

**DISTRICT OF FORT ST. JAMES**  
**MAIL BALLOT AUTHORIZATION AND PROCEDURE**  
**BYLAW NO. 1052, 2022**

A Bylaw to provide for the use of mail ballots in voting opportunities.

Under the Local Government Act, the Council may, by bylaw, determine various procedures for dealing with mail ballots.

Council wishes to establish various procedures and requirements under that authority.

The Council of the District of Fort St. James, in open meeting assembled, enacts as follows:

**CITATION**

1.1 This bylaw may be cited as “Mail Ballot Authorization and Procedure Bylaw No. 1052, 2022”.

**AUTHORIZATION AND DEFINITIONS**

2.1 Voting may be done by mail ballot and registration of election may be done by mail in conjunction with mail ballot voting.

2.2 The chief election officer may establish the time limits in relation to voting by mail.

2.3 In this bylaw,

**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.

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

2.4 The definitions contained in the *Local Government Act* shall apply in this bylaw.

**APPLICATION PROCEDURE**

3.1 An Applicant shall apply by giving their name and address to the Chief Election Officer during the period:

- a) commencing 30 days before general voting day and

- b) ending at 4:00 pm time on the Thursday, two days before general voting day.
- 3.2 Upon the Applicant making a request for a mail ballot, the Chief Election Officer shall, between the time when the ballots are ready and 4:00 p.m. 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. additional instructions; and
    - iii. a statement advising the elector that
      - a. the elector must meet the eligibility to vote criteria, and
      - b. The elector must attest to such fact; 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.
- 3.3 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.
- 3.4 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.

### **VOTING PROCEDURE**

- 4.1 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.
- 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 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.

### **BALLOT ACCEPTANCE OR REJECTION**

- 5.1 Until 8:00 pm time on general voting day, the Chief Election Officer shall, upon receipt of the return envelope and its contents:
  - a) immediately record the date of receipt in the Register of Mail Ballots; and
  - b) open the return envelope.
  
- 5.2 When the Chief Election Officer examines the certification envelope, the Chief Election Officer shall:
  - a) confirm the identity of the elector as an Applicant on the Register of Mail Ballots;
  - b) determine the fulfilment of the requirements in section 70 of the Local Government and the completeness of any application to register, if required; and
  - c) determine the completeness of the certification envelope.
  
- 5.3 If the Chief Election Officer is satisfied that the elector has met the requirements in section 5.2, the Chief Election Officer shall:
  - a) mark the certification envelope as “accepted”;
  - b) place the accepted certification envelope with the other certification envelopes.
  
- 5.4 If the Chief Election Officer determines that:
  - a) the Chief Election Officer is not satisfied as to the identify to the elector; or
  - b) 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 for the rejection and set aside the rejected certification envelope unopened.
  
- 5.5 The Chief Election Officer shall retain in their custody all opened and unopened certification envelopes.
  
- 5.6 After 4:30 pm on Thursday, two days before general voting day, the Chief Election Officer, in the presence of at least 1 other person, including any candidate representatives, shall:
  - a) deal with any challenges to the electors involving the accepted certification envelopes;
  - b) open the certification envelopes;

- c) remove the secrecy envelopes containing the ballots; and
- d) place the secrecy envelope containing the ballot in the ballot box.

5.7 If the Chief Election Officer receives a return envelope with its contents after 4:30 pm on Thursday, two days before general voting day but before the close of general voting, the Chief Election Officer shall:

- a) handle those return envelopes in accordance with sections 5.1 at the time that the Chief Election Officer receives the return envelopes;
- b) retain all accepted certification envelopes until the close of general voting day;
- c) process the accepted certification envelopes in accordance with sections 5.2 to 5.5 after the close of general voting day.

5.8 As soon as possible after all of the secrecy envelopes have been placed in the ballot box, in the presence of at least 1 other person and any candidate representatives, the Chief Election Officer shall supervise:

- a) the opening of the ballot box;
- b) the opening of the secrecy envelopes and
- c) the counting of the ballots in accordance with the provisions of the *Local Government Act*.

5.9 If the Chief Election Officer receives a return envelope with its contents after the close of general voting day, the Chief Election Officer shall:

- a) mark the return envelope as “rejected”;
- b) indicate the reason why the return envelope was rejected on the return envelope; and
- c) place the unopened return envelope with the other rejected return envelopes.

### **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 4:30 pm Thursday, two days before general voting day.

### **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*.

### **REPLACEMENT OF SPOILED BALLOT**

8.1 If an elector unintentionally spoils a mail ballot before returning it to the Chief Election Officer, the elector may request a replacement ballot by:

- a) advising the Chief Election Officer 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.

8.2 Upon receipt of the spoiled ballot package, the Chief Election Officer shall, record such fact, and proceed in accordance with Part 4 of this bylaw.

READ A FIRST, SECOND AND THIRD TIME THIS 28<sup>th</sup> DAY OF JUNE 2022.

ADOPTED THIS 4<sup>th</sup> DAY OF JULY 2022.

[Original Signed]

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Mayor

[Original Signed]

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