

VILLAGE OF LYTTON

ELECTION PROCEDURES BYLAW NO. 708, 2022

A bylaw to provide for the determination of various procedures for the conduct of elections, by-elections and assent voting.

WHEREAS under the *Local Government Act* Council may, by bylaw, determine various procedures and requirements to be applied to the conduct of elections, by-elections and assent voting;

AND WHEREAS, Council wishes to establish voting procedures and requirements under that authority;

NOW THEREFORE, the Council of the Village of Lytton, in open meeting assembled,
ENACTS AS FOLLOWS:

1. CITATION

This Bylaw may be cited for all purposes as the "Election Procedures Bylaw No. 708, 2022".

2. ACCESS TO NOMINATION DOCUMENTS

As authorized under Section 89(8) of the *Local Government Act*, public access to nomination documents will be provided on the Village of Lytton website from the time of delivery to the Chief Election Officer until 30 days after the declaration of the election results.

3. ELECTOR REGISTRATION

As authorized under Section 76 of the *Local Government Act*, for all elections and assent voting the most current available Provincial list of voters prepared under the *Election Act*, shall become the register of resident electors on the 52nd day prior to general voting day.

4. ADVANCE VOTING OPPORTUNITIES

In accordance with Section 107 of the *Local Government Act*, a second advance voting opportunity will not be held.

5. SPECIAL VOTING OPPORTUNITIES

- (1) As authorized under Section 109 of the *Local Government Act* the Chief Election Officer is authorized to establish special voting opportunities, and are hereby authorized to establish the dates, locations, and voting hours within the limits set out in the *Act*. For greater clarity, the Chief Election Officer has the discretion to determine whether or not to establish special voting opportunities.
- (2) A special voting opportunity may be conducted outside of the boundaries of the municipality for which the election is being held.
- (3) The Chief Election Officer is authorized to limit the number of candidate

representatives who may be present at the special voting opportunity.

6. ADDITIONAL GENERAL VOTING OPPORTUNITIES

- (1) As authorized under Section 106 of the *Local Government Act*, the Chief Election Officer is authorized to establish additional general voting opportunities and are hereby authorized to designate the voting places and set the voting hours within the limits set out in the Act. For greater clarity, the Chief Election Officer has the discretion to determine whether or not to establish special voting opportunities.

7. MAIL BALLOT VOTING AND REGISTRATION AUTHORIZED

- (1) As authorized under Section 110 of the *Local Government Act*, voting by mail ballot and elector registration by mail in conjunction with mail ballot voting are hereby authorized.
- (2) Once a mail ballot package has been accepted by the Chief Election Officer, that voter may only vote by mail ballot.

8. APPLICATION PROCEDURE FOR MAIL BALLOT

- (1) A person wishing to vote by mail ballot must apply by providing their name and address to the Chief Election Officer or to an election official designated by the Chief Election Officer for such purposes, during the period commencing at the date of declaration of election by voting and ending at 4:00 p.m. on the Thursday two days before general voting day.
- (2) Upon receipt of a request for a mail ballot, the Chief Election Officer or designate must, between the time that the ballots are received by the Chief Election Officer 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:
 - (i) where required, an elector registration application;
 - (b) Immediately record, and, upon request make available of inspection:
 - (i) the name and address of the person to whom the mail ballot package was issued; and
 - (ii) information as to whether or not the person is registered as an elector.

9. VOTING PROCEDURE FOR MAIL BALLOT

- (1) In order to vote using a mail ballot, the elector must mark the ballot in accordance with the instructions contained in the mail ballot package provided by the Chief Election Officer.
- (2) After marking the mail ballot, the elector must:
 - (a) place the mail ballot in the secrecy envelope provided, and seal the secrecy envelope;
 - (b) place the secrecy envelope in the certification envelope provided, 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 at the address specified so that it is received no later than the close of voting on general voting day.

10. MAIL BALLOT ACCEPTANCE OR REJECTION

- (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 must immediately record the date of such receipt and must 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 mail ballot is enclosed; and
 - (b) the completeness of the certification; and
 - (c) the fulfillment of the requirements of Section 65 of the *Local Government Act* in the case of a person who is registering as a new elector;

the Chief Election Officer or designate must mark the certification envelope as “accepted” and must retain all such certification envelopes in custody to deal with any challenges made in accordance with Section 11 of this bylaw.

- (2) The unopened certification envelopes must remain in the secure custody of the chief election officer or designate until 4:00 p.m. on the Thursday two days before general voting day, at which time the certification envelopes containing the secrecy envelopes must be opened in the presence of at least one other person, including any scrutineers present.
- (3) At 4:00 pm on the Thursday two days before general voting day, the chief election officer or designate must place all secrecy envelopes received up until that time into the ballot box specified for such a purpose, where such secrecy sleeves 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.
- (4) Where an outer envelope and its contents are received by the chief election officer or designate between 4:00 p.m. on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of Section 10(1) of this bylaw with regard to ballot acceptance apply and the chief election officer or designate must retain such envelope in custody until the close of voting and at that time must 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) 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*.

(6) Where:

- (a) upon receipt of an outer envelope, the Chief Election Officer is not satisfied as to the identity of the elector whose mail 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*;
- (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 must remain unopened, and the chief election officer must mark such envelope as “rejected”, and must note their reasons for doing so, and the mail ballot contained in such envelope, will not be counted in the election.

- (7) Any certification envelopes and their contents rejected in accordance with Section 10(6) of this bylaw must remain unopened and are subject to the provisions of section 160 of the *Local Government Act* with regard to their destruction.

11. CHALLENGE OF MAIL BALLOT ELECTOR

- (1) A person exercising the right to vote by mail may be challenged in accordance with, and on the grounds specified in Section 126 of the *Local Government Act* until 4:00 p.m. on the Thursday two days before general voting day.
- (2) The provisions in Section 126 of the *Local Government Act* apply, so far as applicable, where a challenge of an elector voting by mail ballot has been made.

12. MAIL BALLOT ELECTOR’S NAME ALREADY USED

- (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 that elector’s name, the provisions of Section 127 of the *Local Government Act* apply, so far as applicable.

13. REPLACEMENT OF SPOILED BALLOT

- (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.
- (2) The Chief Election Officer must, upon receipt of the spoiled ballot package, record such fact, and must proceed to issue a replacement mail ballot package in accordance with section 8(2) of this bylaw.

14. 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*.

15. SEVERABILITY

If any part, section, subsection, sentence, clause, phrase or word in his bylaw is held invalid by a Court of competent jurisdiction, the invalid portion will be severed, and the remainder of the bylaw will be deemed to be adopted without the severed part.

16. REPEAL

(1) "Local Elections Bylaw No. 499, 1999" is hereby repealed.

GIVEN FIRST READING on this 12th, day of January 2022

SECOND AND THIRD READINGS this 12th, day of January 2022.

ADOPTED this 26th, day of January 2022

Jan Polderman
Mayor

Leslie Groulx
CAO/Corporate Officer