

This Act is current to June 20, 2018

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

## **LOCAL GOVERNMENT ACT**

### **[RSBC 2015] CHAPTER 1**

*Deposited with Clerk of the Legislative Assembly on December 16, 2015*

## **Part 3 — Electors and Elections**

### **Division 1 — General**

#### **Definitions in relation to this Part**

**47** In this Part:

**"additional advance voting opportunity"** means a voting opportunity under section 108;

**"additional general voting opportunity"** means a voting opportunity under section 106;

**"advance voting opportunity"** means a required advance voting opportunity or an additional advance voting opportunity;

**"candidate"**

(a) means a person who is declared to be a candidate under section 97 [*declaration of candidates*], and

(b) for the purposes of Division 7 [*Candidate Endorsement by Elector Organization*], includes a person who is seeking endorsement or is proposed to be endorsed under that Division;

**"candidate representative"** means an official agent or a scrutineer appointed under section 102;

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

**"election area"** means the municipality, neighbourhood constituency, regional district electoral area or other area for which an election is held under this Act or other local elections legislation;

**"election proceedings"** means nomination, voting or counting proceedings under this Part;

**"elector organization"** means an organization that endorses a candidate under Division 7;

**"endorsement"**, in relation to a candidate, means the endorsement of the candidate by an elector organization under Division 7;

**"endorsement documents"** means documents required to be filed by an elector organization under section 93 [*endorsement documents*];

**"general voting"** means voting proceedings at required general voting opportunities and additional general voting opportunities and, if applicable, those proceedings as adjourned under section 62;

**"held at the same time"**, in relation to elections and assent voting, means being held at the same time in accordance with the rules established by section 6 [*when elections, or elections and assent voting, are considered to be held at the same time*] of the [Local Elections Campaign Financing Act](#);

**"judicial recount"** means a judicial recount under Division 15 [*Judicial Recount*];

**"neighbourhood constituency"** means an election area established as a neighbourhood constituency under section 53;

**"nomination deposit"** means a nomination deposit required by bylaw under section 88 [*nomination deposits*];

**"nomination documents"** means the documents required by section 87 (1) and (2);

**"nomination period"** means the period referred to in section 84 [*nomination period*] or, if applicable, as extended under section 62 [*adjournment of election proceedings*];

**"official agent"** means an official agent appointed under section 102 (1) (a) [*appointment of candidate representatives*] to represent a candidate;

**"presiding election official"** means, in relation to election proceedings, the chief election officer or the election official appointed under section 58 (3) (a) to act as presiding election official for those proceedings;

**"required advance voting opportunity"** means a voting opportunity under section 107;

**"required general voting opportunity"** means a voting opportunity on general voting day at a voting place under section 105;

**"residential address"** includes an indication of the area in which a person lives if no other specific designation is reasonably available;

**"solemn declaration"** means a declaration on oath or by solemn affirmation in accordance with section 51;

**"special voting opportunity"** means a voting opportunity under section 109;

**"voting compartment"** means an area described in section 123 (3) [*area where voters can mark their ballots screened from observation by others*];

**"voting day"** means the general voting day for an election, a day on which an advance voting opportunity for the election is offered or a day on which a special voting opportunity for the election is offered;

**"voting hours"** means the time during which voting is permitted on a voting day;

**"voting opportunity"** means an opportunity referred to in section 104 [*voting opportunities for electors*] for some or all electors of an election area to vote in an election for the election area;

**"voting place"** means a place where voting proceedings at general voting or an advance voting opportunity are conducted.

### **Time not extended for voting days**

- 48** Section 25 (3) of the [Interpretation Act](#), extending a time period if the time for doing an act falls on a day when a business office is not open during regular business hours, does not apply to a voting day.

### **This Act prevails in relation to use of information**

- 49** To the extent of any inconsistency or conflict with the [Freedom of Information and Protection of Privacy Act](#), Parts 3 [*Electors and Elections*] and 4 [*Assent Voting*] of this Act apply despite that

Act.

### **Public notice by newspaper publication**

- 50** (1) If this Part requires notice to be given in accordance with this section, the notice must be given by publication in a newspaper in accordance with section 4 of the Schedule to this Act.
- (2) Notices to which this section applies may be combined as long as the requirements of all applicable sections are met.

### **Solemn declarations**

- 51** (1) If this Part requires a solemn declaration to be made, the declaration must be
- (a) made on oath or by solemn affirmation,
  - (b) made before a commissioner for taking affidavits for British Columbia or a person authorized by this Part to take the oath or solemn affirmation, and
  - (c) signed by the person making the oath or solemn affirmation and by the person before whom it is made.
- (2) If a regulation under section 168 [*election regulations*] applies, the declaration must be made in a form prescribed by the regulation.

## **Division 2 — Arrangements for Elections**

### **General local elections every 4 years**

- 52** (1) Elections for the mayor and all councillors of each municipality and elections for the electoral area directors of each regional district, to be known collectively as a general local election, must be held in the year 2014 and in every 4th year after that.
- (2) General voting day for a general local election must be the 3rd Saturday of October in the year of the election.

### **Municipal elections at large unless neighbourhood constituency established**

- 53** (1) Unless a bylaw under subsection (2) applies, every council member must be elected from the municipality at large.
- (2) A council may, by bylaw, provide that all or some of the councillors be elected on a neighbourhood constituency basis.
- (3) A bylaw under subsection (2) must establish the areas that are to be neighbourhood constituencies and provide for an orderly transition to election on this basis.
- (4) The authority under subsection (2) applies despite the letters patent for the municipality, but a bylaw under that subsection must be approved by the Lieutenant Governor in Council before it is adopted.
- (5) If a neighbourhood constituency is established,
- (a) the only persons who may vote as electors of the neighbourhood constituency are
    - (i) resident electors of the municipality who meet the qualifications of section 65 [*resident electors*] in relation to the area of the neighbourhood constituency, and
    - (ii) non-resident property electors of the municipality who meet the qualifications of section 66 [*non-resident property electors*] in relation to the area of the neighbourhood constituency, and
  - (b) except as permitted at an additional general voting opportunity or a special voting opportunity, the electors of the neighbourhood constituency may vote on general voting day only at the voting places for that neighbourhood constituency.

- (6) The notice of election under section 99 [*notice of election by voting*] for an election on the basis of a neighbourhood constituency must include the following additional information:
- (a) the boundaries of the neighbourhood constituency;
  - (b) the voting place on general voting day for the neighbourhood constituency;
  - (c) a description of the qualifications established by subsection (5) (a) that entitle an elector to vote for a council member to represent the neighbourhood constituency.

## **By-elections**

- 54** (1) Subject to this section, an election must be held to fill a vacancy in an elected local government office that occurs in any of the following circumstances:
- (a) the person elected or appointed to the office dies before taking office;
  - (b) the office is declared vacant on an application under section 153 [*application to court respecting validity of election*], or a candidate affected by the application renounces claim to the office under subsection (9) of that section;
  - (c) the person holding the office dies;
  - (d) the person holding the office resigns from office;
  - (e) the office becomes vacant under Division 7 [*Challenge of Council Member Qualification for Office*] of Part 4 of the [Community Charter](#) as it applies in relation to that office;
  - (f) the office becomes vacant under any of the following sections of the [Local Elections Campaign Financing Act](#):
    - (i) section 64 (2) (a) [*candidate penalties for failure to disclose*];
    - (ii) section 65 (1) (a) [*candidate penalties for false or misleading disclosure*];
    - (iii) section 65.1 (1) [*endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information*];
    - (iv) section 68.01 (3) [*candidate penalties for exceeding expense limits or amount available*].
- (2) A local government may decide that a by-election is not to be held if the vacancy occurs after June 1 in the year of a general local election that will fill the office.
- (3) In addition to the authority under subsection (2), a council may decide that a by-election is not to be held if all the following circumstances apply:
- (a) the vacancy occurs after January 1 in the year of a general local election that will fill the office;
  - (b) the vacancy is not in an office elected on the basis of a neighbourhood constituency;
  - (c) the number of remaining council members is at least one greater than the quorum for the council, as set under section 129 (1) [*quorum for conducting business*] of the [Community Charter](#).
- (4) As soon as practicable after a vacancy occurs for which an election under this section is to be held, the local government must
- (a) appoint a chief election officer for the election, and
  - (b) notify the minister of the election.
- (4.1) As soon as practicable after the appointment under subsection (4) (a), the chief election officer must notify the BC chief electoral officer of the election.
- (5) The chief election officer must set a general voting day for the election, which must be on a Saturday no later than 80 days after the date the chief election officer was appointed.

- (6) If the number of members of a local government is reduced to less than a quorum, the minister may either
- (a) order that the remaining members of the local government constitute a quorum until persons are elected and take office to fill the vacancies, or
  - (b) appoint qualified persons to fill the vacancies until persons are elected and take office to fill them.
- (7) A person elected in a by-election holds office until the end of the term of the office in respect of which the election was held.

### **Minister may arrange for election to be conducted**

- 55** (1) If an election is not held or a vacant office is not otherwise filled as required under this Act, the minister may
- (a) set a general voting day for the election, appoint a chief election officer and otherwise arrange for the election to be conducted, or
  - (b) order the designated local government officer to arrange for the election to be conducted.
- (2) If considered necessary in relation to an election under subsection (1), the minister may make orders to provide for the conduct of the election and for the governing of the municipality or regional district until the candidates elected in that election take office, including orders that provide for exceptions to provisions of this Act and regulations or bylaws under this Act.
- (3) The general voting day for an election under this section must be on a Saturday set by the minister or by the chief election officer in accordance with the directions of the minister.

### **Election bylaws**

- 56** (1) This section applies to a bylaw under
- (a) this Part,
  - (b) section 330 [*regulation of signs and advertising*] of this Act, or
  - (c) section 8 (4) [*fundamental powers — signs and advertising*] of the [Community Charter](#).
- (2) Unless otherwise provided,
- (a) in order for a bylaw referred to in subsection (1) to apply in relation to a general local election, the bylaw must be adopted at least 56 days before the first day of the nomination period of the general local election, and
  - (b) in order for a bylaw referred to in subsection (1) to apply in relation to an election under section 54 [*by-elections*], the bylaw must be adopted at least 42 days before the first day of the nomination period for the election.

### **Costs of elections**

- 57** (1) The costs of an election, including the costs of registration of electors for the election, are the responsibility of the municipality or regional district for which the election is held unless otherwise agreed.
- (2) The costs of an election may be shared under an agreement between the local government and another local government, the council of the City of Vancouver or a board of education for the conduct of the election by one party for the other or in conjunction with an election of the other.
- (3) A local government that is a party to an agreement under subsection (2) may, by bylaw, provide that the bylaws of the other party respecting elections apply to elections conducted

under the agreement.

- (4) An agreement referred to in subsection (2) may provide for a party to conduct only some of the election proceedings for or in conjunction with the other party.
- (5) If an agreement referred to in subsection (4) applies to an election, the election is valid despite the agreement and any bylaws in relation to it having the effect of creating differences in election proceedings between different parts of the election area for which an election is held.
- (6) Without limiting subsection (4), an agreement referred to in that subsection may allow a local government to restrict the persons who may vote at the election proceedings conducted under the agreement to persons who are entitled to be registered as electors in relation to a specified part of the election area for which the election is held.
- (7) If a restriction under subsection (6) applies, on any day on which an advance voting opportunity conducted under the agreement is open to electors of only part of the election area for which the election is held, an advance voting opportunity must be open to all electors of that election area on the same day.
- (8) So long as any required advance voting opportunities are provided, no bylaw is necessary for an advance voting opportunity required by subsection (7), and the voting opportunity may be held at the place and for the voting hours established by the chief election officer.
- (9) The chief election officer must give notice of a voting opportunity to which subsection (8) applies in any manner the chief election officer considers appropriate.
- (10) The notice under subsection (9) must include the date, place and voting hours for the voting opportunity.

### **Division 3 – Election Officials Appointment and Authority**

#### **Appointment of election officials**

- 58** (1) For the purposes of conducting an election, the local government must appoint a chief election officer and a deputy chief election officer.
- (2) The chief election officer must appoint election officials required for the administration and conduct of the election.
- (3) Without limiting the generality of subsection (2), the chief election officer must appoint the following:
- (a) presiding election officials for election proceedings where the chief election officer is not acting as presiding election official;
  - (b) election officials to act as alternate presiding election officials for election proceedings;
  - (c) election officials required to assist the presiding election official at election proceedings.
- (4) The chief election officer may delegate the authority under subsection (3) (c) to the presiding election official for the election proceedings.
- (5) The chief election officer may appoint peace officers as election officials to assist presiding election officials in fulfilling their duty to maintain peace and order at the election proceedings for which they are responsible.
- (6) If an election official is absent or unable to act, a person appointed as deputy chief election officer or appointed under this section as alternate for the official must perform the duties and has the powers of the official.

- (7) A candidate, candidate representative or financial agent may not be appointed as an election official.
- (8) Before assuming duties, an election official must make a solemn declaration that the person
- (a) will faithfully and impartially exercise the powers and perform the duties of the position to which the election official is appointed,
  - (b) has not received and will not accept any inducement
    - (i) to exercise the powers or perform the duties of the position otherwise than impartially and in accordance with this Act, or
    - (ii) to otherwise subvert the election,
  - (c) will preserve the secrecy of the ballot in accordance with section 123 [*voting to be by secret ballot*], and
  - (d) is not and will not become a candidate, candidate representative or financial agent while holding the position of an election official.

### **Chief election officer duties and powers**

**59** (1) In addition to all other duties established by this Part and the [Local Elections Campaign Financing Act](#), the chief election officer must do the following:

- (a) ensure that a sufficient number of ballots are prepared for an election by voting;
- (b) ensure that each voting place
  - (i) is supplied with sufficient numbers of ballots, ballot boxes and voting books, and
  - (ii) has an area that may be used as a voting compartment;
- (c) take all reasonable precautions to ensure that a person does not vote more than once in an election;
- (d) do all other things necessary for the conduct of an election in accordance with this Part, the [Local Elections Campaign Financing Act](#) and any bylaws and regulations under this Part or that Act.

(2) In addition to all other powers given by this Part, the chief election officer may do one or more of the following:

- (a) exercise any power conferred on a presiding election official in relation to the election proceedings for which the presiding election official is responsible;
- (b) as an exception to the restrictions on where an elector may vote when municipal voting divisions are established, authorize an election official to vote at the voting place at which the official is working;
- (c) take solemn declarations where these are required under this Part or the [Local Elections Campaign Financing Act](#);
- (d) delegate to other election officials the chief election officer's duties and powers under this Part or the [Local Elections Campaign Financing Act](#), subject to any restrictions or conditions specified by the chief election officer;
- (e) apply to the minister for an order under section 167 [*ministerial orders in special circumstances*] of this Act or section 99 [*ministerial orders in special circumstances*] of the [Local Elections Campaign Financing Act](#).

### **Presiding election official duties and powers**

**60** (1) In addition to other responsibilities established by this Part, a presiding election official for election proceedings must

- (a) ensure, so far as possible, that this Part and the regulations and bylaws under it are being complied with, and
  - (b) take all reasonable precautions to keep the ballots and ballot boxes secure from persons not entitled to have access to them.
- (2) In addition to other powers conferred by this Part, a presiding election official may
- (a) take solemn declarations required by this Part in relation to the election proceedings for which the presiding election official is responsible, and
  - (b) if section 163 (4) (b) or (c) [*campaigning materials near voting place*] is being contravened, enter on the property where the materials that are the subject of the contravention are located and remove or cover them or otherwise obscure them from view, or authorize another person to do so.

### **Keeping order at election proceedings**

- 61** (1) A presiding election official must maintain peace and order so far as reasonably possible at the election proceedings for which the presiding election official is responsible.
- (2) For the purposes of this section, the presiding election official may do one or more of the following:
- (a) restrict or regulate the number of persons admitted at any time to the place where the proceedings are being conducted;
  - (b) order a person to leave the place where the proceedings are being conducted and the immediate vicinity of that place, if any of the circumstances referred to in subsection (5) (a) to (d) occur;
  - (c) order the removal of a person ordered to leave if that person does not comply;
  - (d) require the assistance of peace officers or of persons present at the place where the proceedings are being conducted.
- (3) A person ordered to leave under subsection (2) (b) must leave the place and the immediate vicinity of the place at which the election proceedings are being conducted and must not return while these election proceedings are being conducted unless permitted to do so by the presiding election official.
- (4) The authority under subsection (2) must not be used to prevent an elector otherwise entitled to vote at the place from exercising the right to vote.
- (5) The presiding election official may require a person to provide identification and the person must comply with that requirement if, in the opinion of the presiding election official, that person
- (a) is present at a place when not permitted to be present under this Act,
  - (b) is disturbing the peace and order of the proceedings,
  - (c) is interfering with the conduct of the proceedings, or
  - (d) is contravening any provision of this Part or of a regulation or bylaw under this Part.

### **Adjournment of election proceedings**

- 62** (1) Election proceedings may be adjourned by the presiding election official in accordance with this section if that official considers that the health or safety of persons is at risk, or that the integrity of the proceedings is at risk.
- (2) Election proceedings may be adjourned
- (a) temporarily to another time on the same day or another time on the same day at another place specified by the presiding election official, or



- (b) to a day, time and place to be set by the chief election officer.
- (3) The presiding election official must notify the chief election officer as soon as possible of any adjournment and must follow any directions the chief election officer considers appropriate in the circumstances.
  - (4) While proceedings are adjourned, the presiding election official must make all reasonable efforts to ensure that the election materials are secured and that the integrity of the election is not compromised.
  - (5) The presiding election official must give notice to persons affected by an adjournment as directed by the chief election officer or, in the absence of direction, in any manner the official considers appropriate.
  - (6) Proceedings that are recommenced after an adjournment must continue for such a period that the total time for the proceedings is the same regardless of the adjournment.
  - (7) If voting proceedings are adjourned, the counting of the vote must not be started until the close of voting at the adjourned proceedings.

### **Exceptional assistance in election proceedings**

- 63** (1) The provisions of this section are exceptions for allowing persons to exercise their rights under this Part in circumstances where they would otherwise be unable to do so.
- (2) If a person is required by this Part to sign a document and is unable to do so, the presiding election official or an election official authorized by the presiding election official may either sign on behalf of the person or have the person make his or her mark and witness that mark.
  - (3) If a person is required by this Part to make a solemn declaration or to provide information to an election official and requires the assistance of a translator to do this, the presiding election official must permit another person to act as translator so long as that person first makes a solemn declaration that he or she is able to make the translation and will do so to the best of his or her abilities.
  - (4) The obligation to provide a translator rests with the person who is required to make the solemn declaration or provide the information and, if that person does not provide a translator, that person must be considered to have refused to make the solemn declaration or provide the information.

## **Division 4 – Electors and Registration of Electors**

### **Who may vote at an election**

- 64** (1) In order to vote at an election for a municipality or electoral area, a person
- (a) must meet the requirements of section 65 (1) (a) to (e) [*resident electors*] or 66 (1) (a) to (g) [*non-resident property electors*] at the time of voting,
  - (b) must not be disqualified by this Act or any other enactment from voting in the election or be otherwise disqualified by law, and
  - (c) must be registered as an elector of the municipality or electoral area.
- (2) The following persons are disqualified from voting at an election:
- (a) a person who has not completed the sentence for an indictable offence, unless the person is released on probation or parole and is not in custody;
  - (b) a person who is involuntarily confined to a psychiatric or other institution as a result of being acquitted of or found not criminally responsible for an offence under the *Criminal Code* on account of mental disorder;

- (c) a person who has contravened section 161 (3) [*accepting inducements to vote*] in relation to the election.
- (3) For clarification, no corporation is entitled to be registered as an elector or have a representative registered as an elector and no corporation is entitled to vote.
- (4) A person must not vote at an election unless entitled to do so.

### **Resident electors**

- 65** (1) In order to be registered as a resident elector of a municipality or electoral area, a person must meet all the following requirements on the day of registration:
- (a) the person must be
    - (i) an individual who is 18 years of age or older on the day of registration, or
    - (ii) if an election is in progress for the municipality or electoral area, an individual who will be 18 years of age or older on general voting day for the election;
  - (b) the person must be a Canadian citizen;
  - (c) the person must have been a resident of British Columbia, as determined in accordance with section 67 [*rules for determining residence*], for at least 6 months immediately before the day of registration;
  - (d) the person must have been a resident of the municipality or electoral area, as determined in accordance with section 67, for at least 30 days immediately before the day of registration;
  - (e) the person must not be disqualified under this or any other enactment from voting in an election or be otherwise disqualified by law.
- (2) If the boundaries of a municipality or electoral area are extended or a new municipality is incorporated, a person is deemed to have satisfied the requirement of subsection (1) (d) if, for at least 30 days before the person applies for registration as an elector, the person has been a resident, as determined in accordance with section 67, of the area that is included in the municipality or electoral area or that becomes the new municipality.

### **Non-resident property electors**

- 66** (1) In order to be registered as a non-resident property elector of a municipality or electoral area, a person must meet all the following requirements on the day of registration:
- (a) the person must not be entitled to register as a resident elector of the municipality or electoral area;
  - (b) the person must be
    - (i) an individual who is 18 years of age or older on the day of registration, or
    - (ii) if an election is in progress for the municipality or electoral area, an individual who will be 18 years of age or older on general voting day for the election;
  - (c) the person must be a Canadian citizen;
  - (d) the person must have been a resident of British Columbia, as determined in accordance with section 67, for at least 6 months immediately before the day of registration;
  - (e) the person must have been a registered owner of real property in the municipality or electoral area for at least 30 days immediately before the day of registration;
  - (f) the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust;

- (g) the person must not be disqualified under this Act or any other enactment from voting in an election or be otherwise disqualified by law.
- (2) A person may register as a non-resident property elector only in relation to one parcel of real property in a municipality or electoral area.
- (3) If the boundaries of a municipality or electoral area are extended or if a new municipality is incorporated, a person is deemed to have satisfied the requirement of subsection (1) (e) if, for at least 30 days before the person applies for registration as a non-resident property elector, the person has been a registered owner of property within the area that is included in the municipality or electoral area or that becomes the new municipality.
- (4) For the purposes of this section, the registered owner of real property means whichever of the following is applicable:
  - (a) the owner of a registered estate in fee simple of the property, unless another person holds an interest in the property referred to in paragraph (b), (c) or (d);
  - (b) the holder of the last registered agreement for sale, unless another person holds an interest in the property referred to in paragraph (c) or (d);
  - (c) the tenant for life under a registered life interest in the property, unless another person holds an interest in the property referred to in paragraph (d);
  - (d) the holder of a registered lease of the property for a term of at least 99 years.
- (5) If there is more than one individual who is the registered owner of real property, either as joint tenants or tenants in common, only one of those individuals may register as a non-resident property elector under this section in relation to the real property.
- (6) If the land title registration of the real property in relation to which a person is registering under this section indicates that there is more than one individual who is the registered owner of the real property, the person registering must do so with the written consent of the number of those individuals who, together with the person registering, are a majority of those individuals.
- (7) A registered owner who has consented to the registration of another registered owner of the property may withdraw the consent by delivering a written withdrawal to the municipality or regional district.
- (8) Once a withdrawal of consent has been delivered in accordance with subsection (7), the person registered as the non-resident property elector in relation to the property ceases to be entitled to be registered and vote as such if the number of individuals referred to in subsection (6) falls below a majority of the registered owners, with this effective
  - (a) for the next election, in the case of a withdrawal delivered at least 52 days before general voting day for the election, and
  - (b) following the next election, in the case of a withdrawal delivered less than 52 days before general voting day for the election.

### **Rules for determining residence**

- 67** (1) The following rules apply to determine the area in which a person is a resident:
- (a) a person is a resident of the area where the person lives and to which, whenever absent, the person intends to return;
  - (b) a person may be the resident of only one area at a time for the purposes of this Part;
  - (c) a person does not change the area in which the person is a resident until the person has a new area in which the person is a resident;
  - (d) a person does not cease being a resident of an area by leaving the area for temporary purposes only.

(2) As an exception to subsection (1), if

(a) a person establishes for the purposes of attending an educational institution a new area in which the person is a resident, and

(b) the new area is away from the usual area in which the person is a resident,

the person may choose for the purposes of this Part either the usual area or the new area as the area in which the person is a resident.

### **When a person may register as an elector**

**68** (1) A person may register as an elector

(a) at the time of voting in accordance with section 72 [*resident elector registration*] or 73 [*non-resident property elector registration*], or

(b) by advance registration in accordance with section 71, if this is available.

(2) If a bylaw under section 76 [*Provincial list of voters as register of resident electors*] is in effect for a municipality or electoral area, a person entitled to register as a resident elector of the municipality or electoral area may effectively register as such by registering as a voter under the *Election Act* in sufficient time to have the person's name appear on the Provincial list of voters that becomes, under the bylaw, the register of resident electors for the municipality or electoral area.

### **Voting day registration only**

**69** A local government may, by bylaw, limit registration of electors to registration at the time of voting.

### **Application for registration**

**70** (1) An application for registration as an elector must include the following information:

(a) in the case of registration as a resident elector,

(i) the full name of the applicant,

(ii) the residential address of the applicant, and the mailing address if this is different, and

(iii) either the birth date or the last 6 digits of the social insurance number of the applicant;

(b) in the case of registration as a non-resident property elector,

(i) the full name of the applicant,

(ii) the address or legal description of the real property in relation to which the person is registering and the mailing address of the applicant, and

(iii) either the birth date or the last 6 digits of the social insurance number of the applicant;

(c) a declaration that the applicant meets the requirements of section 64 (1) (a) and (b) [*qualifications for voting*] to be registered as an elector;

(d) any other information required by regulation under section 168 [*election regulations*] to be included.

(2) An application must

(a) be signed by the applicant and by a witness to the signature of the applicant, and

(b) include the residential address of the witness, if this is not a person authorized by the chief election officer or by the designated local government officer.

- (3) For the purpose of subsection (1), an address of an applicant that indicates the area in which the applicant is resident within the meaning of section 67 is sufficient if, in the opinion of the person authorized to receive the application, it indicates the location for the purpose of determining whether the applicant is resident in the municipality or electoral area.
- (4) In the case of an application for registration as a non-resident property elector, the application must be accompanied by
  - (a) proof satisfactory to the person receiving the application that the applicant is entitled to register in relation to the real property referred to in subsection (1) (b), and
  - (b) if applicable, the written consent from the other registered owners of the real property required by section 66 (6).

### **How to register in advance**

- 71** (1) If a bylaw under section 69 [*voting day registration only*] does not apply, advance registration must be available in accordance with this section.
- (2) Subject to the closed period under subsection (4), if advance registration is available for a municipality or electoral area, a person may register as an elector by delivering an application and accompanying documents in accordance with section 70
    - (a) at the local government offices during its regular office hours,
    - (b) at a special registration opportunity under subsection (6), or
    - (c) at other times and places authorized by the designated local government officer.
  - (3) Advance registration required under subsection (1) must be available to both resident electors and non-resident property electors unless deemed registration of resident electors under section 76 [*Provincial list of voters as register of resident electors*] is in effect.
  - (4) Advance registration closes 53 days before general voting day and does not reopen until the Monday after the close of general voting, subject to any extension of this closed period in relation to an election under section 152 [*runoff election if tie vote after judicial recount*].
  - (5) At least 6 days but not more than 30 days before the start of the closed period under subsection (4), the designated local government officer must give public notice of the close of advance registration in accordance with section 50 [*newspaper publication*].
  - (6) For the purpose of encouraging persons to register as electors,
    - (a) a local government may direct the designated local government officer to arrange an enumeration of the municipality or regional district, and
    - (b) that officer may arrange other special opportunities for persons to apply to register as electors.
  - (7) The designated local government officer must ensure that application forms are available from the local government offices during its regular office hours at any time when advance registration as an elector is permitted.

### **How to register as a resident elector at the time of voting**

- 72** (1) A person may register as a resident elector immediately before voting by
  - (a) either
    - (i) delivering an application in accordance with section 70 [*application for registration*] to the election official responsible at the place where the person is voting, or
    - (ii) providing to that official the information required under that section in the manner established by the chief election officer, and

- (b) satisfying that official of the applicant's identity and place of residence in accordance with subsection (2).
- (2) For the purposes of subsection (1) (b), an individual may either
  - (a) produce to the election official at least 2 documents that provide evidence of the applicant's identity and place of residence, at least one of which must contain the applicant's signature, or
  - (b) produce to the election official at least 2 documents that provide evidence of the applicant's identity, at least one of which must contain the applicant's signature, and make a solemn declaration as to the applicant's place of residence within the meaning of section 67 [*rules for determining residence*].
- (3) Documents accepted under subsection (2) must either be documents prescribed as acceptable under section 168 [*election regulations*] or provide evidence satisfactory to the election official respecting the matter.
- (4) The election official registering an elector under this section must note on the application the nature of the documents produced for the purposes of subsection (1) (b).
- (5) The election official responsible for receiving applications under subsection (1) is the presiding election official or another election official designated by the presiding election official.

### **How to register as a non-resident property elector at the time of voting**

- 73** (1) A person may register as a non-resident property elector immediately before voting by
- (a) either
    - (i) delivering an application in accordance with section 70 [*application for registration*] to the election official responsible at the place where the person is voting, or
    - (ii) providing to that official the information required under that section in the manner established by the chief election officer,
  - (b) satisfying that official of the applicant's identity in accordance with subsection (2), and
  - (c) providing to that official the materials described in section 70 (4).
- (2) For the purposes of subsection (1) (b), an individual must produce to the election official at least 2 documents that provide evidence of the applicant's identity, at least one of which must contain the applicant's signature.
- (3) Section 72 (3) to (5) [*requirements in relation to registration of resident electors*] applies for the purposes of this section.

### **Effect of registration**

- 74** (1) Unless
- (a) a bylaw under section 69 [*voting day registration only*] applies, or
  - (b) all or the applicable part of the register of electors is cancelled,
- a person registered as an elector continues to be an elector of the municipality or electoral area as long as the person meets the requirements for registration.
- (2) If a bylaw under section 69 applies, registration as an elector is effective only for the elections for which the voting is being conducted at that time.

### **Register of electors**

- 75** (1) Subject to section 76 [*Provincial list of voters as register of resident electors*], if advance registration is available for a municipality or electoral area, a register of electors for the municipality or electoral area must be maintained.
- (2) The designated local government officer is responsible for maintaining the register of electors.
- (3) The register of electors must separately record resident electors and non-resident property electors of the municipality or electoral area and, for each elector, must record the name of the elector and the address or addresses of the elector required to be included on an application under section 70 [*application for registration*].
- (4) For the purposes of recording the address or addresses of a resident elector under subsection (3), the register of electors may record only the residential address of the elector as required to be included on an application under section 70.
- (5) For the purposes of maintaining the register of electors, the designated local government officer
- (a) must add to the register persons who have registered in accordance with
    - (i) section 71 [*advance registration*],
    - (ii) section 72 [*registration as resident elector at time of voting*], or
    - (iii) section 73 [*registration as non-resident property elector at time of voting*],
  - (b) may add to the register persons who meet the requirements of section 65 (1) [*resident elector qualifications*] to be registered as resident electors of the municipality or electoral area, as evidenced by a current Provincial list of voters under the *Election Act*,
  - (c) may add to the register persons who meet the requirements of section 65 (1) to be registered as resident electors of the municipality or electoral area, as evidenced by registration under section 172 [*who may vote at assent voting*],
  - (d) despite section 74 (2) [*time limited registration*], for a new register established after a bylaw under section 69 [*voting day registration only*] ceases to be in force, may add to the register
    - (i) persons whose names were included in the previous register, and
    - (ii) persons who registered for elections conducted in the municipality or electoral area while the bylaw was in force,
  - (e) if all or part of a register is cancelled under subsection (8) or section 76, may add to the new register persons whose names were included in the cancelled register,
  - (f) on evidence satisfactory to that official, may delete from the register the names of persons who have died or who are no longer qualified as electors, and
  - (g) on evidence satisfactory to that official, may amend the register to show correctly the information to be included in the register.
- (6) A person whose name is added to the register under subsection (5) (b), (c), (d) or (e) is deemed to have registered as an elector, as recorded in the register, and section 74 (1) applies to the registration.
- (7) The designated local government officer may authorize a person to assist in that officer's duties under this section and may authorize the person to exercise the officer's powers under this section.
- (8) The local government or the minister may order the cancellation of an existing register of electors, or a portion of it, and direct the preparation of a new register.

## **Provincial list of voters as register of resident electors**

- 76** (1) Instead of maintaining an ongoing register of resident electors, a local government may, by bylaw, provide that the most current available Provincial list of voters prepared under the *Election Act* is to be the register of resident electors.
- (2) A bylaw under subsection (1) must require that the Provincial list of voters becomes the register of resident electors no later than 52 days before general voting day for any election to which the bylaw applies.
- (3) If a bylaw under subsection (1) applies,
- (a) any previous register of resident electors of the municipality or electoral area is cancelled, effective at the time the Provincial list of voters becomes the register,
  - (b) a person who, on the basis of the Provincial list of voters, appears to meet the qualifications to be registered as a resident elector of the municipality or electoral area is deemed to be registered as such an elector, and
  - (c) the local government may have, but is not required to have, advance registration under section 71 for resident electors.

### **List of registered electors**

- 77** (1) If a register of electors is required under section 75, the designated local government officer must prepare a list of registered electors for the municipality or electoral area, to be used for the purposes of administering an election.
- (2) The list of registered electors must give the names and addresses of all persons included on the register of electors at the time the list is prepared and must indicate whether a person is a resident elector or a non-resident property elector.
- (3) From the 46th day before general voting day until the close of general voting, a copy of the list of registered electors as it stands at the beginning of that period must be available for public inspection at the local government offices during its regular office hours.
- (4) Before inspecting the list of registered electors, a person other than a local government officer or employee acting in the course of duties must sign a statement that the person will not inspect the list or use the information included in the list except for the purposes of this Part.
- (5) The designated local government officer must ensure that the statements referred to in subsection (4) are kept until after general voting day for the next general local election.
- (6) At least 6 days but not more than 30 days before the first day on which the list of registered electors is required to be available under subsection (3), notice must be given in accordance with section 50 [*newspaper publication*] that
- (a) a copy of the list of registered electors will be available for public inspection at the local government offices during its regular office hours from the date specified in the notice until the close of general voting for the election,
  - (b) an elector may request that personal information respecting the elector be omitted from or obscured on the list in accordance with section 78 [*protection of privacy*], and
  - (c) an objection to the registration of a person as an elector may be made in accordance with section 79 [*objection to elector registration*] before 4 p.m. on the 36th day before general voting day.
- (7) The list of registered electors must be updated to reflect the changes to the register of electors made after any objections under section 79 have been dealt with.
- (8) Each person who has been nominated in accordance with section 89 [*nomination by delivery of nomination documents*] is entitled, for use by the person for the purposes of the election, to



- (a) one copy of the list of registered electors without charge, and
  - (b) on payment to the municipality or regional district of the reasonable costs of reproduction, other copies as requested by the person.
- (9) Before receiving a list of registered electors, a person referred to in subsection (8) must sign a statement that the person will not inspect the document or use the information in it except for the purposes of this Part.
- (10) Despite section 95 (3) of the *Community Charter* and section 27 (7) of the *Interpretation Act*, a person who is entitled to inspect a copy of the list of registered electors under subsection (3) of this section is not entitled to obtain a copy of the list.

### **Protection of privacy**

- 78** If requested by an elector in order to protect the privacy or security of the elector, the chief election officer must amend a list of registered electors that is to be available for public inspection, or that is to be provided under section 77 (8) [*list provided to candidates*], by omitting or obscuring the address of the elector or other information about the elector.

### **Objection to elector registration**

- 79** (1) The registration of a person whose name appears on the list of registered electors under section 77 (3) may be objected to in accordance with this section.
- (2) An objection must be received by the designated local government officer, or a person authorized for this purpose by that officer, before 4 p.m. on the 36th day before general voting day.
- (3) An objection may be made only by a person entitled to be registered as an elector of the municipality or electoral area for which the registration is questioned.
- (4) An objection may be made only on the basis
- (a) that the person whose name appears has died, or
  - (b) that, at the time of the objection, the person is not qualified to be registered as an elector of the municipality or electoral area.
- (5) An objection must be made in writing, signed by the person making it and include the following:
- (a) the name and address, as shown in the list of registered electors, of the person against whose registration the objection is made;
  - (b) the basis of the objection, including a statement of the facts that the objector believes support this;
  - (c) the name and address of the person making the objection.
- (6) On receiving an objection, the designated local government officer must make a reasonable effort to notify the person against whom the objection is made of
- (a) the objection,
  - (b) the name of the person who made the objection, and
  - (c) the basis on which the objection is made.

### **Resolving objections to registration**

- 80** (1) An objection under section 79 on the basis of death must be resolved by the designated local government officer in accordance with the following:
- (a) that official must have a search made of the records under the *Vital Statistics Act*;

- (b) if a record of death is found and that official is satisfied that it applies to the person whose registration is being objected to, that official must remove the person's name from the register of electors;
  - (c) if a record of death is not found and that official is unable to contact the person, the official must proceed in accordance with subsection (2) (c) and (d).
- (2) An objection on the basis that a person is not entitled to be registered as an elector must be resolved by the designated local government officer in accordance with the following:
- (a) if, after receiving notice of the objection, the person provides proof satisfactory to that official of the person's entitlement to be registered or makes a solemn declaration as to that entitlement, the person's name is to stay on the register of electors;
  - (b) if, after receiving notice of the objection, the person does not provide proof of entitlement or make a solemn declaration as to entitlement, that official must remove the person's name from the register of electors;
  - (c) if that official is unable to contact the person, that official must require the person who made the objection to provide proof satisfactory to that official of the basis of the objection and, if this is done, must remove the name from the register of electors;
  - (d) if the person who made the objection does not provide satisfactory proof as required by paragraph (c), the name is to stay on the register of electors.

## **Division 5 — Qualifications for Office**

### **Who may hold office on a local government**

- 81** (1) A person is qualified to be nominated for office, and to be elected to and hold office, on a local government if at the relevant time the person meets all the following requirements:
- (a) the person must be an individual who is, or who will be on general voting day for the election, 18 years of age or older;
  - (b) the person must be a Canadian citizen;
  - (c) the person must have been a resident of British Columbia, as determined in accordance with section 67, for at least 6 months immediately before the relevant time;
  - (d) the person must not be disqualified under this Act or any other enactment from voting in an election in British Columbia or from being nominated for, being elected to or holding the office, or be otherwise disqualified by law.
- (2) Without limiting subsection (1) (d), the following persons are disqualified from being nominated for, being elected to or holding office on a local government:
- (a) a person who is a judge of the Court of Appeal, Supreme Court or Provincial Court;
  - (b) a person who is disqualified under section 82 as an employee of a local government, except as authorized under that section;
  - (c) a person who is disqualified under any of the following provisions of this Act, including as the provisions apply under section 6 (6) [*application to trustees*] of the [Islands Trust Act](#):
    - (i) section 202 (4) [*failure to make oath or affirmation of office*];
    - (ii) section 204 (1) [*unexcused absence from board meetings*];
  - (d) a person who is disqualified under any of the following provisions of the [Community Charter](#):

- (i) Division 6 [*Conflict of Interest*] of Part 4 [*Public Participation and Council Accountability*], including as it applies under section 205 (1) [*application to regional district directors*] of this Act and under section 6 (7) [*application to trustees*] of the *Islands Trust Act*;
  - (ii) section 120 (1.1) [*failure to make oath of office*];
  - (iii) section 125 (5) [*unexcused absence from council meetings*];
  - (iv) section 191 (3) [*unauthorized expenditures*];
- (e) a person who is disqualified under any of the provisions referred to in paragraph (c) or (d) as the provision applies under another enactment;
- (f) a person who is disqualified from holding office on the council of the City of Vancouver under any of the provisions of the *Vancouver Charter* referred to in section 38 (2) (c) or (d) [*disqualifications from holding office*] of that Act;
- (g) a person who is disqualified from holding office under
- (i) Division 18 [*Election Offences*] of this Part as it applies to elections or voting under this Act or any other Act, or
  - (ii) Division (17) of Part I of the *Vancouver Charter* as it applies to elections or voting under that Act or any other Act;
- (h) a person who is disqualified under the *Local Elections Campaign Financing Act* from holding office on a local authority;
- (i) a person who is disqualified under any other enactment.

### **Disqualification of local government employees**

**82** (1) For the purposes of this section, "**employee**" means

- (a) an employee or salaried officer of a municipality or regional district, or
  - (b) a person who is within a class of persons deemed by regulation under section 168 [*election regulations*] to be employees of a specified municipality or regional district, but does not include a person who is within a class of persons excepted by regulation under section 168.
- (2) Unless the requirements of this section are met, an employee of a municipality is disqualified from being nominated for, being elected to or holding office
- (a) as a member of the council of the municipality, or
  - (b) as a member of the board of the regional district in which the municipality is located.
- (3) Unless the requirements of this section are met, an employee of a regional district is disqualified from being nominated for, being elected to or holding office
- (a) as a member of the board of the regional district, or
  - (b) as a member of the council of a municipality, including the City of Vancouver, that is within the regional district.
- (4) Before being nominated for an office to which subsection (2) or (3) applies, the employee must give notice in writing to his or her employer of the employee's intention to consent to nomination.
- (5) Once notice is given under subsection (4), the employee is entitled to and must take a leave of absence from the employee's position with the employer for a period that, at a minimum,
- (a) begins on the first day of the nomination period or the date on which the notice is given, whichever is later, and
  - (b) ends, as applicable,

- (i) if the person is not nominated before the end of the nomination period, on the day after the end of that period,
  - (ii) if the person withdraws as a candidate in the election, on the day after the withdrawal,
  - (iii) if the person is declared elected, on the day the person resigns in accordance with subsection (8) or on the last day for taking office before the person is disqualified for a failure to take the oath of office within the time specified by an enactment that applies to the person,
  - (iv) if the person is not declared elected and an application for judicial recount is not made, on the last day on which an application for a judicial recount may be made, or
  - (v) if the person is not declared elected and an application for judicial recount is made, on the date when the results of the election are determined by or following the judicial recount.
- (6) If agreed by the employer, as a matter of employment contract or otherwise, the leave of absence under this section may be for a period longer than the minimum required by subsection (5).
- (7) Sections 54 [*duties of employer in relation to leave*] and 56 [*employment deemed continuous while on leave*] of the *Employment Standards Act* apply to a leave of absence under this section.
- (8) Before making the oath of office, an employee on a leave of absence under this section who has been elected must resign from the person's position with the employer.
- (9) At the option of the employee, a resignation under subsection (8) may be conditional on the person's election not being declared invalid on an application under section 153 [*application to court respecting validity of election*].

### **Only one elected office at a time in the same local government**

- 83** (1) At any one time a person may not hold more than one elected office in the same local government.
- (2) At any one time a person may not be nominated for more than one elected office in the same local government.
- (3) A current member of a local government may not be nominated for an election under section 54 [*by-elections*] for another office in the same local government unless the person resigns from office within 14 days after the day on which the chief election officer is appointed.

## **Division 6 — Nomination of Candidates**

### **Nomination period**

- 84** (1) The period for receiving nominations begins at 9 a.m. on the 46th day before general voting day and ends at 4 p.m. on the 36th day before general voting day.
- (2) If the first day of the nomination period would otherwise fall on a holiday, the nomination period begins on the next day that is not a holiday.
- (3) If the last day of the nomination period would otherwise fall on a holiday, the nomination period ends on the last day before that day that is not a holiday.

### **Notice of nomination**

- 85** (1) At least 6 days but not more than 30 days before the nomination period begins, the chief election officer must issue a notice of nomination under this section in accordance with section 50 [*newspaper publication*].

- (2) The notice must include the following information:
- (a) the offices for which candidates are to be elected;
  - (b) the dates, times and places at which nominations will be received;
  - (c) how interested persons can obtain information on the requirements and procedures for making a nomination;
  - (c.1) the expense limits,
    - (i) made publicly available under section 63.03 of the *Local Elections Campaign Financing Act*, that apply to the election area, or
    - (ii) if the election is a by-election, that apply to the election area under section 63.04 of the *Local Elections Campaign Financing Act*;
  - (c.2) the third party advertising limits,
    - (i) made publicly available under section 41.3 (2) of the *Local Elections Campaign Financing Act*, that apply to the election area, or
    - (ii) if the election is a by-election, that apply to the election area under section 41.4 of the *Local Elections Campaign Financing Act*;
  - (d) any other information required to be included by regulation under section 168 [*election regulations*].
- (3) The notice may include any other information the chief election officer considers appropriate.
- (4) The chief election officer may provide for additional notice of the call for nominations to be given to the public.

### **Nomination of candidates**

- 86** (1) A nomination for office as a member of a local government must be made in accordance with section 87, separately for each candidate,
- (a) by at least 2 qualified nominators of the municipality or electoral area for which the nomination is made, or
  - (b) if a bylaw under subsection (2) of this section applies, by at least the minimum number of such persons as set by the bylaw.
- (2) A local government may, by bylaw, set the minimum number of qualified nominators as follows:
- (a) in relation to a municipality or electoral area that has a population of 5 000 or more, the minimum number of qualified nominators may be set at either 10 or 25;
  - (b) in relation to a municipality or electoral area that has a population of less than 5 000, the minimum number of qualified nominators may be set at 10.
- (3) In order to be qualified as a nominator, a person
- (a) must be an elector of the municipality or electoral area for which the nomination is made, and
  - (b) in the case of a nomination for an office to be filled on a neighbourhood constituency basis, must also be qualified as a resident elector or non-resident property elector in relation to the area of the neighbourhood constituency.
- (4) A person may subscribe as nominator to as many nomination documents as, but not more than, the number of persons who are to be elected to fill the office for which the election is being held.
- (5) Even if one or more of the nominators are not qualified in accordance with this section, a nomination is valid as long as the nomination is made by at least the minimum number of

qualified nominators.

### **Nomination documents**

**87** (1) A nomination for local government office must be in writing and must include the following:

- (a) the full name of the person nominated;
- (b) the usual name of the person nominated, if the full name of the person is different from the name the person usually uses and the person wishes to have his or her usual name on the ballot instead;
- (c) the office for which the person is nominated;
- (d) the residential address of the person nominated, and the mailing address if this is different;
- (e) the names and residential addresses of the nominators and, if a nominator is a non-resident property elector, the address of the property in relation to which the nominator is such an elector;
- (f) a statement signed by the nominators that, to the best of their knowledge, the person nominated is qualified under section 81 [*who may hold office on a local government*] to be nominated.

(2) For a nomination to be accepted for filing, a nomination must be accompanied by the following:

- (a) a statement signed by the person nominated consenting to the nomination;
- (b) a solemn declaration in accordance with subsection (3) of the person nominated, either made in advance or taken by the chief election officer at the time the nomination documents are delivered;
- (c) as applicable, a signed declaration of the person nominated
  - (i) that the person is acting as his or her own financial agent, or
  - (ii) identifying the person who is appointed under the [Local Elections Campaign Financing Act](#) to act as financial agent for the person nominated;
- (d) the written disclosure required by section 2 (1) of the [Financial Disclosure Act](#).

(3) For the purposes of subsection (2) (b), the person nominated must make a solemn declaration

- (a) that he or she is qualified under section 81 to be nominated for the office,
- (b) that, to the best of the person's knowledge and belief, the information provided in the nomination documents is true,
- (c) that the person fully intends to accept the office if elected, and
- (d) that the person
  - (i) is aware of the [Local Elections Campaign Financing Act](#),
  - (ii) understands the requirements and restrictions that apply to the person under that Act, and
  - (iii) intends to fully comply with those requirements and restrictions.

(4) A person must not consent to be nominated knowing that he or she is not qualified to be nominated.

### **Nomination deposits**

**88** (1) The local government may, by bylaw, require that a nomination for mayor, councillor or electoral area director be accompanied by a nomination deposit.

- (2) The amount of a required nomination deposit may be different for the different offices referred to in subsection (1), but must not be greater than \$100.
- (3) A nomination deposit must be held by the chief election officer to be dealt with as follows:
- (a) if the person nominated is not declared to be a candidate under section 97 [*declaration of candidates*], the deposit is to be returned to the person or to the financial agent for the person;
  - (b) in the case of a person declared to be a candidate, if the candidate disclosure statement required under the *Local Elections Campaign Financing Act* for the person is filed in accordance with section 47 (1) [*time limit for filing on time*] of that Act, the deposit is to be returned to the person or the financial agent for the person;
  - (c) in the case of a person declared to be a candidate, the deposit is to be returned to the person or the financial agent for the person if the required candidate disclosure statement is not filed as referred to in paragraph (b), but
    - (i) an application for relief in relation to the disclosure statement is made under Division 2 [*Court Orders for Relief in Relation to Disclosure Requirements*] of Part 6 of the *Local Elections Campaign Financing Act*,
    - (ii) the court provides relief in relation to forfeiture of the deposit, and
    - (iii) if applicable, there is compliance with the court order;
  - (d) in other cases, the deposit is forfeited and is to be paid to the local government.

### **Nomination by delivery of nomination documents**

- 89** (1) In order to make a nomination,
- (a) the nomination documents required by section 87, and
  - (b) if applicable, the nomination deposit required under section 88
- must be received before the end of the nomination period by the chief election officer or a person designated by the chief election officer for this purpose.
- (2) The obligation to ensure that the nomination documents and nomination deposit are received in accordance with this section rests with the person being nominated.
- (3) For the purposes of subsection (1), the nomination documents and nomination deposit
- (a) must be received at the local government offices during its regular office hours, and
  - (b) may be received at other times and places as specified by the chief election officer.
- (4) Nomination documents may be delivered
- (a) by hand, by mail or by other delivery service, or
  - (b) by fax or email, with originals to follow.
- (5) If the originals of nomination documents delivered by fax or email are not received by the chief election officer before the end of the 29th day before general voting day, the person nominated is deemed to have withdrawn from being a candidate in the election.
- (6) After receiving nomination documents, the chief election officer must review the list under section 60 [*Elections BC to maintain disqualification lists*] of the *Local Elections Campaign Financing Act* to determine whether an application must be made under section 91 (5) [*challenge required if candidate appears to be disqualified*] of this Act.
- (7) Nomination documents delivered to the chief election officer
- (a) must be available for public inspection in the local government offices during its regular office hours from the time of delivery until 30 days after the declaration of the election results under section 146, and

- (b) if a bylaw under subsection (8) applies, must be made available to the public in accordance with the bylaw.
- (8) A local government may, by bylaw, provide for public access to nomination documents, during all or part of the period referred to in subsection (7) (a), in any manner the local government considers appropriate, including by the internet or other electronic means.
- (9) A person who inspects or otherwise accesses nomination documents under this section must not use the information included in them except for the purposes of this Act or purposes authorized by section 63 [*restrictions on use of personal information*] of the [Local Elections Campaign Financing Act](#).

### **Other information to be provided by candidate**

- 90** (1) A person who is nominated for local government office must, before the end of the nomination period, provide the following to the chief election officer:
- (a) a telephone number at which the person may be contacted;
  - (b) an email address at which the person may be contacted, unless the person does not have such an address;
  - (c) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the person;
  - (d) as applicable,
    - (i) a statement that the person is acting as his or her own financial agent, or
    - (ii) the information and material required under section 17 (5) [*candidate financial agent appointment documents*] of the [Local Elections Campaign Financing Act](#);
  - (e) any other information or material required by regulation under section 168 [*election regulations*].
- (2) If the information and material required under subsection (1) are not received by the chief election officer before the end of the nomination period, the person nominated is deemed to have withdrawn from being a candidate in the election.
- (3) If there is any change in the information or related material required to be provided under subsection (1), the person nominated must provide updated information and material as follows:
- (a) to the chief election officer if the change occurs before the declaration of the results of the election;
  - (b) to the BC chief electoral officer if the change occurs after the declaration of those results.

### **Challenge of nomination**

- 91** (1) A nomination may be challenged only by an application to the Provincial Court in accordance with this section.
- (2) The time period during which a challenge may be made is between the time of the delivery of the nomination documents in accordance with section 89 and 4 p.m. on the 4th day after the end of the nomination period.
- (3) A challenge may be made only by
- (a) a person who is an elector of the municipality or electoral area for which the election is being held,
  - (b) another nominee in the same election, or



- (c) the chief election officer.
- (4) A challenge may be made only on one or more of the following bases:
  - (a) that the person is not qualified to be nominated or elected;
  - (b) that the nomination was not made in accordance with sections 86 to 89;
  - (c) that the usual name given under section 87 (1) (b) in the nomination documents is not in fact the usual name of the person.
- (5) The chief election officer must commence a challenge under this section if, on a review under section 89 (6) [*review of disqualification list*], it appears to the chief election officer that a person is disqualified from being nominated.
- (6) The document filed with the court to commence a challenge must briefly set out the facts on which the challenge is based and must be supported by affidavit as to those facts.
- (7) At the time a challenge is commenced, a time must be set for the hearing that is adequate to allow the court to give its decision on the matter within the time limit set by subsection (9).
- (8) The person making a challenge must
  - (a) immediately give notice of the challenge to the chief election officer and the person whose nomination is challenged, and
  - (b) within 24 hours of filing the document commencing the application, serve on these persons that document, the accompanying affidavit and a notice of the time set for the hearing.
- (9) Within 72 hours of the end of the period for commencing a challenge, the court must hear and determine the matter and must issue an order, as applicable,
  - (a) confirming the person as a candidate or declaring that the person is no longer a candidate, or
  - (b) declaring that the person is or is not entitled to have the usual name indicated in the nomination documents used on the ballot.
- (10) The court may order that the costs of a challenge, within the meaning of the Supreme Court Civil Rules, be paid in accordance with the order of the court.
- (11) The decision of the court on a challenge under this section is final and may not be appealed.

## **Division 7 — Candidate Endorsement by Elector Organization**

### **Candidate endorsement by elector organization may be included on ballot**

- 92** (1) Subject to this section, an incorporated or unincorporated organization may endorse a candidate in an election and have that endorsement included on the ballot for the election if
- (a) the organization makes the endorsement in accordance with section 93,
  - (b) the candidate consents to the endorsement, and
  - (c) the organization complies with section 94 (1) [*other information to be provided by elector organization*].
- (2) To be qualified to endorse a candidate, an organization
- (a) must have a membership that, at the time the solemn declaration under section 93 (1) (c) is made, includes at least 50 electors of the municipality or regional district for which the election is being held, and
  - (b) must not be disqualified under this Act, the [Local Elections Campaign Financing Act](#) or any other Act from endorsing a candidate.

- (3) An organization must not endorse more candidates in an election for a particular office than there are positions to be filled for that office.
- (4) A candidate must not consent to endorsement by more than one organization in relation to the same election for the same office.

### Endorsement documents

- 93** (1) An organization must file the following with the chief election officer before the end of the nomination period in order to endorse a candidate:
- (a) a statement of the following:
    - (i) the full name of the candidate to be endorsed by the elector organization and, if applicable, the usual name that is to be used on the ballot;
    - (ii) the legal name of the organization, if applicable;
    - (iii) the usual name of the organization, if this is different from its legal name or if it has no legal name;
    - (iv) any abbreviations, acronyms and other names used by the elector organization;
    - (v) subject to the restrictions in subsection (3), which name, abbreviation or acronym the elector organization wishes to have included on the ballot;
    - (vi) the mailing address for the organization;
  - (b) written consent of the candidate to the endorsement;
  - (c) a solemn declaration of the authorized principal official of the organization in accordance with subsection (2) and any applicable regulations;
  - (d) any other information or material required to be provided by regulation under section 168 [*election regulations*].
- (2) For the purposes of subsection (1) (c), the authorized principal official of the organization must make a solemn declaration that, to the best of the knowledge and belief of the official, the organization
- (a) has a membership of at least 50 electors of the municipality or regional district for which the election is being held,
  - (b) is not disqualified from endorsing a candidate,
  - (c) is aware of the [Local Elections Campaign Financing Act](#),
  - (d) understands the requirements and restrictions that apply to the organization under the [Local Elections Campaign Financing Act](#),
  - (e) intends to fully comply with the requirements and restrictions referred to in paragraph (d) of this subsection, and
  - (f) has authorized the official to make the solemn declaration.
- (3) The name, abbreviation or acronym referred to in subsection (1) (a) (v) must not
- (a) include any matter that is prohibited by section 115 [*what must and must not be included on a ballot*] from being included on the ballot, or
  - (b) be, in the opinion of the chief election officer, so similar to the name, abbreviation or acronym of another elector organization whose endorsement of a candidate appeared on a ballot at the preceding general local election, or at an election after that general local election, as to be confusing to the electors.
- (4) If an organization is filing endorsement documents
- (a) for more than one candidate in the same election, or

- (b) in multiple elections being held at the same time for the same jurisdiction, a solemn declaration under subsection (1) (c) may be made in relation to any or all of those candidates.
- (5) After receiving endorsement documents, the chief election officer must review the list under section 60 [*Elections BC to maintain disqualification lists*] of the [Local Elections Campaign Financing Act](#) to determine whether an application must be made under section 96 (5) [*challenge required if organization appears to be disqualified*] of this Act.
- (6) Section 89 (7) to (9) [*public access to nomination documents*] applies in relation to endorsement documents.

### **Other information to be provided by elector organization**

- 94** (1) For endorsement documents to be accepted for filing, the organization must provide the following to the chief election officer before the end of the nomination period:
- (a) a telephone number at which the organization can be contacted;
  - (b) an email address at which the organization can be contacted, unless the organization does not have such an address;
  - (c) an address for service at which notices and other communications under this Act or other local elections legislation will be accepted as served on or otherwise delivered to the organization;
  - (d) the information and material required under section 19 (4) [*elector organization information respecting financial agent*] of the [Local Elections Campaign Financing Act](#);
  - (e) the information and material required under section 21 [*responsible principal officials and authorized principal official of elector organization*] of the [Local Elections Campaign Financing Act](#);
  - (f) any other information or material required to be included by regulation under section 168 [*election regulations*] of this Act.
- (2) If there is any change in the information or material required to be provided under subsection (1), an elector organization must provide updated information or material as follows:
- (a) to the chief election officer if the change happens before the end of general voting day for the applicable election;
  - (b) to the BC chief electoral officer if the change happens after that general voting day.

### **Withdrawal of endorsement on ballot**

- 95** An elector organization endorsement must not appear on a ballot if, before 4 p.m. on the 29th day before general voting day,
- (a) the candidate withdraws his or her consent to have the elector organization endorsement appear on the ballot by delivering a signed withdrawal to the chief election officer by that time, or
  - (b) the elector organization withdraws its endorsement of the candidate by delivering to the chief election officer by that time a written withdrawal signed by the authorized principal official of the elector organization.

### **Challenge of elector organization endorsement**

- 96** (1) The endorsement of a candidate under this Division may be challenged only by an application to the Provincial Court in accordance with this section.

- (2) The time period during which a challenge may be made is between the time of the filing of the endorsement documents in accordance with section 93 [*endorsement documents*] and 4 p.m. on the 4th day after the end of the nomination period.
- (3) A challenge may be made only by
  - (a) a person who is an elector of the municipality or electoral area for which the election is being held,
  - (b) a person nominated as a candidate in the same election as the election in relation to which the endorsement documents were filed or in another election being held at the same time for the same municipality or electoral area, or
  - (c) the chief election officer.
- (4) A challenge may be made only on one or more of the following bases:
  - (a) that the organization is not qualified to be an elector organization under section 92 [*candidate endorsement by elector organization*];
  - (b) that the endorsement was not made in accordance with section 93;
  - (c) that section 92 (3) or (4) [*limits on candidates to be endorsed and limits on consenting to endorsement*] was contravened.
- (5) The chief election officer must commence a challenge under this section if, on a review under section 93 (5) [*review of disqualification list*], it appears to the chief election officer that the organization named in the endorsement documents is not qualified to endorse a candidate.
- (6) Section 91 (6), (7), (10) and (11) [*challenge of nomination*] applies in relation to a challenge under this section.
- (7) The person making a challenge must
  - (a) immediately give notice of the challenge to the chief election officer, the organization whose endorsement is being challenged and the candidates endorsed by that organization, and
  - (b) within 24 hours of filing the document commencing the challenge, serve on these persons that document, the accompanying affidavit and a notice of the time set for the hearing.
- (8) Within 72 hours of the end of the period for commencing a challenge, the court must hear and determine the matter and must issue an order, as applicable,
  - (a) declaring that the organization has not endorsed a candidate, or
  - (b) declaring that the organization named in the endorsement documents is or is not qualified to endorse a candidate.

## **Division 8 – Declaration of Candidates**

### **Declaration of candidates**

- 97** (1) Immediately following the end of the nomination period, the chief election officer must declare as candidates for an elected office all persons who have been nominated for the office.
- (2) If there are fewer persons declared as candidates than there are to be elected, additional nominations must be received by the chief election officer from the time of the declaration under subsection (1) up until 4 p.m. on the 3rd day after the end of the nomination period.
- (3) If reasonably possible, the chief election officer must give notice to the public of an extended time for receiving nominations under subsection (2).

- (4) At the end of the time for receiving additional nominations under subsection (2), the chief election officer must declare as candidates for an elected office all additional persons who have been nominated for the office.

### **Declaration of election by voting or acclamation**

- 98** (1) At 4 p.m. on the Monday following the last day for determining a challenge under section 91 [*challenge of nomination*], the chief election officer must declare the election in accordance with this section.
- (2) If there are more candidates for an office than there are to be elected for the office, the chief election officer must declare that an election by voting is to be held.
- (3) If no more candidates for an office are nominated than there are to be elected for that office, the chief election officer must declare the candidate or candidates elected by acclamation.

### **Notice of election by voting**

- 99** (1) At least 6 days but not more than 30 days before general voting day for an election by voting under section 98 (2), the chief election officer must issue a notice of election in accordance with section 50 [*newspaper publication*].
- (2) The notice must include the following information:
- (a) the offices for which persons are to be elected;
  - (b) the usual names and residential addresses of the candidates for each office;
  - (c) the date of general voting day, the voting places for required general voting opportunities and the voting hours for those places;
  - (d) the documents that will be required in order for a person to register as an elector at the time of voting;
  - (e) if applicable, information required to be included under section 53 (6) regarding neighbourhood constituencies or section 113 (5) regarding municipal voting divisions.
- (3) The notice may also include any other information the chief election officer considers appropriate.
- (4) The chief election officer may provide for additional notice of the election to be given to the public.
- (5) For the purposes of including the residential address of a candidate in a notice under this section, an address that indicates the municipality or electoral area in which the candidate is resident is sufficient.
- (6) If requested by a candidate in sufficient time to reasonably have this done, the residential address of the candidate included in a notice under this section must be limited to the municipality or electoral area in which the candidate is resident.

### **Appointment if insufficient number of candidates are elected**

- 100** (1) If there are fewer candidates declared elected by acclamation under section 98 than there are to be elected, the local government must appoint a person to each vacant office,
- (a) in the case of a general local election, within 30 days after the first meeting of the local government at which the persons elected in the election are holding office, and
  - (b) in any other case, within 30 days after the first meeting of the local government after the declaration of the election results.
- (2) If a local government fails to make an appointment required by subsection (1), or if there is no quorum of the local government able to make the appointment, the minister must appoint

a person to each vacant office.

- (3) A person appointed under this section
  - (a) must be qualified under section 81 to hold the office, and
  - (b) must reside in the municipality, electoral area or neighbourhood constituency, as applicable, at the time of appointment.
- (4) A person appointed as a member of a local government under this section or any other provision of this Act has the same rights, duties and powers as a person elected as a member.
- (5) An enactment that applies to an elected member of a local government applies to a person appointed under this section in the same manner as if the person had been elected at the election in relation to which the appointment is made.

## **Division 9 – Candidates and Representatives**

### **Withdrawal, death or incapacity of candidate**

- 101** (1) At any time up until 4 p.m. on the 29th day before general voting day, a person who has been nominated may withdraw from being a candidate in the election by delivering a signed withdrawal to the chief election officer, which must be accepted if the chief election officer is satisfied as to its authenticity.
- (2) After the time referred to in subsection (1), a candidate may withdraw only by delivering to the chief election officer a signed request to withdraw and receiving the approval of the minister.
- (3) For the purposes of subsection (2), the chief election officer must notify the minister of a request to withdraw as soon as practicable after receiving it.
- (4) The chief election officer must notify the minister if, between the declaration of an election by voting under section 98 (2) and general voting day for the election,
  - (a) a candidate dies, or
  - (b) in the opinion of the chief election officer, a candidate is incapacitated to an extent that will prevent the candidate from holding office.
- (5) On approving a withdrawal under subsection (2) or being notified under subsection (4), the minister may order
  - (a) that the election is to proceed, subject to any conditions specified by the minister, or
  - (b) that the original election is to be cancelled and that a new election is to be held in accordance with the directions of the minister.

### **Appointment of candidate representatives**

- 102** (1) A candidate may appoint
  - (a) one individual to act as official agent of the candidate, to represent the candidate from the time of appointment until the final determination of the election or the validity of the election, as applicable, and
  - (b) scrutineers, to represent the candidate by observing the conduct of voting and counting proceedings for the election.
- (2) An appointment as a candidate representative must
  - (a) be made in writing and signed by the person making the appointment,
  - (b) include the name and address of the person appointed, and
  - (c) be delivered to the chief election officer or a person designated by the chief election officer for this purpose as soon as practicable after the appointment is made.

- (3) An appointment as a candidate representative may be rescinded only in the same manner as the appointment was made.
- (4) An appointment of an official agent may include a delegation of the authority to appoint scrutineers.
- (5) If notice is to be served or otherwise given under this Part to a candidate, it is sufficient if the notice is given to the official agent of the candidate.

### **Presence of candidate representatives at election proceedings**

- 103** (1) A candidate representative present at a place where election proceedings are being conducted must
- (a) carry a copy of the person's appointment under section 102,
  - (b) before beginning duties at the place, show the copy of the appointment to the presiding election official or an election official specified by the presiding election official, and
  - (c) show the copy of the appointment to an election official when requested to do so by the official.
- (2) The presiding election official may designate one or more locations at a place where election proceedings are being conducted as locations from which candidate representatives may observe the proceedings and, if this is done, the candidate representatives must remain in those locations.
- (3) The absence of a candidate representative from a place where election proceedings are being conducted does not invalidate anything done in relation to an election.

## **Division 10 – Voting Opportunities**

### **Voting opportunities for electors**

- 104** An elector who meets the applicable qualifications may vote in an election at one of the following voting opportunities:
- (a) on general voting day at a required general voting opportunity or at an additional general voting opportunity, if any;
  - (b) at a required advance voting opportunity or at an additional advance voting opportunity, if any;
  - (c) at a special voting opportunity, if any;
  - (d) by mail ballot, if this is available for the election.

### **Required general voting opportunities**

- 105** (1) As soon as practicable after the declaration of an election by voting, the chief election officer must designate voting places for general voting day.
- (2) If neighbourhood constituencies or municipal voting divisions are established, the chief election officer must specify which of the voting places under subsection (1) is to be used on general voting day for each neighbourhood constituency or municipal voting division.
- (3) The voting places under subsection (1) must be open on general voting day from 8 a.m. to 8 p.m. to all electors entitled to vote, subject to the restrictions regarding where a person may vote if municipal voting divisions or neighbourhood constituencies are established.

### **Additional general voting opportunities**

- 106** (1) A local government may, by bylaw,

- (a) establish or authorize the chief election officer to establish additional voting opportunities for general voting day, and
  - (b) designate the voting places and set the voting hours for these voting opportunities or authorize the chief election officer to do this.
- (2) As a limit on subsection (1), the voting hours established for an additional general voting opportunity must not extend later than 8 p.m. on general voting day.
- (3) The chief election officer must give notice of an additional general voting opportunity in any manner the chief election officer considers appropriate.
- (4) The notice under subsection (3) must include the date, place and voting hours for the voting opportunity.

### **Required advance voting opportunities**

- 107** (1) At least 2 advance voting opportunities must be held for an election by voting,
- (a) one on the 10th day before general voting day, and
  - (b) the other on another date which the local government must establish by bylaw.
- (2) As an exception to subsection (1) in relation to a municipality or electoral area with a population of 5 000 or less, the local government may, by bylaw, provide that the advance voting opportunity referred to in subsection (1) (b) is not to be held for the municipality or electoral area.
- (3) Voting hours for the required advance voting opportunities must be from 8 a.m. to 8 p.m.
- (4) 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) At least 6 days but not more than 30 days before a required advance voting opportunity, the chief election officer must give notice in accordance with section 50 [*newspaper publication*] of
- (a) the date, location of the voting places and voting hours for the voting opportunity, and
  - (b) the documents that will be required in order for a person to register as an elector at the time of voting.

### **Additional advance voting opportunities**

- 108** (1) A local government may, by bylaw,
- (a) establish, or authorize the chief election officer to establish, dates for additional voting opportunities in advance of general voting day, and
  - (b) designate, or authorize the chief election officer to designate, the voting places and set the voting hours for these voting opportunities.
- (2) The chief election officer must give notice of an additional advance voting opportunity in any manner the chief election officer considers appropriate.
- (3) The notice under subsection (2) must include the date, place and voting hours for the voting opportunity.

### **Special voting opportunities**

- 109** (1) In order to give electors who may otherwise be unable to vote an opportunity to do so, a local government may, by bylaw, establish one or more special voting opportunities under this section.



- (2) A bylaw under subsection (1) may do one or more of the following for each special voting opportunity:
  - (a) for the purpose referred to in subsection (1), establish restrictions on persons who may vote at the special voting opportunity;
  - (b) establish procedures for voting and for conducting the voting proceedings that differ from those established under other provisions of this Part;
  - (c) limit, or authorize the chief election officer to limit, the number of candidate representatives who may be present at the special voting opportunity;
  - (d) establish, or authorize the chief election officer to establish, the date and voting hours when and the place where the special voting opportunity is to be conducted.
- (3) At least one candidate representative is entitled to be present at a special voting opportunity for the election, with that candidate representative chosen by agreement of the candidates for that election or, failing such agreement, by the chief election officer.
- (4) The voting hours established under subsection (2) (d) for a special voting opportunity must not extend later than 8 p.m. on general voting day.
- (5) A special voting opportunity may be conducted at a location outside the boundaries of the municipality or electoral area for which the election is being held.
- (6) The chief election officer must give notice of a special voting opportunity in any manner the chief election officer considers will give reasonable notice to the electors who will be entitled to vote at it.
- (7) The notice of a special voting opportunity must include the following:
  - (a) the date, the location and the voting hours for the special voting opportunity;
  - (b) any restrictions on who may vote at the special voting opportunity;
  - (c) any special procedures involved.

### **Mail ballot voting**

- 110** (1) Subject to this section and any regulations under section 168 [*election regulations*], a local government may, by bylaw, permit voting to be done by mail ballot and, in relation to this, may permit elector registration to be done in conjunction with this voting.
- (2) For a municipality, the only electors who may be permitted to vote by mail ballot are
    - (a) persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity, and
    - (b) persons who expect to be absent from the municipality on general voting day and at the times of all advance voting opportunities.
  - (3) For a regional district, the only electors who may be permitted to vote by mail ballot are
    - (a) persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity,
    - (b) if, for this purpose, a bylaw under subsection (1) specifies an area on the basis that it is remote from the voting places at which persons who reside in the specified area are entitled to vote, persons who reside in that specified area, and
    - (c) persons who expect to be absent from the regional district on general voting day and at the times of all advance voting opportunities.
  - (4) A bylaw under subsection (1) may
    - (a) establish procedures for voting and registration that differ from those established under other provisions of this Part, and

- (b) establish, or authorize the chief election officer to establish, time limits in relation to voting by mail ballot.
- (5) The chief election officer must give notice of an opportunity to vote by mail ballot in any manner the chief election officer considers will give reasonable notice to the electors who will be entitled to vote by this means.
- (6) The procedures for voting by mail ballot must require the chief election officer to keep sufficient records so that challenges of an elector's right to vote may be made in accordance with the intent of section 126 [*challenge of elector*].
- (7) Mail ballot packages must contain the following:
  - (a) the ballot or ballots to which an elector is entitled;
  - (b) a secrecy envelope that has no identifying marks, in which the ballots are to be returned;
  - (c) a certification envelope on which is printed the information referred to in subsection (8) for completion by the person voting, in which the secrecy envelope is to be placed;
  - (d) an outer envelope on which is printed the address of the chief election officer at the local government offices and in which the envelopes under paragraphs (b) and (c) and, if applicable, the registration application under paragraph (e) are to be returned;
  - (e) if permitted by the bylaw under subsection (1), an application for registration as an elector, to be completed if necessary and returned in the outer envelope;
  - (f) instructions as to how to vote by mail ballot.
- (8) The certification envelope must be printed
  - (a) with spaces in which the person voting is to record his or her full name and residential address, and
  - (b) with a statement to be signed by the person voting declaring that the person
    - (i) is entitled to be registered as an elector for the election,
    - (ii) is entitled to vote by mail ballot, and
    - (iii) has not previously voted in the election and will not afterwards vote again in the election.
- (9) In order to be counted for an election, a mail ballot must be received by the chief election officer before the close of voting on general voting day and it is the obligation of the person applying to vote by mail ballot to ensure that the mail ballot is received by the chief election officer within this time limit.

## **Division 11 — Arrangements for Voting**

### **Voting places**

- 111** (1) So far as reasonably possible, voting places must be easily accessible to persons who have a physical disability or whose mobility is impaired.
- (2) A voting place for a required general voting opportunity must not be outside the boundaries of the municipality or electoral area for which the election is being held unless one of the following circumstances applies:
- (a) at least one voting place for that voting opportunity is within the boundaries;
  - (b) there are no facilities as described in subsection (1) available within the boundaries, or there are facilities outside the boundaries that are more accessible as described in that subsection;

- (c) the chief election officer considers that the location will be more convenient for a majority of electors of the municipality or electoral area.
- (3) A voting place for an additional general voting opportunity or for an advance voting opportunity may be outside the boundaries of the municipality or electoral area for which the election is being held.

### **Use of voting machines**

- 112** (1) A local government may, by bylaw, provide for the use of automated voting machines, voting recorders or other devices for voting in an election, subject to any requirements, limits and conditions established by regulation under section 168 [*election regulations*].
- (2) A bylaw under subsection (1) must include the following:
- (a) procedures for how to vote, to be used in place of those established by section 129 [*how to vote by ballot*];
  - (b) the form of ballot, if this is to be different from the form of ballot otherwise required by this Act;
  - (c) procedures, rules and requirements regarding the counting of votes, if these are to be different from those established by Division 14 [*Counting of the Votes*] of this Part.
- (3) If a bylaw under subsection (1) includes only provisions referred to in subsection (2), to the extent there is an inconsistency between the procedures, rules and requirements established by the bylaw and the procedures, rules and requirements established under this Part, the bylaw prevails.
- (4) If a bylaw under subsection (1) includes provisions other than those referred to in subsection (2) and is approved by the minister, to the extent that there is an inconsistency between the procedures, rules and requirements established by the bylaw and the procedures, rules and requirements established under this Part, the bylaw prevails.

### **Municipal voting divisions**

- 113** (1) A council may, by bylaw,
- (a) establish municipal voting divisions, or
  - (b) authorize the designated municipal officer or chief election officer to establish municipal voting divisions.
- (2) The authority under subsection (1) is subject to any requirements, limits and conditions established by regulation under section 168 [*election regulations*].
- (3) Subject to subsection (4), if municipal voting divisions are established,
- (a) electors who reside in a municipal voting division, and
  - (b) electors who are non-resident property electors in relation to property within the voting division
- may vote on general voting day only at the voting place specified for that voting division.
- (4) The restriction under subsection (3) does not apply to voting at an additional general voting opportunity or a special voting opportunity.
- (5) The notice of election under section 99 [*notice of election by voting*] must include the following additional information if municipal voting divisions are established:
- (a) that municipal voting divisions will be used in the election;
  - (b) that electors residing in a municipal voting division or who are non-resident property electors in relation to property within that voting division will be entitled to vote on

general voting day only at the voting place specified for the voting division unless they are voting at an additional general voting opportunity or a special voting opportunity, if any is offered;

- (c) either
  - (i) the boundaries of each municipal voting division and the voting place for each division, or
  - (ii) how electors can obtain information as to where they are entitled to vote on general voting day.

(6) The chief election officer may provide additional notice to electors in a municipal voting division of the voting place where they are entitled to vote.

### **Form of ballots**

- 114** (1) The chief election officer must establish the form of ballots to be used in an election.
- (2) Without limiting subsection (1), the chief election officer may do either or both of the following:
- (a) determine that composite ballots are to be used, on which an elector's votes on 2 or more elections may be indicated;
  - (b) determine that ballots are to be in the form of a ballot set, in which ballots for 2 or more elections are packaged together.

### **What must and must not be included on a ballot**

- 115** (1) A ballot for an election must include the following:
- (a) instructions as to the number of candidates to be elected to the office;
  - (b) instructions as to the appropriate mark to make a valid vote for a candidate;
  - (c) the full name of each candidate or, if a candidate specified a different usual name in the nomination documents, this usual name;
  - (d) if applicable, the name, abbreviation or acronym of the endorsing elector organization for a candidate, as shown on the endorsement documents for the candidate.
- (2) As an exception, if the name, abbreviation or acronym referred to in subsection (1) (d) is too long to be reasonably accommodated on the ballot, the chief election officer may, after consulting with the authorized principal official of the elector organization, use a shorter name, abbreviation or acronym that, in the opinion of the chief election officer, identifies the elector organization.
- (3) A ballot for an election must not include any of the following:
- (a) an indication that a candidate is holding or has held an elected office;
  - (b) a candidate's occupation;
  - (c) an indication of a title, honour, degree or decoration received or held by a candidate.

### **Order of names on ballot**

- 116** (1) Unless a bylaw under section 117 [*order determined by lot*] is adopted,
- (a) the names of the candidates must be arranged alphabetically by their surnames, and
  - (b) if 2 or more candidates have the same surname, the names of those candidates must be arranged alphabetically in order of their first given names.
- (2) If 2 or more candidates
- (a) have the same surnames and given names, or

- (b) have names so similar that, in the opinion of the chief election officer, they are likely to cause confusion,

the chief election officer, after receiving the approval of these candidates, may include on the ballot additional information to assist the electors to identify the candidates, subject to the restrictions under section 115 (3) [*what must not be on ballot*].

- (3) The chief election officer's decision on the order of names on a ballot is final.

#### **Order of names on ballot determined by lot**

- 117** (1) A local government may, by bylaw, permit the order of names on a ballot to be determined by lot in accordance with this section.
- (2) The chief election officer must notify all candidates as to the date, time and place when the determination is to be made.
  - (3) The only persons who may be present at the determination are the candidates, or their official agents, and any other persons permitted to be present by the chief election officer.
  - (4) The procedure for the determination is to be as follows:
    - (a) the name of each candidate is to be written on a separate piece of paper, as similar as possible to all other pieces prepared for the determination;
    - (b) the pieces of paper are to be folded in a uniform manner in such a way that the names of the candidates are not visible;
    - (c) the pieces of paper are to be placed in a container that is sufficiently large to allow them to be shaken for the purpose of making their distribution random, and the container is to be shaken for this purpose;
    - (d) the chief election officer is to direct a person who is not a candidate or candidate representative to withdraw the papers one at a time;
    - (e) the name on the first paper drawn is to be the first name on the ballot, the name on the second paper is to be the second, and so on until the placing of all candidates' names on the ballot has been determined.

#### **Ballot boxes**

- 118** (1) Ballot boxes for an election may be any box or other appropriate receptacle that is constructed so that ballots can be inserted but not withdrawn unless the ballot box is opened.
- (2) Separate ballot boxes must be used for each of the following:
    - (a) ballots used to vote at required general voting opportunities;
    - (b) ballots used to vote at additional general voting opportunities;
    - (c) ballots used to vote at advance voting opportunities;
    - (d) ballots used to vote at special voting opportunities;
    - (e) mail ballots used to vote.
  - (3) A ballot box used at one type of voting opportunity referred to in subsection (2) (a) to (e) may be used again at another voting opportunity of the same type.

### **Division 12 – Conduct of Voting Proceedings**

#### **Persons who must be present at voting places**

- 119** (1) A presiding election official and at least one other election official must be present at all times at each voting place during voting hours, except during a suspension of voting under section 132 [*persons unable to enter a voting place*].

- (2) If an election official does not attend at a voting place as expected, the presiding election official may appoint a person as an election official in the missing person's place, whether or not this authority has already been given under this Part.

### **Persons who may be present at voting places**

- 120** (1) Except as provided in this section, a person must not be present at a voting place while voting proceedings are being conducted.
- (2) The following persons may be present at a voting place while voting proceedings are being conducted:
- (a) persons who are present for the purpose of voting and persons in the care of those persons;
  - (b) persons assisting under section 63 [*exceptional assistance in election proceedings*] or 131 [*persons needing assistance to mark their ballots*];
  - (c) election officials;
  - (d) the official agent of a candidate in the election and, for each ballot box in use at that time for receiving ballots for that election, one scrutineer for each candidate, unless a bylaw under subsection (3) permits more to be present;
  - (e) other persons permitted to be present by the presiding election official.
- (3) A local government may, by bylaw, permit more than one scrutineer for each candidate to be present for each ballot box in use at a voting place while voting proceedings are being conducted, subject to any restrictions and conditions specified in the bylaw.
- (4) Other than for the purpose of voting, a candidate must not be present at a voting place or special voting opportunity while voting proceedings are being conducted.
- (5) Subject to subsection (6), each person present at a voting place while voting proceedings are being conducted and each candidate representative present at a special voting opportunity must make a solemn declaration to preserve the secrecy of the ballot in accordance with section 123 [*voting by secret ballot*].
- (6) Subsection (5) does not apply to
- (a) a person attending to vote,
  - (b) a person in the care of a person attending to vote, or
  - (c) a peace officer assisting the presiding election official under section 61 [*keeping order at election proceedings*].

### **Sealing of ballot boxes containing ballots**

- 121** (1) Before a ballot box is used for ballots, the presiding election official, in the presence of at least one witness, must inspect the ballot box to ensure that it is empty and seal it in such a manner that it cannot be opened without breaking the seal.
- (2) After a ballot box is used for ballots, the presiding election official must seal it at the following times in a manner to prevent the addition or withdrawal of ballots:
- (a) at the close of voting at a voting opportunity;
  - (b) between each addition of mail ballots;
  - (c) if the ballot box becomes full while voting proceedings are being conducted;
  - (d) if voting proceedings are adjourned under section 62 [*adjournment of election proceedings*] or suspended under section 132 [*persons unable to enter a voting place*].

- (3) In addition to sealing by the presiding election official, candidate representatives are entitled to add their seals for the purposes of this section.
- (4) Unless it is to be used again in accordance with section 118 (3) [*ballot box re-use*], a ballot box that has been sealed under this section must remain sealed and unopened until the ballots are to be counted under Division 14 [*Counting of the Votes*] of this Part.
- (5) Before a ballot box sealed under subsection (2) is to be used again in the election, the presiding election official must remove the seal in the presence of at least one witness.

### **Time for voting extended**

- 122** (1) If the start of voting at a place, as set under this Part, is delayed and the presiding election official considers that a significant number of electors would not be able to vote without an extension under this section, that election official may extend the time for the close of the voting but the extension must not permit voting for a longer length of time than would have been permitted had voting not been delayed.
- (2) If, at the time set under this Part for the close of voting at a place, there are electors
- (a) waiting in the place, or
  - (b) waiting in line outside the place
- in order to vote, those electors are entitled to vote and the ballot box must remain unsealed until their ballots are deposited.
- (3) No electors other than those referred to in subsection (2) are entitled to vote after the end of the set closing time.
- (4) The decision of the presiding election official as to who is or who is not entitled to vote under subsection (2) is final and may not be the basis of an application under section 153 [*application to court respecting validity of election*].
- (5) The presiding election official must notify the chief election officer as soon as possible of any extension of voting under this section.

## **Division 13 – Voting**

### **Voting to be by secret ballot**

- 123** (1) Voting at an election must be by secret ballot.
- (2) Each person present at a place at which an elector exercises the right to vote, including persons present to vote, and each person present at the counting of the vote must preserve the secrecy of the ballot and, in particular, must not do any of the following:
- (a) interfere with a person who is marking a ballot;
  - (b) attempt to discover how another person voted;
  - (c) communicate information regarding how another person voted or marked a ballot;
  - (d) induce a person, directly or indirectly, to show a ballot in a way that reveals how the person voted.
- (3) The chief election officer must ensure that each voting place has at least one area that is arranged in such a manner that electors may mark their ballots screened from observation by others and without interference.
- (4) An elector may not be required in any legal proceedings to reveal how he or she voted in an election.

### **Each elector may vote only once**

- 124** (1) A person must not vote more than once in the same election.

- (2) For the purpose of ensuring compliance with subsection (1), the presiding election official must ensure that a record is maintained of all persons who receive ballots at the voting proceedings for which the presiding election official is responsible.

### **Requirements before elector may be given a ballot**

- 125** (1) A person must meet the following basic requirements in order to obtain a ballot:
- (a) if the person is not shown on the list of registered electors as having registered in advance, the person must register in accordance with section 72 [*resident electors*] or 73 [*non-resident property electors*];
  - (b) if the person is shown on the list of registered electors as having registered in advance, the person must sign a written declaration that he or she
    - (i) is entitled to vote in the election, and
    - (ii) has not voted before in the same election;
  - (c) the person must sign the list of registered electors or the voting book, as directed by the presiding election official, giving
    - (i) the person's name,
    - (ii) the person's present residential address, and
    - (iii) if the person is a non-resident property elector, the address of the real property in relation to which the person is voting.
- (2) As applicable, the following additional requirements must be met in order for a person to obtain a ballot:
- (a) at a special voting opportunity, the person must also sign a written declaration that he or she is entitled to vote at that time and stating the circumstances that entitle the person to vote;
  - (b) if the person is challenged under section 126, the person must also meet the requirements of subsection (3) of that section;
  - (c) if it appears that another person has already voted in that person's name, the person must also meet the requirements of section 127 (2) [*evidence or solemn declaration required*];
  - (d) if the person requires assistance to mark the ballot, the requirements of section 131 (3) [*written statement and other requirements*] must also be met.
- (3) Once the requirements of subsections (1) and (2) have been met, the election official must give the elector the ballot or ballots to which that elector is entitled.
- (4) A person who does not meet the requirements of subsections (1) and (2) is not entitled to vote and must not be given a ballot.
- (5) A voting book or list of registered electors may be prepared in such a manner that all the applicable requirements of subsection (1) or (2), or both, may be met by entries on the voting book or list of registered electors.

### **Challenge of elector**

- 126** (1) A person's right to vote may be challenged in accordance with this section at any time during the procedures under section 125 (1) and (2) [*requirements before elector may be given a ballot*] to obtain a ballot up until the time the person receives the ballot.
- (2) A challenge may be made
- (a) only in person by an election official, a candidate representative or an elector of the municipality or electoral area for which the election is being held, and
  - (b) only on the basis that the person proposing to vote



- (i) is not entitled to vote, or
  - (ii) has contravened section 161 (3) [*accepting inducements*].
- (3) In order to receive a ballot, a person whose right to vote has been challenged must either
- (a) provide evidence satisfactory to the presiding election official that the person is entitled to vote, or
  - (b) make a solemn declaration before the presiding election official as to the person's entitlement to vote.
- (4) The solemn declaration required by subsection (3) (b) must state that the person
- (a) meets all the qualifications to be registered as an elector of the municipality or electoral area,
  - (b) is either registered as an elector of that municipality or electoral area or is applying at this time to be registered,
  - (c) is in fact the person under whose name the person is registered or registering as an elector,
  - (d) has not contravened section 161 [*vote buying*], and
  - (e) has not voted before in the same election and will not vote again in the same election.
- (5) The presiding election official must keep a record indicating
- (a) that the person was challenged,
  - (b) the name of the person who made the challenge, and
  - (c) how the person challenged satisfied the requirement of subsection (3).

### **If another person has already voted under an elector's name**

- 127** (1) This section applies if an elector meets the requirements of section 125 [*requirements before elector may be given a ballot*] but the voting book or list of registered electors indicates that another person has already voted using the name of the elector.
- (2) In order to obtain a ballot, the person asserting the right to vote as the named elector must either
- (a) provide evidence satisfactory to the presiding election official that the person is the named elector, or
  - (b) make a solemn declaration described in section 126 (4) [*solemn declaration of challenged elector*] as to the person's entitlement to vote as the named elector.
- (3) The presiding election official must keep a record indicating
- (a) that a second ballot was issued in the name of the elector, and
  - (b) any challenge under section 126 of the person who obtained the second ballot.

### **Replacement of spoiled ballot**

- 128** (1) If an elector unintentionally spoils a ballot before it is deposited in a ballot box, the elector may obtain a replacement ballot by giving the spoiled ballot to the presiding election official.
- (2) The presiding election official must immediately mark as spoiled a ballot replaced under subsection (1) and retain the spoiled ballot for return to the chief election officer.

### **How to vote by ballot**

- 129** (1) After receiving a ballot, an elector must
- (a) proceed without delay to a voting compartment provided,

- (b) while the ballot is screened from observation, mark it by making a cross in the blank space opposite the name of the candidate or candidates for whom the elector wishes to vote,
  - (c) fold the ballot to conceal all marks made on it by the elector,
  - (d) leave the voting compartment without delay,
  - (e) deposit the ballot in the appropriate sealed ballot box, and
  - (f) leave the voting place without delay.
- (2) An election official may and, if requested by the elector, must explain to an elector the proper method for voting by ballot.

### **One person to a voting compartment**

- 130** (1) While an elector is in a voting compartment to mark a ballot, no other person may observe or be in a position to observe the ballot being marked.
- (2) As exceptions to subsection (1),
- (a) a person assisting an elector under section 131 may be present with the elector, and
  - (b) if the presiding election official permits, a person who is in the care of an elector may be present with the elector.

### **Persons needing assistance to mark their ballots**

- 131** (1) This section applies to electors who are unable to mark a ballot because of physical disability or difficulties with reading or writing.
- (2) An elector referred to in subsection (1) may be assisted in voting by an election official or by a person accompanying the elector.
- (3) In order to receive a ballot to be marked under this section, the following requirements must be met:
- (a) the person assisting must sign a written statement giving
    - (i) the assisting person's name and residential address,
    - (ii) the name and residential address of the elector being assisted, and
    - (iii) if the elector being assisted is a non-resident property elector, the address of the real property in relation to which the elector is voting;
  - (b) a person who is not an election official must make a solemn declaration before the presiding election official that the person will
    - (i) preserve the secrecy of the ballot of the elector being assisted,
    - (ii) mark the ballot in accordance with the wishes of the elector, and
    - (iii) refrain from attempting in any manner to influence the elector as to how the elector should vote;
  - (c) if assistance is needed because the elector needs a translator to be able to read the ballot and the instructions for voting, the person assisting must make a solemn declaration in accordance with section 63 (3) [*exceptional assistance — translator*].
- (4) The assisting person
- (a) must accompany the elector to the voting compartment or other place to be used for voting,
  - (b) must mark the ballot in accordance with the directions of the elector, and
  - (c) may, in the presence of the elector, fold the ballot and deposit it in the ballot box.

- (5) Candidates, candidate representatives and financial agents must not assist in marking a ballot.
- (6) A person does not vote by assisting under this section.

### **Persons unable to enter a voting place**

- 132** (1) This section applies to electors who come to a voting place to vote but who are unable to enter the voting place because of physical disability or impaired mobility.
- (2) An elector referred to in subsection (1) may request to vote at the nearest location to the voting place to which the elector has access.
- (3) If a request is made, the presiding election official or another election official designated by the presiding election official must attend the elector at the nearest location to the voting place for the purpose of allowing the elector to meet the requirements under section 125 [*requirements before elector may be given a ballot*] to obtain a ballot.
- (4) The election official must ensure that the elector's marked ballot is placed in the appropriate ballot box, taking whatever steps the official considers necessary to maintain the secrecy of the ballot.
- (5) The presiding election official may temporarily suspend voting proceedings in order to allow an elector to vote under this section.
- (6) The presiding election official may have separate ballot boxes available for the purposes of this section, and these ballot boxes are not to be considered to be ballot boxes in use for the purposes of determining the number of candidate representatives who may be present at a voting place under section 120 [*persons who may be present at voting place*].

## **Division 14 – Counting of the Votes**

### **When and where counting is to be done**

- 133** (1) The counting of the votes on ballots for an election must not take place until the close of general voting for the election, but must take place as soon as practicable after this time.
- (2) The counting of the votes on ballots used for general voting is to be conducted at the voting place where the ballot boxes containing them are located unless the chief election officer directs that the counting is to take place at another location.
- (3) The counting of the votes on ballots other than those referred to in subsection (2) is to be conducted at a place specified by the chief election officer.
- (4) The chief election officer must notify the candidates in an election of any place other than a voting place referred to in subsection (2) at which the counting of the votes for the election is to be conducted.

### **Who may be present at counting**

- 134** (1) A presiding election official and at least one other election official must be present while counting proceedings are being conducted.
- (2) Candidates in an election are entitled to be present when counting proceedings for the election are being conducted.
- (3) For each place where the votes on ballots for an election are being counted, one candidate representative for each candidate in the election is entitled to be present at each location within that place where ballots are being considered.
- (4) Persons other than those referred to in subsections (2) and (3) and election officials taking part in the counting may not be present when counting proceedings are being conducted, unless permitted by the presiding election official.

## Who does the counting

- 135** (1) The counting of the votes on ballots for an election must be conducted by the presiding election official or, except as limited by subsection (2), by other election officials under the supervision of the presiding election official.
- (2) The presiding election official must personally deal with all ballots
- (a) rejected under section 139 [*rules for accepting votes or rejecting ballots*], or
  - (b) objected to under section 140 [*objections to acceptance or rejection*].

## Opening of ballot boxes

- 136** (1) As the first step in the counting of the votes on ballots in a ballot box, the ballot box is to be opened by an election official in the presence of at least one witness.
- (2) If the seals on a ballot box are not intact when it is opened under subsection (1),
- (a) the ballots in the ballot box must not be combined under section 137, and
  - (b) the ballots in the ballot box must be counted separately and a separate ballot account and separate ballot packages for the ballots must be prepared.

## Combination of ballots for counting

- 137** (1) After ballot boxes are opened under section 136, the ballots in them may be combined in accordance with this section.
- (2) The election official responsible for the counting may combine ballots in different ballot boxes together in a single ballot box as follows:
- (a) ballots in a ballot box used at a required general voting opportunity may be combined with ballots in other ballot boxes used at the same required general voting opportunity;
  - (b) ballots in a ballot box used at an additional general voting opportunity may be combined with ballots in other ballot boxes used at the same or another additional general voting opportunity;
  - (c) ballots in a ballot box used at an advance voting opportunity may be combined with ballots in other ballot boxes used at the same or another advance voting opportunity;
  - (d) ballots in a ballot box used for a special voting opportunity may be combined with ballots in other ballot boxes used at the same or another special voting opportunity;
  - (e) ballots in a ballot box used for mail ballots may be combined with ballots in other ballot boxes used for mail ballots;
  - (f) if some of the ballots in a ballot box are for a different election than the one for which the ballot box was intended, the election official may combine the ballots that do not belong in the ballot box with ballots in the appropriate ballot box.
- (3) For the purpose of preserving the secrecy of the ballot, if there would be fewer than 25 ballots in a ballot box after combination under subsection (2), the presiding election official may combine those ballots with ballots in any other ballot box.
- (4) Except for combination under this section,
- (a) the votes on each class of ballots referred to in subsection (2) must be counted separately from the votes on ballots in any other class, and
  - (b) a separate ballot account under section 141 and separate ballot packages under section 142 must be prepared for each class of ballots referred to in subsection (2) of this section.

## Procedures for counting

- 138** (1) All ballots in each ballot box must be considered in accordance with this section.
- (2) As each ballot for an election is considered, it must be placed in such a manner that the persons present at the counting are able to see how the ballot is marked.
- (3) Unless rejected under section 139 (4) [*invalid ballots*], a mark referred to in section 139 (1) on a ballot for an election must be accepted and counted as a valid vote.
- (4) Counting must proceed as continuously as is practicable and the votes must be recorded.
- (5) The presiding election official must endorse ballots to indicate the following as applicable:
- (a) that the ballot was rejected under section 139 in relation to an election;
  - (b) that the rejection of the ballot was objected to under section 140;
  - (c) that a mark on the ballot was accepted as a valid vote but the acceptance was objected to under section 140.
- (6) An endorsement under subsection (5) must be made at the time the presiding election official considers the ballot and in such a manner that it does not alter or obscure the elector's marking on the ballot.

## Rules for accepting votes and rejecting ballots

- 139** (1) The following are marks that are to be accepted and counted as valid votes for an election unless the ballot is rejected under subsection (4):
- (a) a mark of the type required by section 129 (1) (b) [*how to vote by marking ballot*];
  - (b) a tick mark that is placed in the location required by section 129 (1) (b);
  - (c) a mark of the type required by section 129 (1) (b) that is out of or partly out of the location on the ballot in which it is required to be put by that provision, as long as the mark is placed in such a manner as to indicate clearly the intent of the elector to vote for a particular candidate;
  - (d) a tick mark that is placed as described in paragraph (c) of this subsection.
- (2) A mark on a ballot other than a mark referred to in subsection (1) must not be accepted and counted as a valid vote.
- (3) If a ballot is in the form of a composite ballot under section 114 (2) (a) [*ballot for voting on multiple elections*], for the purposes of subsections (1) and (2) of this section each portion of the ballot that deals with a single election is to be considered a separate ballot.
- (4) Ballots must be rejected as invalid in accordance with the following:
- (a) a ballot must be rejected in total if it appears that the ballot physically differs from the ballots provided by the chief election officer for the election;
  - (b) a ballot must be rejected in total if there are no marks referred to in subsection (1) on the ballot;
  - (c) a ballot must be rejected in total if the ballot is uniquely marked, or otherwise uniquely dealt with, in such a manner that the elector could reasonably be identified;
  - (d) a ballot must be rejected in total if more than one form of mark referred to in subsection (1) is on the ballot;
  - (e) a ballot is to be rejected in relation to an election if there are more marks referred to in subsection (1) for the election on the ballot than there are candidates to be elected.
- (5) In the case of a ballot that is part of a ballot set under section 114 (2) (b) [*ballots for multiple elections packaged together*], the ballot is not to be rejected under subsection (4) (a) solely

on the basis that the ballot is part of an incomplete ballot set or that the ballot has become separated from its ballot set.

### **Objections to the acceptance of a vote or the rejection of a ballot**

- 140** (1) A candidate or candidate representative may object to a decision to accept a vote or reject a ballot, with the objection recorded in accordance with section 138 (5) and (6) [*procedures for counting*].
- (2) An objection must be made at the time the ballot is considered.
- (3) The decision of the presiding election official regarding the acceptance of a vote or the rejection of a ballot may not be challenged except as provided in this section and the decision may be changed only by the chief election officer under section 145 [*determination of official election results*] or on a judicial recount.

### **Ballot account**

- 141** (1) Once all counting at a place is completed, ballot accounts for each election must be prepared in accordance with this section and signed by the presiding election official.
- (2) A ballot account must include the following:
- (a) the office to be filled by the election;
  - (b) the number of valid votes for each candidate in the election;
  - (c) the number of ballots received by the presiding election official from the chief election officer for use at the voting opportunity;
  - (d) the number of ballots given to electors at the voting opportunity;
  - (e) the number of ballots for which marks were accepted as valid votes for the election without objection;
  - (f) the number of ballots for which marks were accepted as valid votes, subject to an objection under section 140 [*objection to acceptance of vote or rejection of ballot*];
  - (g) the number of ballots rejected as invalid without objection;
  - (h) the number of ballots rejected as invalid, subject to an objection under section 140;
  - (i) the number of spoiled ballots that were cancelled and replaced under section 128;
  - (j) the number of unused ballots;
  - (k) the number of ballots added under section 137 (3) [*combination of ballot boxes to preserve secrecy of the ballot*] to the ballots for which the ballot account is prepared;
  - (l) the number of ballots not accounted for.
- (3) A copy of the ballot account must be prepared and signed by the presiding election official and included with the election materials under section 143 [*delivery of election materials to chief election officer*].

### **Packaging of ballots**

- 142** (1) The presiding election official, or an election official under the supervision of the presiding election official, must separately package each of the following classes of ballots for delivery to the chief election officer:
- (a) ballots that were rejected in total, subject to an objection regarding the rejection;
  - (b) ballots that were rejected in part, subject to an objection regarding the rejection or regarding the acceptance of a vote;
  - (c) ballots that were subject to an objection regarding the acceptance of a vote, unless included in a package under paragraph (b);

- (d) ballots that were rejected in total without objection;
  - (e) ballots that were rejected in part without objection to the rejection or the acceptance of a vote;
  - (f) ballots for which all votes were accepted without objection;
  - (g) spoiled ballots that were cancelled and replaced under section 128;
  - (h) unused ballots.
- (2) Each ballot package must be clearly marked as to its contents and sealed by the presiding election official.
- (3) Candidates and candidate representatives present at the proceedings are entitled to add their seals to a ballot package.
- (4) If ballot boxes are used as ballot packages, they must be sealed in accordance with section 121.

### **Delivery of election materials to chief election officer**

- 143** (1) After the ballot accounts are completed and the sealed ballot packages prepared, the following must be placed in ballot boxes from which the counted ballots were taken:
- (a) the sealed ballot packages, if these are not ballot boxes themselves;
  - (b) the copy of the ballot account prepared under section 141 (3);
  - (c) the voting books;
  - (d) any copies of the list of registered electors used for the purposes of voting proceedings;
  - (e) any records required under this Part to be made during voting proceedings;
  - (f) any stubs for ballots given to electors;
  - (g) any solemn declarations taken and any signed written statements required under this Part in relation to voting proceedings.
- (2) The ballot boxes in which the election materials are placed
- (a) must be sealed in accordance with section 121, and
  - (b) must not be opened until after the declaration of the results of the election under section 146, except by the chief election officer for the purposes of section 145 (4) [*verification of ballot accounts*].
- (3) If votes for an election are counted at more than one place, the presiding election official must deliver to the chief election officer, in the manner instructed by the chief election officer, the original of the ballot account, the sealed ballot boxes and all other ballot boxes in the custody of the presiding election official.

### **Preliminary election results**

- 144** (1) The chief election officer may announce preliminary results of an election before the determination under section 145 [*determination of official election results*] is completed.
- (2) Preliminary results must be based on the ballot accounts prepared under section 141, determined by calculating the total number of valid votes for each candidate in the election as reported on the ballot accounts.

### **Determination of official election results**

- 145** (1) As the final counting proceeding subject to a judicial recount, the chief election officer must determine the results of an election in accordance with this section.

- (2) The chief election officer must notify the candidates in an election of the date, time and place when the determination is to be made and the candidates are entitled to be present when those proceedings take place.
- (3) The chief election officer must begin the determination by reviewing the ballot accounts or by having them reviewed by election officials authorized by the chief election officer.
- (4) The chief election officer may verify the results indicated by a ballot account by counting the votes on all or some of the ballots for the election, including reviewing the decision of a presiding election official regarding the acceptance of some or all of the votes or the rejection of some or all of the ballots.
- (5) The chief election officer may be assisted in counting under subsection (4) by other election officials, but must personally make all decisions regarding the acceptance of votes or the rejection of ballots that were subject to objection under section 140.
- (6) The chief election officer may reverse a decision of another election official regarding the acceptance of a vote or the rejection of a ballot made at the original consideration of the ballot and, if this is done, the chief election officer must endorse the ballot with a note of the reversal.
- (7) The chief election officer or an election official authorized by the chief election officer must either mark on the original ballot accounts any changes made under this section or prepare a new ballot account of the results of the counting under subsection (4).
- (8) On the basis of the ballot accounts, as amended or prepared under subsection (7) if applicable, the chief election officer must prepare a statement of the total number of votes for each candidate in the election.
- (9) A decision of the chief election officer under this section may be changed only on a judicial recount.
- (10) If a ballot box or ballot package is opened for the purposes of subsection (4), the contents must be replaced and it must be resealed during any adjournment and at the end of the review of the contents.

#### **Declaration of official election results**

- 146** (1) Before 4 p.m. on the 4th day following the close of general voting, the chief election officer must declare the results of the election as determined under section 145.
- (2) The results must be declared as follows:
- (a) in the case of an election for an office to which one person is to be elected, the chief election officer must declare elected the candidate who received the highest number of valid votes for the office;
  - (b) in the case of an election for an office to which more than one person is to be elected, the chief election officer must declare elected the candidates who received the highest number of valid votes for the office, up to the number of candidates to be elected.
- (3) As an exception, if a candidate cannot be declared elected because there is an equality of valid votes for 2 or more candidates, the chief election officer must declare that the election is to be referred to a judicial recount.

#### **When elected candidates may take office**

- 147** (1) A candidate declared elected under section 146 is not entitled to make the oath of office until the time period for making an application for a judicial recount has ended.
- (2) If an application for a judicial recount of an election is made, a candidate declared elected in the election is not entitled to make the oath of office until the recount has been completed



and the candidate's election has been confirmed unless permitted by the court under subsection (3).

- (3) The Provincial Court may, on application, authorize a candidate who has been declared elected to make the oath of office if the court is satisfied that the candidate's election will not be affected by the results of the judicial recount.

## **Division 15 – Judicial Recount**

### **Application for judicial recount**

- 148** (1) An application may be made in accordance with this section for a judicial recount, to be undertaken by the Provincial Court, of some or all of the votes in an election.
- (2) Except as provided in subsection (5), an application may be made only on one or more of the following bases:
- (a) that votes were not correctly accepted or ballots were not correctly rejected as required by the rules of section 139 [*rules for accepting votes and rejecting ballots*];
  - (b) that a ballot account does not accurately record the number of valid votes for a candidate;
  - (c) that the final determination under section 145 [*determination of official election results*] did not correctly calculate the total number of valid votes for a candidate.
- (3) The time period during which an application may be made is limited to the time between the declaration of official election results under section 146 and 9 days after the close of general voting.
- (4) The application may be made only by
- (a) an elector of the municipality or electoral area for which the election was held,
  - (b) a candidate in the election or a candidate representative of a candidate in the election, or
  - (c) the chief election officer.
- (5) An application must be made by the chief election officer if, at the end of the determination of official election results under section 145, a candidate cannot be declared elected because there is an equality of valid votes for 2 or more candidates.
- (6) The document commencing an application must set out briefly the facts on which the application is based and must be supported by affidavit as to those facts.
- (7) At the time an application is commenced, a time must be set for the recount that is adequate to allow the court to complete the recount within the time limit set by section 149.
- (8) The person making the application must notify affected persons
- (a) by immediately notifying the chief election officer and the affected candidates in the election, if any, that a judicial recount will be conducted at the time set under subsection (7), and
  - (b) within 24 hours of filing the document commencing the application, by delivering to these persons copies of that document, the accompanying affidavit and a notice of the time for the recount.

### **Judicial recount procedure**

- 149** (1) A judicial recount must be conducted in accordance with this section and completed by the end of the 13th day after the close of general voting.

- (2) The person who made the application for the recount, the chief election officer, the candidates in the election and the official agents and counsel of the candidates are entitled to be present at a judicial recount and other persons may be present only if permitted by the court.
- (3) The chief election officer must bring to the recount all ballot accounts used for the determination of official election results under section 145 and the ballot boxes containing the ballots for which the recount is requested.
- (4) In conducting a recount, the court must open the ballot boxes containing the ballots for which the recount is requested, count those ballots in accordance with sections 138 [*procedures for counting*] and 139 [*rules for accepting votes and rejecting ballots*] and confirm or change the ballot accounts in accordance with the counting.
- (5) In its discretion, the court may count other ballots in addition to those for which the recount was requested and, for this purpose, may require the chief election officer to bring other ballot boxes.
- (6) The court may appoint persons to assist in the recount.
- (7) As exceptions to the obligation to conduct a recount in accordance with the other provisions of this section,
  - (a) if the person who made the application for the recount, the chief election officer and the candidates present at the recount agree, the court may restrict the ballots to be recounted as agreed by these persons at that time, or
  - (b) if the court determines on the basis of the ballot accounts that the results of a recount of the ballots, if it were conducted, would not materially affect the results of the election, the court may confirm the results of the election and take no further action under this section.
- (8) Unless otherwise directed by the court, the ballot boxes at a judicial recount must remain in the custody of the chief election officer.
- (9) During a recess or adjournment of a judicial recount and after the completion of the judicial recount, the ballot boxes must be resealed in accordance with section 121 [*sealing of ballot boxes containing ballots*] by the person having custody of them and may be additionally sealed by other persons present.

### **Results of judicial recount and orders as to costs**

- 150** (1) At the completion of a judicial recount, the court must declare the results of the election.
- (2) The results declared under subsection (1) or following a determination by lot under section 151 are final, subject only to a declaration under section 155 [*power of court on application respecting validity of election*] that the election was invalid, and may not be appealed.
  - (3) All costs, charges and expenses of and incidental to an application for judicial recount, including the recount and any other proceedings following from the application, must be paid by the local government, the applicant and the persons notified of the application under section 148 (8) [*application for judicial recount*], or any of them, in the proportion the court determines.
  - (4) At the conclusion of a judicial recount, the court must make an order for the purposes of subsection (3) having regard to any costs, charges or expenses that, in the opinion of the court, were caused by vexatious conduct, unfounded allegations or unfounded objections on the part of the applicant or the persons who were given notice.
  - (5) In relation to subsection (3), the court may order that the costs be determined in the same manner as costs within the meaning of the Supreme Court Civil Rules.

### **Determination of results by lot if tie vote after judicial recount**

- 151** (1) A local government may, by bylaw, provide that, if at the completion of a judicial recount the results of the election cannot be declared because there is an equality of valid votes for 2 or more candidates, the results will be determined by lot in accordance with this section rather than by election under section 152.
- (2) If a bylaw under subsection (1) applies and there is an equality of votes as described in that subsection, the results of the election are to be determined, as the conclusion of the judicial recount, by lot between those candidates in accordance with the following:
- (a) the name of each candidate is to be written on a separate piece of paper, as similar as possible to all other pieces prepared for the determination;
  - (b) the pieces of paper are to be folded in a uniform manner in such a way that the names of the candidates are not visible;
  - (c) the pieces of paper are to be placed in a container that is sufficiently large to allow them to be shaken for the purpose of making their distribution random, and the container is to be shaken for this purpose;
  - (d) the court is to direct a person who is not a candidate or candidate representative to withdraw one paper;
  - (e) the court is to declare elected the candidate whose name is on the paper that was drawn.

### **Runoff election if tie vote after judicial recount**

- 152** (1) If at the completion of a judicial recount the results of the election cannot be declared because there is an equality of valid votes for 2 or more candidates, a runoff election must be held in accordance with this section unless a bylaw under section 151 [*determination by lot*] applies.
- (2) Except as provided in this section, this Part applies to a runoff election under subsection (1).
- (3) The candidates in the runoff election are to be the unsuccessful candidates in the original election who do not withdraw, and no new nominations are required or permitted.
- (4) As soon as practicable after the judicial recount, the chief election officer must notify the candidates referred to in subsection (3) that an election is to be held and that they are candidates in the election unless they deliver a written withdrawal to the chief election officer within 3 days after being notified.
- (5) The chief election officer must set a general voting day for the runoff election, which must be on a Saturday no later than 50 days after the completion of the judicial recount.
- (6) If advance registration would otherwise be permitted, the closed period under section 71 (4) [*closing of advanced registration*] extends until the day after the close of general voting for the election under this section.
- (7) No new list of registered electors is required and sections 77 to 80 do not apply.
- (8) So far as reasonably possible, election proceedings must be conducted as they were for the original election except that, if voting under section 112 [*use of voting machines*] was used for the original election, it is not necessary to use this for the election under this section.
- (9) Without limiting subsection (8), so far as reasonably possible, voting opportunities equivalent to those provided for the original election must be held and, for these, no new bylaws under this Part are required.

## **Division 16 — Declaration of Invalid Election**

### **Application to court respecting validity of election**

- 153** (1) The right of an elected candidate to take office or the validity of an election may not be challenged except by an application under this section.
- (2) An application may be made in accordance with this section to the Supreme Court for a declaration regarding the right of a person to take office or the validity of an election.
- (3) The time limit for making an application is 30 days after the declaration of official election results under section 146.
- (4) An application may be made only by a candidate in the election, the chief election officer or at least 4 electors of the municipality or electoral area for which the election was held.
- (5) An application may be made only on one or more of the following bases:
- (a) that a candidate declared elected was not qualified to hold office at the time he or she was elected or, between the time of the election and the time for taking office, the candidate has ceased to be qualified to hold office;
  - (b) that an election should be declared invalid because it was not conducted in accordance with this Act or a regulation or bylaw under this Act;
  - (c) that an election or the election of a candidate should be declared invalid because section 161 [*vote buying*], 162 [*intimidation*] or 163 (2) (a) [*voting when not entitled*] was contravened.
- (6) As a restriction on subsection (5) (b), an application may not be made on any basis for which an application for judicial recount may be or may have been made.
- (7) At the time the petition commencing an application is filed, the court registry must set a date for the court to hear the application, which must be at least 10 days but no later than 21 days after the date the petition is filed.
- (8) As soon as practicable, but no later than 2 days after a petition is filed, the person making the application must serve the petition and the notice of hearing on the municipality or regional district for which the election was held.
- (9) If a candidate affected by an application files a written statement renouncing all claim to the office to which the candidate was elected, the court may permit the petition for the application to be withdrawn unless it is based on an allegation that the candidate who has renounced the office contravened section 161 [*vote buying*] or 162 [*intimidation*].

### **Hearing of application**

- 154** (1) The Supreme Court must hear and determine an application under section 153 as soon as practicable and, for these purposes, must ensure that the proceedings are conducted as expeditiously as possible.
- (2) If the application is based on a claim that section 161 [*vote buying*] or 162 [*intimidation*] was contravened, the evidence regarding that claim must be given orally by witnesses rather than by affidavit.

### **Power of court on application**

- 155** (1) On the hearing of an application under section 153 regarding the qualification of an elected candidate to take office, the court may
- (a) declare that the candidate is confirmed as qualified to take and hold office,
  - (b) declare that the candidate is not qualified to hold office and that the office is vacant,  
or
  - (c) declare that the candidate is not qualified to hold office and that the candidate who received the next highest number of valid votes is elected in place of the disqualified candidate.

- (2) On the hearing of an application under section 153 regarding the validity of an election, the court may
  - (a) declare that the election is confirmed as valid,
  - (b) declare that the election is invalid and that another election must be held to fill all positions for that office that were to be filled in the election that was declared invalid,
  - (c) declare that the election of a candidate is invalid and that the office is vacant, or
  - (d) declare that the election of a candidate is invalid and that another candidate is elected in place of that candidate.
- (3) The court must not declare an election invalid by reason only of an irregularity or failure to comply with this Act or a regulation or bylaw under this Act if the court is satisfied that
  - (a) the election was conducted in good faith and in accordance with the principles of this Act, and
  - (b) the irregularity or failure did not materially affect the result of the election.
- (4) The court may confirm the election of a candidate in relation to which the court finds there was a contravention of section 161 [*vote buying*] or 162 [*intimidation*] if the court is satisfied that
  - (a) the candidate did not contravene the applicable section, and
  - (b) the contravention did not materially affect the result of the election.
- (5) If the court declares that a candidate is not qualified to hold office or that the election of a candidate is invalid, the court may order the candidate to pay the municipality or regional district for which the election was held an amount of money not greater than \$20 000 towards the expenses for the election required to fill the vacancy.
- (6) If the court makes a declaration under subsection (1) (c) or (2) (d) that another candidate is elected, the candidate who is replaced ceases to be entitled to take or hold the office and the other candidate declared elected is entitled to take the office.

### **Legal costs of application**

- 156** (1) If the court declares that a candidate is not qualified to hold office or that an election is invalid, the costs, within the meaning of the Supreme Court Civil Rules, of the persons who made the application under section 153 must be paid promptly by the municipality or regional district for which the election was held.
- (2) The court may order that costs to be paid under subsection (1) may be recovered by the municipality or regional district from any other person as directed by the court in the same manner as a judgment of the Supreme Court.
- (3) Except as provided in subsection (1), the costs of an application are in the discretion of the court.

### **Status of elected candidate**

- 157** (1) A person affected by an application under section 153 who has been declared elected is entitled to take office and to vote and otherwise act in the office unless the court declares the candidate disqualified and the office vacant.
- (2) If a person who is declared disqualified to hold office by the Supreme Court appeals the decision, the appeal does not operate as a stay of the declaration and the person is disqualified pending the final determination of the appeal.
- (3) If the person is declared qualified to hold office on the final determination of the appeal, the court may order that any money paid under section 155 (5) [*disqualified candidate required to pay money towards cost of by-election*] be repaid with interest as directed by the court.

- (4) A person who is declared qualified to hold office on the final determination of an appeal is entitled,
- (a) if the term of office for which the person was elected has not ended, to take office for any unexpired part of the term and, for this purpose, any person elected or appointed to the office since the declaration of disqualification ceases to hold office at the time the person declared qualified takes office, and
  - (b) if the term of office for which the person was elected is expired, to be nominated for and to be elected to office at any following election if otherwise qualified.

## **Division 17 – Final Proceedings**

### **Report of election results**

- 158** (1) Within 30 days after the declaration of official election results under section 98 for an election by acclamation or under section 146 for an election by voting, the chief election officer must submit a report of the election results to the local government.
- (2) In the case of an election by voting, the report under subsection (1) must include a compilation of the information on the ballot accounts for the election.
- (3) If the results of the election are changed by a judicial recount or on an application under section 153 [*application to court respecting validity of election*] after the report under subsection (1) of this section is submitted, the designated local government officer must submit to the local government a supplementary report reflecting the changed results.

### **Publication of election results**

- 159** (1) Within 30 days after elected candidates have taken office, the designated local government officer must submit the names of the elected officials to the Gazette for publication.
- (2) Within 30 days after persons appointed to local government have taken office, the designated local government officer must submit the names of the appointed officials to the Gazette for publication.

### **Retention and destruction of election materials**

- 160** (1) Until the end of the period for conducting a judicial recount, the chief election officer
- (a) must keep the sealed ballot packages delivered under section 143 [*delivery of election materials to chief election officer*] in the officer's custody,
  - (b) is responsible for retaining the nomination documents and endorsement documents for the election, other than the written disclosure under the [Financial Disclosure Act](#), and
  - (c) is responsible for retaining the remainder of the election materials delivered under section 143.
- (2) After the end of the period for conducting a judicial recount, the designated local government officer
- (a) is responsible for retaining the materials referred to in subsection (1) (a) to (c), and
  - (b) must retain the nomination documents and endorsement documents referred to in subsection (1) (b) until 5 years after the general voting day for the election to which the documents relate.
- (2.1) Subsection (2) (b) applies to documents retained in respect of the 2014 general local election and all subsequent elections.
- (2.2) The designated local government official is not in contravention of subsection (2) (b) if, under section 76 [*additional specific powers to require information*] of the [Local Elections Campaign](#)

*Financing Act*, the local government is required to provide the documents to the BC chief electoral officer.

- (3) From the time of the declaration of the official election results under section 146 until 30 days after that date, the following election materials must be available for public inspection at the local government offices during regular office hours:
  - (a) the voting books used for the election;
  - (b) any copies of the list of registered electors used for the purposes of voting proceedings;
  - (c) any records required under this Part to be made during voting proceedings;
  - (d) any solemn declarations taken and any signed written statements or declarations required under this Part in relation to voting proceedings.
- (4) Before inspecting materials referred to in subsection (3), a person other than a local government officer or employee acting in the course of duties must sign a statement that the person will not inspect the materials except for the purposes of this Part.
- (5) The designated local government officer must ensure that the statements referred to in subsection (4) are kept until after general voting day for the next general local election.
- (6) A person who inspects materials referred to in subsection (3) must not use the information in them except for the purposes of this Part.
- (7) Despite section 95 (3) of the *Community Charter* and section 27 (7) of the *Interpretation Act*, a person who is entitled to inspect the materials referred to in subsection (3) of this section is not entitled to obtain a copy of those materials.
- (8) The following materials must be destroyed as soon as practicable following 56 days after the declaration of the official election results under section 146:
  - (a) the ballots used in the election;
  - (b) any stubs for ballots used in the election;
  - (c) any copies of the list of registered electors used for the purposes of voting proceedings;
  - (d) the voting books used in the election;
  - (e) any solemn declarations and any written statements or declarations in relation to voting proceedings, other than those used for the registration of electors.
- (9) As exceptions, subsection (8) does not apply
  - (a) if otherwise ordered by a court, or
  - (b) if the materials relate to an election that is the subject of an application under section 153 [*application to court respecting validity of election*], until the final determination of that application or the court authorizes their destruction.
- (10) Unless otherwise provided under this Act, a person may not inspect a ballot.

## **Division 18 – Election Offences**

### **Vote buying**

- 161** (1) In this section, "**inducement**" includes money, gift, valuable consideration, refreshment, entertainment, office, placement, employment and any other benefit of any kind.
- (2) A person must not pay, give, lend or procure inducement for any of the following purposes:
  - (a) to induce a person to vote or refrain from voting;

- (b) to induce a person to vote or refrain from voting for or against a particular candidate;
  - (c) to reward a person for having voted or refrained from voting as described in paragraph (a) or (b);
  - (d) to procure or induce a person to attempt to procure the election of a particular candidate, the defeat of a particular candidate or a particular result in an election;
  - (e) to procure or induce a person to attempt to procure the vote of an elector or the failure of an elector to vote.
- (3) A person must not accept inducement
- (a) to vote or refrain from voting,
  - (b) to vote or refrain from voting for or against a particular candidate, or
  - (c) as a reward for having voted or refrained from voting as described in paragraph (a) or (b).
- (4) A person must not advance, pay or otherwise provide inducement, or cause inducement to be provided, knowing or with the intent that it is to be used for any of the acts prohibited by this section.
- (5) A person must not offer, agree or promise to do anything otherwise prohibited by this section.
- (6) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person on behalf of the first person.

## **Intimidation**

**162** (1) In this section, "**intimidate**" means to do or threaten to do any of the following:

- (a) use force, violence or restraint against a person;
- (b) inflict injury, harm, damage or loss on a person or property;
- (c) otherwise intimidate a person.

(2) A person must not intimidate another person for any of the following purposes:

- (a) to persuade or compel a person to vote or refrain from voting;
- (b) to persuade or compel a person to vote or refrain from voting for or against a particular candidate;
- (c) to punish a person for having voted or refrained from voting as described in paragraph (a) or (b).

(3) A person must not, by abduction, duress or fraudulent means, do any of the following:

- (a) impede, prevent or otherwise interfere with a person's right to vote;
- (b) compel, persuade or otherwise cause a person to vote or refrain from voting;
- (c) compel, persuade or otherwise cause a person to vote or refrain from voting for a particular candidate.

(4) A person prohibited from doing something by this section must not do the prohibited act directly, indirectly or by another person on behalf of the first person.

## **Other election offences**

**163** (1) In relation to nominations, a person must not do any of the following:

- (a) contravene section 87 (4) [*unqualified candidate consenting to nomination*];
- (b) before or after an election, purport to withdraw a candidate from an election without authority to do so or publish or cause to be published a false statement that a



candidate has withdrawn;

- (c) before or after an election, purport to withdraw the endorsement of a candidate by an elector organization except as provided in section 95 (b) [*withdrawal of endorsement on ballot*].

(2) In relation to voting, a person must not do any of the following:

- (a) vote at an election when not entitled to do so;
- (b) contravene section 124 (1) [*each elector may vote only once*] regarding voting more than once in an election;
- (c) obtain a ballot in the name of another person, whether the name is of a living or dead person or of a fictitious person;
- (d) contravene section 123 (2) [*requirement to preserve secrecy of the ballot*] regarding the secrecy of the ballot.

(3) In relation to ballots and ballot boxes, a person must not do any of the following:

- (a) without authority supply a ballot to another person;
- (b) without authority print or reproduce a ballot or a paper that is capable of being used as a ballot;
- (c) without authority take a ballot out of a place where voting proceedings are being conducted;
- (d) put in a ballot box, or cause to be put in a ballot box, a paper other than a ballot that the person is authorized to deposit there;
- (e) interfere with voting under section 112 [*use of voting machines*] contrary to the applicable bylaw and regulations;
- (f) without authority destroy, take, open or otherwise interfere with a ballot box or ballots.

(4) In relation to voting proceedings, a person must not do any of the following at or within 100 metres of a building, structure or other place where voting proceedings are being conducted at the time:

- (a) canvass or solicit votes or otherwise attempt to influence how an elector votes;
- (b) display, distribute, post or openly leave a representation of a ballot marked for a particular result in the voting;
- (c) post, display or distribute
  - (i) election advertising, or
  - (ii) any material that identifies a candidate or elector organization, unless this is done with the authorization of the chief election officer;
- (d) carry, wear or supply a flag, badge or other thing indicating that the person using it is a supporter of a particular candidate, elector organization or result in the voting.

(5) In relation to any matter or proceeding to which this Part applies, a person must not do any of the following:

- (a) provide false or misleading information when required or authorized under this Part to provide information;
- (b) make a false or misleading statement or declaration when required under this Part to make a statement or declaration;
- (c) inspect or access under this Part
  - (i) a list of registered electors,

- (ii) nomination documents,
- (iii) disclosure statements or supplementary reports, or
- (iv) other election materials referred to in section 143 [*delivery of election materials to chief election officer*],

or use the information from any of them, except for purposes authorized under this Act;

- (d) be present at a place where voting or counting proceedings are being conducted, unless authorized under this Part to be present;
  - (e) interfere with, hinder or obstruct an election official or other person in the exercise or performance of his or her powers, duties or functions under this Part or the [Local Elections Campaign Financing Act](#).
- (6) A person who is an election official must not contravene this Part with the intention of affecting the result or validity of an election.

### **Prosecution of organizations and their directors and agents**

- 164** (1) An act or thing done or omitted by an officer, director, employee or agent of an organization within the scope of the individual's authority to act on behalf of the organization is deemed to be an act or thing done or omitted by the organization.
- (2) If an organization commits an offence under this Part, an officer, director, employee or agent of the organization who authorizes, permits or acquiesces in the offence commits the same offence, whether or not the organization is convicted of the offence.
- (3) A prosecution for an offence under this Part may be brought against an unincorporated organization in the name of the organization and, for these purposes, an unincorporated organization is deemed to be a person.

### **Time limit for starting prosecution**

- 165** The time limit for laying an information to commence a prosecution respecting an offence under this Part is one year after the date on which the act or omission that is alleged to constitute the offence occurred.

### **Penalties**

- 166** (1) A person who contravenes section 161 [*vote buying*] or 162 [*intimidation*] is guilty of an offence and is liable to one or more of the following penalties:
- (a) a fine of not more than \$10 000;
  - (b) imprisonment for a term not longer than 2 years;
  - (c) disqualification from holding office in accordance with subsection (2) of this section for a period of not longer than 7 years.
- (2) Disqualification under subsection (1) (c) is disqualification from holding office as follows:
- (a) on a local government;
  - (b) on the council of the City of Vancouver or on the Park Board established under section 485 of the [Vancouver Charter](#);
  - (c) as a trustee under the [Islands Trust Act](#);
  - (d) as a trustee on a board of education, or as a regional trustee on a francophone education authority, under the [School Act](#).
- (3) A person or unincorporated organization who contravenes section 163 [*other election offences*] is guilty of an offence and is liable to one or both of the following penalties:

- (a) a fine of not more than \$5 000;
  - (b) imprisonment for a term not longer than one year.
- (4) Any penalty under this Division is in addition to and not in place of any other penalty provided in this Part.
- (5) A person or unincorporated organization is not guilty of an offence under this Part if the person or organization exercised due diligence to prevent the commission of the offence.

## **Division 19 – Orders and Regulations**

### **Ministerial orders in special circumstances**

- 167** (1) If the minister considers that special circumstances regarding an election or assent voting require this, the minister may make any order the minister considers appropriate to achieve the purposes of this Part or Part 4 [*Assent Voting*].
- (2) Without limiting subsection (1), an order under this section may provide an exception to or modification of
- (a) this Act or a regulation or bylaw under this Act, or
  - (b) the *Local Elections Campaign Financing Act* or a regulation under that Act.
- (3) The authority under subsection (2) includes authority to
- (a) extend a time period or establish a new date in place of a date set under this Act or the *Local Elections Campaign Financing Act*, and
  - (b) give any other directions the minister considers appropriate in relation to this.

### **Election regulations**

- 168** (1) In relation to this Part, the Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*, including regulations for any matter for which regulations are contemplated by this Part.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing information that must be included under section 70 [*application for registration*] in an application for registration as an elector, which may be different for resident electors and non-resident property electors;
  - (b) prescribing classes of documents that may be accepted as evidence for the purpose of section 72 [*how to register as a resident elector at the time of voting*] or 73 [*how to register as a non-resident property elector at the time of voting*];
  - (c) for the purposes of section 82 [*disqualification of local government employees*],
    - (i) deeming a described class of persons to be employees of a municipality or regional district, and
    - (ii) excepting a described class of persons as excluded from the definition of "employee",which may be different for different specified municipalities and regional districts;
  - (d) prescribing information that must be included in the notice of nomination under section 85, which may be different for municipalities and regional districts and may be different for municipal elections at large and on the basis of a neighbourhood constituency;
  - (e) prescribing additional information or material required to be provided under section 90 (1) (e) [*other information to be provided by candidate*];

- (f) prescribing matters that must be included in the solemn declaration under section 93 (1) (c) [*endorsement documents*];
- (g) prescribing additional information or material required to be provided under section 93 (1) (d) [*other information to be provided in endorsement documents*] or 94 (1) (f) [*other information to be provided by elector organization*];
- (h) establishing requirements, limits and conditions in relation to voting by mail ballot under section 110, which may be different for municipalities and regional districts;
- (i) establishing requirements, limits and conditions in relation to voting under section 112 [*use of voting machines*], which may be different for different specified municipalities and regional districts;
- (j) establishing requirements, limits and conditions in relation to municipal voting divisions under section 113, which may be different for municipalities of different population sizes;
- (k) prescribing one or more alternative forms in which a specified solemn declaration must be made.

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