

TOWN OF LADYSMITH

BYLAW NO. 1764

A BYLAW TO AMEND THE LADYSMITH ELECTION PROCEDURES AND AUTOMATED VOTING BYLAW 1999 NO. 1339 TO INCLUDE PROVISIONS FOR VOTING BY MAIL BALLOT

The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Bylaw Amendments:

- (a) Add the following Section 5 and renumber all subsequent sections accordingly:

5. Mail Ballot Voting

Authorization

- (1) Voting by mail ballot and elector registration by mail in conjunction with mail ballot voting are hereby authorized.
- (2) The only electors who may vote by mail ballot are the following:
 - (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 Town of Ladysmith on general voting day and at the times of all advance voting opportunities.

Application Procedure

- (3) A mail ballot package may be requested by an elector who is registered and who in person, by mail, by fax or by email, presents the Chief Election Officer or designate a written request by giving their name and address for such purpose.
- (4) The Chief Election Officer may deliver mail ballot packages by hand to electors who request a mail ballot package in person or the Chief Election Officer may deliver mail ballot packages to electors by mail for those electors who request the ballot package by mail, fax or email.
- (5) The time limits in relation to voting by a mail ballot may be determined by the Chief Election Officer, including the time limit to apply for a mail ballot package.
- (6) Upon receipt of a request for a mail ballot, the Chief Election Officer or designate shall in accordance with the time limits established by the Chief Election Officer:
 - (a) make available to the applicant, a mail ballot package as specified in Section 100(7) of the *Local Government Act*, together with a statement advising the elector that the elector must meet one or more of the mail ballot criteria specified in Section (2) of this bylaw, and that they must attest to such fact; and
 - (b) immediately record and, upon request, make available for inspection:
 - (i) the name and address of the person to whom the mail ballot package was issued; and
 - (ii) the number of the voting division in which the person is registered as an elector, or "new elector", if that person is not on the register of electors.

Voting Procedure

- (7) To vote using a mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided by the Chief Election Officer.
- (8) After marking the ballot, the elector shall:

- (a) place the ballot in the secrecy envelope provided and seal the secrecy envelope;
- (b) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
- (c) place the certification envelope, together with a completed elector registration, if required, in the outer envelope, and then seal the outer envelope;
- (d) mail, or have delivered, the outer envelope and its contents to the Chief Election Officer at the address specified so that it is received no later than the close of voting on general voting day.

Ballot Acceptance or Rejection

- (9) In accordance with the time limits established by the Chief Election Officer, the Chief Election Officer or designate, upon receipt of a ballot package, shall immediately record the date of such receipt and shall then open the outer envelope and remove and examine the certification envelope and the completed elector registration application, if applicable, and if satisfied as to:

- (a) the identity and entitlement to vote of the elector whose ballot is enclosed; and
- (b) the completeness of the certification; and
- (c) the fulfillment of the requirements of Section 56 of the *Local Government Act* in the case of a person who is registering as a new elector;

the Chief Election Officer or designate shall mark the certification envelope as “accepted”, and shall retain in his or her custody all such certification envelopes in order to deal with any challenges made in accordance with Section (16) of this bylaw and the voting book shall be marked to indicate that the elector has voted.

- (10) The unopened certification envelopes shall remain in the custody of the Chief Election Officer or designate until 4:00 pm on the Thursday two days before general voting day, at which time the certification envelopes containing the secrecy envelopes shall be opened in the presence of at least one other person, including any scrutineers present.
- (11) At 4:00 pm on the Thursday two days before general voting day, the Chief Election Officer or designate shall place all secrecy envelopes received up until that time into a ballot box specified for such purpose, where such secrecy envelopes were received from persons whose right to vote using a mail ballot has not been challenged, or where such challenge has been resolved and the challenged person permitted to vote.
- (12) Where an outer envelope and its contents are received by the Chief Election Officer or designate between 4:00 pm on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of Section (9) of this bylaw with regard to ballot acceptance shall apply and the Chief Election Officer or designate shall retain such envelopes in their possession until the close of voting and at that time shall open such certification in the presence of at least one other person, including any scrutineers present, and place the secrecy envelope containing the ballot into the ballot box containing the other unopened secrecy envelopes.
- (13) As soon as possible after all of the secrecy envelopes have been placed in the ballot box designated for that purpose, the ballot box shall be opened under the supervision of the Chief Election Officer or designate, and in the presence of at least one other person and any scrutineers present:
- (a) open the accepted certification envelopes;
 - (b) place the unopened secrecy envelopes together into a ballot box;
 - (c) open the secrecy envelope and remove the ballot within; and
 - (d) insert the ballot into the vote tabulating unit.
- (14) Where:
- (a) upon receipt of an out outer envelope, the Chief Election Officer is not satisfied as to the identity of the elector whose ballot is enclosed; or

- (b) in the case of a person required to complete an application for registration as an elector, such application has not been completed in accordance with Section 56 of the *Local Government Act*.; or
- (c) the outer envelope is received by the Chief Election Officer or designate after the close of voting on general voting day,

the certification envelope shall remain unopened and the Chief Election Officer shall mark such envelope as “rejected”. And shall note the reasons therefore, and the ballot contained therein shall not be counted in the election.

- (15) Any certification envelopes and their contents rejected in accordance with Section (14) of this bylaw shall remain unopened and shall be subject to the provisions of Section 150(6) of the *Local Government Act* with regard to their destruction.

Challenge of Elector

- (16) A person exercising the right to vote under the provisions of this bylaw may be challenged in accordance with and on the grounds specified in Section 116 of the *Local Government Act*.
- (17) The provisions of Section 116(2) to (5) inclusive of the *Local Government Act* shall apply where a challenge of an elector using a mail ballot has been made.

Elector’s Name Already Used

- (18) Where, upon receiving a request for a mail ballot, the Chief Election Officer determines that another person has voted or has already been issued a mail ballot in the elector’s name, the provisions of Section 117 of the *Local Government Act* shall apply, so far as applicable.

Replacement of Spoiled Ballot

- (19) Where an elector unintentionally spoils a mail ballot before returning it to the Chief Election Officer, the elector may request a replacement ballot by advising the Chief Election Officer or designate of the ballot spoilage and by mailing or otherwise delivering by an appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer or designate.
- (20) The Chief Election Officer shall, upon receipt of the spoiled ballot package, record such fact, and proceed in accordance with Section (4) of this bylaw.

2. Citation

This bylaw may be cited for all purposes as “Ladysmith Election Procedures and Automated Voting Bylaw 1999, No. 1339 Amendment Bylaw 2011, No. 1764”.

READ A FIRST TIME on the 6th day of June, 2011
READ A SECOND TIME on the 6th day of June, 2011
READ A THIRD TIME on the 6th day of June, 2011
ADOPTED on the 20th day of June, 2011

 Mayor (R. Hutchins)

 Corporate Officer (S. Bowden)

