

# CITY OF PRINCE RUPERT

## GENERAL LOCAL ELECTION BYLAW NO. 3385, 2016

BEING A BYLAW TO PROVIDE FOR THE DETERMINATION OF THE CONDUCT OF LOCAL GOVERNMENT ELECTIONS AND OTHER VOTING.

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WHEREAS under the *Local Government Act*, the Council may, by bylaw, provide for the use of automated voting machines, voting recorders or other devices for voting in an election;

AND WHEREAS the Council of the City of Prince Rupert wishes to establish various procedures and requirements under that authority;

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

### 1. CITATION

This Bylaw may be cited as “**General Local Election Bylaw No. 3385, 2016**”.

### 2. DEFINITIONS

In this Bylaw all definitions shall be in accordance with the *Local Government Act*, except for the following:

**Automated vote counting system** means a system that counts and records votes and processes and stores election results.

**Elector** means a resident elector or property elector of the jurisdiction as defined under the *Local Government Act*.

**Election** means an election for the number of persons required to fill a Local Government Office;

**General Local Election** means the elections held for the Mayor and all Councillors of the City of Prince Rupert which must be held in the year 2014 and in every 4<sup>th</sup> year after that;

**General Voting Day** means,

- (a) for a general local election, the 3rd Saturday of November in the year of the election or the date established by Legislation;

- (b) for other elections, the date set under Sections 37(5), 38(1) or (3) or 142(5) of the Local Government Act;
- (c) for other voting, the date set under Section 162 of the Local Government Act;

**Jurisdiction** means, in relation to an election, the City of Prince Rupert, for which it is held;

**Local Government** means in relation to the City of Prince Rupert, and the Council of City of Prince Rupert;

**Local Government Act** means the Local Government Act [RSBC1996] Chapter 323;

**Other Voting** means voting on a matter referred to in Section 158 of the Local Government Act.

### **3. USE OF PROVINCIAL LIST OF VOTERS AS THE REGISTER OF RESIDENT ELECTORS**

- (a) As authorized under Section 59 of the Local Government Act, the most current list of voters prepared under the Election Act [RSBC1996], Chapter 106, existing at the time an election or other voting is to be held, is deemed to be the register of resident electors for the City of Prince Rupert;
- (b) The Provincial List of voters becomes the register of resident electors no later than 52 days before General Voting Day for each election or other voting of the City of Prince Rupert;

### **4. ADDITIONAL GENERAL VOTING OPPORTUNITIES**

- (a) As authorized under Section 96 of the Local Government Act, the Council authorizes the Chief Election Officer to establish additional general voting opportunities for each election to be held in advance of general voting day and to designate the voting places, establish the date and the voting hours for these voting opportunities.

### **5. ADDITIONAL ADVANCE VOTING OPPORTUNITIES**

- (a) As authorized under Section 98 of the Local Government Act, the Council authorizes the Chief Election Officer to establish additional advanced voting opportunities for each election to be held in advance of general voting day and to designate the voting places, establish the date and the voting hours for these voting opportunities.

**6. SPECIAL VOTING OPPORTUNITIES**

- (a) As authorized under Section 99 of the Local Government Act, the Council authorizes the Chief Election Officer to establish special voting opportunities for each election in any or all of the hospitals or care facilities in the jurisdiction and to designate the location, the date and the voting hours, within the limits set out in section 96 of the Local Government Act, for the special voting opportunity.
- (b) The following restrictions apply to persons who may vote at this special voting opportunity:
  - (i) The only electors who may vote are electors who, on the date on which the special voting opportunity is held and before the end of the voting hours for that special voting opportunity, have been admitted to and are patients of a hospital or are residents of a long-term care facility designated as a location for a special voting opportunity.
- (c) The following procedures for voting and for conducting the voting proceedings apply to the special voting opportunity:
  - (i) Where a poll is established in a hospital or long-term care facility, and a patient of the hospital or resident of the long-term care facility who is a qualified voter is bedridden or unable to walk, the chief election officer may, in the presence of another election official, attend with the ballot box on the patient or resident for the purpose of receiving their ballot. In that case the voter shall mark the ballot as far as possible in accordance with this section in the privacy that can be reasonably arranged.

**7. ORDER OF NAMES ON BALLOT**

- (a) The order of names on candidates on the ballot will be determined in accordance with section 107 of the Local Government Act.

**8. USE OF VOTING MACHINES**

- (a) Council hereby authorizes the conducting of general local elections and other voting in the City of Prince Rupert using an automated vote counting system.

**9. SEVERABILITY**

- (a) If a court of competent jurisdiction holds that any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid, then that section, subsection, sentence, clause or phrase as the case shall be severed and the remainder of this Bylaw shall be deemed to have been enacted without the invalid section, subsection, sentence, clause or phrase.

10. **GENERAL**

- (a) Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.
- (b) If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

11. **REPEAL**

- (a) All other Election and election related bylaws and amendments are hereby repealed.

Read a First time this 25<sup>th</sup> day of January, 2016.

Read a Second time this 25<sup>th</sup> day of January, 2016.

Read a Third time this 25<sup>th</sup> day of January, 2016.

Final Consideration and Adopted this 27<sup>th</sup> day of January, 2016.

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Mayor

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Corporate Administrator