

DISTRICT OF LAKE COUNTRY

BYLAW 1183

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A BYLAW TO PROVIDE FOR VOTING BY MAIL BALLOT

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The Council of the **District** of Lake Country, in open meeting assembled, enacts as follows:

**1. AUTHORIZATION**

- 1.1. Voting may be done by mail ballot and registration of an elector may be done by mail in conjunction with mail ballot voting.
- 1.2. The CEO may establish time limits in relation to voting by mail.
- 1.3. Unless otherwise defined in this bylaw, a word or expression used in this bylaw has the meaning assigned to it in the *Local Government Act*.

**2. DEFINITIONS**

In this bylaw

“**Applicant**” means an elector who wishes 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 or drop off a mail ballot package.

“**CEO**” means the person appointed as the Chief Elections Officer or their designate.

“**Mail Ballot Register**” means the records related to mail ballots maintained by the Chief Election Officer to address any challenges to an elector’s right to vote.

**3. APPLICATION PROCEDURE**

- 3.1. A person who wishes to vote by mail ballot must submit an application to vote by mail to the **CEO**, on the form established by the **CEO**, during the time limits established by the CEO, but shall be no later than 4 p.m., two (2) days before general voting day.
- 3.2. A person may submit an application to establish an **Authorized Person** to the **CEO**, on the form established by the **CEO**, during the time limits established by the CEO, but shall be no later than 4 p.m., two (2) days before general voting day.
- 3.3. An application to vote by mail shall include:
  - (a) the name and address of the **Applicant**;
  - (b) an application to register as an elector, or a non-resident property elector;
  - (c) a declaration the **Applicant** meets the requirements to be registered as an elector in accordance with section 64 of the *Local Government Act*;
  - (d) any other information required by the **CEO**, regulation or legislation.
- 3.4. Upon receipt of an application to vote by mail the **CEO** shall:
  - (a) record the **Applicant** or **Authorized Person**’s information in the **Mail Ballot Register**;

- (b) make a mail ballot package available to the **Applicant** or **Authorized Person** from the time ballots are printed and in the custody of the **CEO** up to 4 p.m. two (2) days before general voting day;
- (c) distribute a mail ballot package to the **Applicant** or **Authorized Person** by: Canada Post, courier at the expense of the **Applicant** or pick up with proof of identification.

3.5. The **CEO** shall make the **Mail Ballot Register** available for inspection upon request.

3.6. A mail ballot package shall contain:

- (a) content as required under the *Local Government Act*;
- (b) instructions as to how to vote by mail;
- (c) a declaration the **Applicant** meets the requirements to be registered as an elector in accordance with section 64 of the *Local Government Act*;
- (d) a declaration the application has not previously voted in the election and will not afterwards vote again in the election.

#### 4. VOTING PROCEDURES

4.1. To vote by mail, the elector shall:

- (a) mark the ballot in accordance with the instructions provided;
- (b) place the marked ballot in the secrecy envelope provided, and seal the secrecy envelope;
- (c) place the secrecy envelope in the certification envelope;
- (d) complete and sign the declaration on the front of the certification envelope;
- (e) seal the certification envelope;
- (f) place the certification envelope in the outer envelope and seal the outer envelope;
- (g) mail or deliver the outer envelope and its contents to the **CEO** so it is received no later than 8:00 p.m. on general voting day.

#### 5. BALLOT ACCEPTANCE OR REJECTION

5.1. Upon receipt of an outer envelope and its contents, the **CEO** shall:

- (a) record the date of receipt;
- (b) open the outer envelope;
- (c) confirm the identify of the elector as an **Applicant**;
- (d) determine the completeness of the certification;
- (e) determine the fulfilment of the requirements in section 70 of the *Local Government Act*;
- (f) mark the certification envelope:
  - (i) “accepted” where the **CEO** is satisfied the requirements have been met and the outer envelope has been received prior to 8 p.m. on general voting day; or
  - (ii) “rejected” where the **CEO** is not satisfied as to identify or completeness of the application or the outer envelope has been received after 8 p.m. on general voting day, and note the reasons for rejection on the envelope;
- (g) retain all certification envelopes in their custody;
- (h) retain all “rejected” certification envelopes unopened.

5.2. At 4 p.m., two (2) days before general voting day, in the presence of at least 1 other person, including any candidate representatives, the **CEO** shall:

- (a) address any challenges to electors for “accepted” certification envelopes;
- (b) open all certification envelopes identified as “accepted”;
- (c) remove the secrecy envelopes containing the ballots;
- (d) place the secrecy envelopes into a ballot box specified for mail ballot voting;
- (e) seal the ballot box specified for mail ballot voting.

- 5.3. Outer envelopes received between 4 p.m. two (2) days before general voting day and 8:00 p.m. general voting day shall:
- (a) upon receipt, be processed in accordance with section 5.1;
  - (b) prior to 8:00 p.m. on general voting day, be processed in accordance with section 5.2.
- 5.4. Before 8:00 p.m. on general voting day, in the presence of at least 1 other person and any candidate representatives, the **CEO** shall supervise:
- (a) the opening of the ballot box containing the secrecy envelopes;
  - (b) the opening of the secrecy envelopes; and
  - (c) the counting of the ballots in accordance with the Local Government Act.
- 5.5. For the purpose of preserving secrecy, if there are fewer than 25 ballots in the ballot box specified for mail ballot voting, the **CEO** may combine mail ballots in any other ballot box.
- 5.6. Outer envelopes and their contents received after 8:00 p.m. on general voting day shall be marked “rejected”, be marked to include the reason for rejection and be placed unopened, with other rejected envelopes.

## **6. CHALLENGE OF ELECTORS**

- 6.1. In accordance with section 126 of the *Local Government Act*, a person may challenge the right of a person to vote by mail until 4 p.m., two (2) days before general voting day.

## **7. ELECTOR’S NAME ALREADY USED**

- 7.1. Where, upon receiving a request for a mail ballot, the **CEO** determines 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. If an elector unintentionally spoils a mail ballot before returning it to the **CEO**, the elector may request a replacement ballot by advising the **CEO** the ballot has been spoiled and by mailing or delivering the spoiled ballot package in its entirety to the **CEO**.
- 8.2. Upon receipt of a spoiled ballot package the **CEO** will record the information in the **Mail Ballot Register** and issue a replacement ballot in accordance with this bylaw.

## **9. SEVERABILITY**

- 9.1. If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.

## **10. REPEALS**

Mail Ballot Voting Bylaw 691, 2008 and all amendments thereto are hereby repealed in their entirety.

**11. CITATION**

11.1. This bylaw may cited as “Mail Ballot Voting Bylaw 1183, 2022”

READ A FIRST TIME this 19th day of April, 2022.

READ A SECOND TIME this 19th day of April, 2022.

READ A THIRD TIME this 19th day of April, 2022.

ADOPTED this 3rd day of May, 2022.

Original signed by James Baker  
Mayor

Original signed by Reyna Seabrook  
Corporate Officer