

CITY OF KELOWNA

BYLAW NO. 12393

A Bylaw to provide for the procedures for the conduct of the 2022 Local Government Elections and other voting

WHEREAS under the *Local Government Act*, the Council of the City of Kelowna may, by bylaw, determine various procedures and requirements to be applied in the administration and conduct of local government elections and other voting;

AND WHEREAS the Council of the City of Kelowna wishes to establish various procedures and requirements in relation to general local elections and any other voting under that authority;

NOW THEREFORE the Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. CITATION

1.1 This bylaw may be cited for all purposes as "2022 General Local Government Election Bylaw No. 12393".

2. MINIMUM NUMBER OF NOMINATORS

2.1 The minimum number of qualified nominators required to make a nomination for office as a member of Council shall be 10 as authorized in section 86 of the *Local Government Act*.

3. NOMINATION DEPOSITS

3.1 As authorized in section 88 of the *Local Government Act* nominations for Mayor, Councillor or School Trustee must be accompanied by a nomination deposit.

3.2 The amount of the nomination deposit required under section 3.1 of this bylaw shall be \$100.00 (One Hundred Dollars).

4. ACCESS TO NOMINATION DOCUMENTS

4.1 As authorized under section 89 of the *Local Government Act*, public access to nomination documents will be available at the Office of the City Clerk, 1435 Water Street, Kelowna, BC during normal working hours of 8:00 am to 4:00 pm, Monday to Friday.

5. ADVANCE VOTING OPPORTUNITIES

5.1 The following days are hereby established as required advance voting opportunities:

- (a) October 5; and
- (b) October 12, 2022.

5.2 The Chief Election Officer is hereby authorized to establish additional advance voting opportunities in advance of general voting day, and designate the voting places and set the voting hours for these voting opportunities as identified under section 108 of the *Local Government Act*.

6. SPECIAL VOTING OPPORTUNITIES

- 6.1 The Chief Election Officer is hereby authorized to establish for electors, who may otherwise be unable to vote, a special voting opportunity and designate the location, the date, and the voting hours.
- 6.2 Persons who may vote at a special voting opportunity shall be qualified electors who are residents, patients or family members at the facility, or qualified electors who are employed at the facility being used as a special voting opportunity.
- 6.3 The Chief Election Officer is hereby authorized to limit the number of candidate representatives who may be present at a special voting opportunity.

7. MAIL BALLOT VOTING

- 7.1 Mail ballot voting shall be permitted in accordance with Section 110 of the *Local Government Act*, and elector registration shall be permitted to be conducted in conjunction with this voting.
- 7.2 The Chief Election Officer is hereby authorized to establish time limits in relation to voting by mail ballot.
- 7.3 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.
- 7.4 Mail ballot voting procedures are established in 'Schedule A' attached to and forming part of this bylaw.

8. GENERAL VOTING OPPORTUNITIES

- 8.1 The Chief Election Officer is hereby authorized to establish additional general voting opportunities for general voting day, and designate the voting places, and set the voting hours for these voting opportunities.

9. ORDER OF NAMES ON BALLOT

- 9.1 The order of names of candidates on the ballot will be alphabetical as in accordance with section 116 of the *Local Government Act*.

10. RESOLUTION OF TIE VOTES AFTER JUDICIAL RECOUNT

- 10.1 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*.

Read a first, second, and third time by the Municipal Council this

Adopted by the Council of the City of Kelowna this

Mayor

City Clerk

Schedule 'A'

1. Definitions

1.1 In this Schedule:

Applicant means an elector who wants to vote by mail and make a request for a mail ballot;

Authorized person means a person that the **applicant** has authorized, on the **applicant's** behalf, to pick up a mail ballot package or drop off a completed mail ballot package.

Chief Election Officer means the person appointed as such by the Council of the City of Kelowna or their designate.

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. Application Procedure

2.1 An **applicant** will apply by giving their name and address to the **Chief Election Officer** during the period established by the **Chief Election Officer**.

2.2 An **applicant** must indicate if they will be registering as a resident elector or as a non-resident property elector.

2.3 Upon the **applicant** making a request for a mail ballot, the **Chief Election Officer** will:

- (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 the elector must meet the eligibility to vote criteria and the elector must attest to such fact; and
- (b) record in the **register of mail ballots** and, upon request, make available for inspection the name and address of the elector to whom the mail ballot package was issued; and
- (c) record in the **register of mail ballots** any other information that the **Chief Election Officer** deems helpful to maintain the **register of mail ballots**.

2.4 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.

2.5 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.

3. Voting Procedure

- 3.1 To vote by 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**.
- 3.2 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, in the outer envelope, and then seal the outer envelope; and
 - (d) mail, or otherwise deliver, 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.

4. Ballot Acceptance or Rejection

- 4.1 The **Chief Election Officer** will, upon receipt of the return envelope and its contents, immediately record the date of receipt in the **register of mail ballots** and open the return envelope.
- 4.2 When the **Chief Election Officer** examines the certification envelope, the **Chief Election Officer** will:
- (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 Act* and the completeness of any application to register; and
 - (c) determine the completeness of the certification envelope.
- 4.3 If the **Chief Election Officer** is satisfied that the elector has met the requirements in section 4.2, the **Chief Election Officer** will mark the certification envelope as "accepted" and place the accepted certification envelope with the other certification envelopes in a secure location.
- 4.4 If the **Chief Election Officer** is not satisfied as to the identify to the elector or the elector has not completed the application to register properly, the **Chief Election Officer** will mark the certification envelope as "rejected", indicate the reason for the rejection and set aside the rejected certification envelope unopened in a secure location.
- 4.5 At the time established by the **Chief Election Officer** prior to general voting day, and in the presence of at least one (1) other election official, the **Chief Election Officer** will:
- (a) open the certification envelopes;
 - (b) remove the secrecy envelopes containing the ballots; and
 - (c) place the sealed secrecy envelope containing the ballot in the designated portable ballot box.
- 4.6 Should the **Chief Election Officer** deem it necessary, at the time established by the **Chief Election Officer** prior to the close of voting on general voting day, and in the presence of at least one (1) other election official and any candidate representatives, the **Chief Election Officer** will supervise:
- (a) the opening of the designated portable ballot box;
 - (b) the opening of the secrecy envelopes; and

- (c) the counting of the ballots following the procedures, so far as applicable, in Section 5 of Automated Voting Machines Authorization Bylaw No. 10970.

4.7 At the close of voting on general voting day, and in the presence of at least one (1) other election official and any candidate representatives, the **Chief Election Officer** will supervise:

- (a) the opening of the designated portable ballot box;
- (b) the opening of the secrecy envelopes; and
- (c) the counting of the ballots following the procedures, so far as applicable, in Section 7 of Automated Voting Machines Authorization Bylaw No. 10970.

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

- (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.

5. Challenge of Elector

5.1 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 4:00 pm two days before general voting day.

6. Elector's Name Already Used

6.1 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** will comply with section 127 of the *Local Government Act*.

7. Replacement of Spoiled Ballot

7.1 If an elector unintentionally spoils a mail ballot before returning it to the **Chief Election Officer**, the elector may request a replacement ballot by advising the **Chief Election Officer** of the ballot spoilage and mailing or otherwise delivering, by any appropriate means, the spoiled ballot package in its entirety to the **Chief Election Officer**.

7.2 Upon receipt of the spoiled ballot package, the **Chief Election Officer** will record such fact and proceed in accordance with Section 2 of this schedule.