing an "Application to Vote by Mail" form and returning it to the Chief Election Officer or to the person designated by the Chief Election Officer for such purposes, within the time limits required by the Chief Election Officer, which Council authorizes the Chief Election Officer to establish.

3.2 Upon receipt of a completed "Application to Vote by Mail" form, the Chief Election Officer or designate shall, between the sixth day before 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 as specified in Section 110(7) of the *Local Government Act*, together with a statement advising the elector that the elector must meet one or more of the mail ballot criteria specified in Section 3.2 of this Bylaw, and that they must attest to such a fact; and
- (b) immediately record, and upon request, make available for public inspection, the name and address of the person to whom the mail ballot package was issued and whether the person is registered as an elector or "new elector" if that person is not on the register of electors.

#### 4. VOTING PROCEDURE

- 4.1 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.
- 4.2 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, if required, in the outer envelope, and then seal the outer envelope; and
  - (d) mail, or have delivered, the outer envelope and its contents to the Chief Election Officer or designate at the address specified so that it is received no later than the close of voting on general voting day.

#### 5. BALLOT ACCEPTANCE OR REJECTION

- 5.1 Until 4:00 p.m. 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 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, 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; and
  - (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;

the Chief Election Officer or designate shall mark the certification envelope as "accepted", and shall retain in his or her custody all such certification envelopes in order to deal with any challenges made in accordance with Section 6 of this Bylaw.

- 5.2 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.
- 5.3 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 is permitted to vote.
- 5.4 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 5.1 of this Bylaw with

regard to ballot acceptance shall apply and the Chief Election Officer or designate shall retain such certification 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.

5.5 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*.

5.6 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;
- (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 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.

5.7 Any certification envelopes and their contents rejected in accordance with Section 5.6 of this Bylaw shall remain unopened and shall be subject to the provisions of Section 160(2) of the *Local Government Act* with regard to their destruction.

## **6. CHALLENGE OF ELECTOR**

6.1 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.

6.2 The provisions of Section 126(1) to (5) inclusive of the *Local Government Act* shall apply where a challenge of an elector using a mail ballot has been made.

## **7. ELECTOR'S NAME ALREADY USED**

7.1 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.

## **8. REPLACEMENT OF SPOILED BALLOT**

8.1 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.

8.2 The Chief Election Officer shall, upon receipt of the spoiled ballot package, record such fact, and proceed in accordance with Section 3.2 of this Bylaw.

**9. GENERAL**

9.1 If anything regarding mail ballot voting is not referenced in this Bylaw, the *Local Government Act* and *Election Act*, as amended from time to time, shall apply.

9.2 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, sub-paragraph, clause or phrase.

**10. REPEAL**

10.1 "Mail Ballot Authorization and Procedure Bylaw No. 1975, 2011" is hereby repealed.

GIVEN FIRST, SECOND AND THIRD READINGS this 22nd day of May, 2018.

ADOPTED this 5th day of June, 2018.

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Nancy Wilhelm-Morden,  
Mayor

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Brooke Browning,  
Municipal Clerk

I HEREBY CERTIFY that  
this is a true copy of  
"Mail Ballot Authorization and  
Procedure Bylaw No. 2190, 2018".

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Brooke Browning,  
Municipal Clerk