



Memo

TO: Chair, Committee of the Whole Committee

SUBJECT: Election Procedure Modifications

DATE: January 11, 2022

FROM: Chief Administrative Officer

BACKGROUND

The Procedure Bylaw in compliance with the Community Charter has established that the first meeting of council following a general local election must be held on the first Tuesday of November. The requirement under Section 124(2)(g) of the *Community Charter* is that the first meeting of a new council occurs in the first 10 days of November in the year of the local elections.

Any amendment to any bylaw that affects local elections must be adopted at least 56 days before the first day of the nomination period for the election. Note: Nomination Period opens on August 30, 2022 and closes on September 9, 2022. General Voting Day is on October 15th, 2022.

While provincial legislation mandates how local elections are to be managed, municipalities are given some leeway on matters that can be locally legislated. The election and sign bylaws cover a number of those of those areas. A copy of the [Town of Lake Cowichan Local Government Election Bylaw No. 941-2014](#) is attached for your information.

Section 6 of the foregoing bylaw refers to section 110 of the *Local Government Act* which should be amended to refer to section 120 (3) of *Local Government Act*. It would be prudent not to increase that number from 1.

Section 7 of the election bylaw now needs to refer to the provisions stated in section 151 of the *Local Government Act*.

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.

RS2015-1-151 (B.C. Reg. 257/2015).

At the last by-election for the Mayor the Province made it possible for the Town to proceed with mail ballot voting. Given the continuing pandemic and the increasing desire to increase voter participation, it may be wise to include mail ballot voting as a provision in the revised election bylaw.

An [election sign regulation](#) (see attachment) has been in place for some years, and it would be prudent to incorporate it as an appendix to the sign bylaw in compliance with the *Local Elections Campaign Financing Act*.

Recommendations

1. It would be appropriate for council to direct staff to bring forward appropriate amendments to the election bylaw that incorporate the following:
 - (i) Amend sections 6 and 7; and
 - (ii) Add new section for mail ballot voting.
2. Append to the sign bylaw the regulations relating to election signs.

CONCLUSION

It would be useful to consider moving forward with the recommendations provided unless council wants to consider different options.



Joseph A. Fernandez

