



Attachment 2
Proposed Changes to the Elections Procedures
Bylaw
Redline Version

CORPORATION OF THE CITY OF NEW WESTMINSTER



LOCAL GOVERNMENT ELECTIONS PROCEDURES BYLAW NO. 7985, 2018

EFFECTIVE DATE: May 28, 2018

CONSOLIDATED FOR CONVENIENCE ONLY
(March 30, 2022)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW
8311, 2022

EFFECTIVE DATE
March 7, 2022

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 7985, 2018. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the City Clerk's Office

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO.7985, 2018

A Bylaw to provide for the determination of various procedures for the conduct of local government elections and other voting

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

AND WHEREAS City Council wishes to establish various procedures and requirements under that authority;

NOW THEREFORE THE CITY COUNCIL of the Corporation of the City of New Westminster in open meeting assembled ENACTS AS FOLLOWS:

1. Citation

This bylaw may be cited for all purposes as “Local Government Elections Procedures Bylaw No. 7985, 2018”.

2. Definitions

In this bylaw:

“*Community Charter*” means the *Community Charter*, SBC 2003, Chapter 26, as amended from time to time;

“election” means an election for the number of persons required to fill a local government office;

“*Election Act*” means the *Election Act*, RSBC 1996, Chapter 106, as amended from time to time;

“elector” means a resident elector or property elector of the City of New Westminster, as defined under the *Local Government Act*,

“general local election” means the elections held for the mayor and all councillors of the local government, which was held in 2014 and must be held in every fourth year after that;

“general voting day” means

- (a) for a general local election, the third Saturday of October in the year of the election,

- (b) for other elections, the date set under sections 54 (5), 55 (1) or (3) and 152 (5) of the *Local Government Act*, and
- (c) for other voting, the date set under section 174 (1) or (2) of the *Local Government Act*,

“local government” means, in relation to an election, the council of the Corporation of the City of New Westminster;

“*Local Government Act*” means the *Local Government Act*, RSBC 2015, Chapter 1, as amended from time to time;

“other voting” means voting on a matter referred to in section 170 of the *Local Government Act* and includes voting on community opinions under section 83 of the *Community Charter*.

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"social service centre" means a government or other facility which provides social services to specific populations, which includes but is not limited to: health, mental care and food services.

3. Use of the Provincial List of Voters as the Register of Resident Electors

- (a) As authorized under section 76 of the *Local Government Act*, the most current available Provincial list of voters prepared under the *Election Act* is deemed to be the register of resident electors for the City of New Westminster.
- (b) The Provincial list of voters becomes the register of resident electors no later than 52 days before general voting day for any election or other voting for the City of New Westminster.

4. Required Advance Voting Opportunities

- ~~(a) In accordance with section 107 of the *Local Government Act*, advance voting opportunities shall be held on:
 - ~~(i) the tenth day before general voting day from 8:00 a.m. to 8:00 p.m.; and~~
 - ~~(ii) the third day before general voting day from 8:00 a.m. to 8:00 p.m.; and~~~~

In accordance with section 107 of the *Local Government Act*, in addition to the required advance voting opportunities to be held on the tenth day before general voting day, the additional required advance voting opportunity shall be held on the third day before general voting day.

~~(b) As soon as practicable after the declaration of an election by voting, the chief election officer must designate voting places for the required advance voting opportunities.~~

5. Additional Advance Voting Opportunities

In accordance with section 108 of the *Local Government Act*, the local government authorizes the chief election officer to establish dates for additional voting opportunities in advance of general voting day, and to designate the voting places and set the voting hours for these voting opportunities.

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6. Special Voting Opportunities

~~(a) The Chief Election Officer is hereby authorized to establish special voting opportunities in order to give electors who may otherwise be unable to vote an opportunity to do so.~~

(a) As authorized by section 109 of the *Local Government Act*, special voting opportunities are established in order to give the following persons an opportunity to vote:

- i. users of an emergency shelter or social service centre located in the City of New Westminster;
- ii. residents or patients of a hospital, care facility or similar facility located in the City of New Westminster.

(b) The Chief Election Officer is authorized to establish the date, voting hours and place where a special voting opportunity is to be conducted.

~~(c) Electors may only vote at a special voting opportunity if they:~~

- ~~i. Have a disability, illness or injury that affects their ability to vote at another voting opportunity; or~~
- ~~ii. Are users of an emergency shelter or social service centre;~~
- ~~iii. Are residents or patients of a hospital, care facility or similar facility or institution located in the City of New Westminster.~~

A person may only vote at a special voting opportunity if they:

- i. Are users of an emergency shelter or social service centre at which the special voting opportunity is held; or,

- ii. Are residents or patients of a hospital, care facility or similar facility at which the special voting opportunity is held.
- (d) An elector at a special voting opportunity who is unable to proceed to a voting compartment may request to vote elsewhere in the facility, and after receiving the request the presiding election official or designate must attend the elector for the purpose of allowing the elector to receive and mark a ballot; and
- (e) One candidate representative of the ballots for Mayor, Councillor and School Trustee is entitled to be present at each special voting opportunity with that candidate representative chosen by agreement of the candidates for that ballot or, failing such agreement, by the Chief Election Officer.

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7. Mail Ballot Voting

Authorization for Mail ballot procedure

- (a) ~~As authorized under section 110 of the *Local Government Act*, voting and elector registration may be done by mail.~~

As authorized under section 110 of the *Local Government Act*, voting may be done by mail ballot and elector registration may be done in conjunction with this voting.

- (b) ~~The following procedures for voting and registration must apply:~~
 - i. ~~sufficient records will be kept by the Chief Election Officer so that challenges of the elector's right to vote may be made in accordance with the intent of the *Local Government Act*; and~~
 - ii. ~~a person exercising the right to vote by mail under the provisions of the *Local Government Act* may be challenged in accordance with section 126 of the *Local Government Act*.~~

The Chief Election Officer shall keep sufficient records so that challenges of the elector's right to vote may be made in accordance with Section 126 of the intent of the *Local Government Act*.

- (c) ~~Time limits in relation to voting by mail ballot will be determined by the Chief Election Officer for each election.~~

The Chief Election Officer may establish time limits in relation to voting by mail ballot.

- (d) ~~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.~~

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8. Electronic Access to Nomination Documents Authorization

As authorized by Section 89 (8) of the *Local Government Act*, public access to nomination documents will be made available via the internet or other electronic means.

9. Resolution of Tie Votes after Judicial Recount

If at the completion of a judicial recount the results of an election cannot be declared because there is an equality of votes for 2 or more candidates, the results will be determined by lot in accordance with section 151 of the *Local Government Act*, rather than by election under section 152 of the *Local Government Act*.

10. Repeal

"Local Government Election Procedures Bylaw No. 6142, 1993", and all amending bylaws are hereby repealed.

11. Severance

If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw

Adopted May 28, 2018