

## WASA LAKE LAND IMPROVEMENT DISTRICT

### ELECTION PROCEDURES POLICY 2014-09-12

**Effective Date: September 12, 2014 (Updated March 23, 2015)**

#### **Legislative References:**

- Letters Patent
- Freedom of Information and Protection of Privacy Act
- Local Government Act (Part 23)

#### **Returning Officer:**

The board of trustees will appoint a Returning Officer who is responsible for the conduct of all elections, by-elections, and referenda.

#### **By-election**

Election of trustees will be held at the Annual General Meeting (AGM). In the event that, prior to the AGM a position becomes vacant, the election of a trustee to complete the term created by the vacancy will be held at the next AGM with the following exception: As a minimum of 3 trustees are required in order to maintain quorum on the board, if more than 2 vacancies are declared during one year, a by-election to fill the last vacancy declared shall be held within 60 days. If the last vacancy occurs within 60 days of the AGM, the vacancy shall be filled by election at the AGM. (Updated March 23, 2015)

#### **Notice:**

Notice of an election, by-election, or referendum will be published in accordance with Section 741 of the Local Government Act, the District's Letters Patent and its Meeting Procedures Bylaw at least 14 days in advance of the date set by the board of trustees for the vote:

- on the District's website;
- in one issue of a local newspaper;
- in newsletter and
- in several conspicuous public places within the District.

#### **Eligibility to Vote or to be a Trustee:**

As provided in the Local Government Act and Letters Patent, persons entitled to vote at an election must meet the following requirements:

- a Canadian citizen;
- eighteen years of age, or older;
- an owner of land in the improvement district, and
- a resident of the province for the prior six months; or
- a person designated – in writing – to act as an authorized agent by a board or corporation that owns land in the District. The corporation must be registered in British Columbia and

the agent must be qualified to vote in BC. Proof of such must be in the form of a letter from a lawyer or the corporation's BC business registration number; or

- a legal representative of an owner of land in the improvement district who has died, become insolvent or insane.

An elector cannot vote twice unless they are eligible to vote as an elector and they are also acting as an agent for a board or corporation or they are also legal representative of an owner of land in the improvement district who has died, become insolvent or insane.

### **Voters List**

The Corporate Officer will prepare a voters list indicating the names of the persons qualified to vote. The voters list is not available to candidates.

### **Registration**

A person may register as an elector at the time of voting by providing information acceptable to the Returning Officer, or by signing a statutory declaration stating that they are qualified to vote.

### **Nominations for Trustee**

Nominations for trustee must be submitted to corporate officer 2 weeks prior to AGM.

### **Insufficient nominations**

If, on the day of voting, there are fewer candidates for the number of vacancies on the board of trustees, or there is an exact number of candidates for the number of vacancies on the board of trustees, the candidates are declared elected by acclamation. Where a vacancy still exists on the day of voting after the acclamations, a subsequent voting day will be established by the board of trustees to occur within 60 days. An advance poll will not be held.

A candidate elected by acclamation takes office immediately in the case of a by-election, or at the end of the annual general meeting in the case of an election.

### **Scrutineers**

Candidates named on the ballot can each appoint one scrutineer to attend the voting place during the voting process and the ballot counting process. Applications for scrutineer must be submitted 2 weeks prior to the election. In the case of a referendum, the Returning Officer will ask for two landowners to volunteer as scrutineers. A scrutineer must not be a candidate or a trustee. A scrutineer may observe the voting process but may not handle any election document or ballot, or interfere with the conduct of the vote.

### **Voting Place**

Voting will occur at the place designated for this purpose by the board of trustees. Electors attending the voting place whose name appear on the voters list, or who have registered to vote at the voting place, will be given a ballot to make their choice for candidate or for a referendum question. The ballots will be placed in a ballot box has been designated for this purpose and that

has been witnessed as being empty before the voting starts by a person who is not a trustee, a candidate or an election official. The name of the person will be recorded.

After all the ballots have been cast at the election, the Returning Officer and election officials will count the ballots in the advance voting ballot box and the ballot box used at the election in such a manner as to be observed by the scrutineers. Ballots that have been marked where there were more choices than there were positions to be elected (over-voting), or in such a manner that the intent of the voter is not clear, are to be counted as spoiled.

### **Tie Votes**

In the event that an equal number of votes are validly counted for one or more candidates, the names of the candidates will be placed on separate pieces of paper by the Returning Officer. The papers will be folded and placed in receptacle so the names are not visible and a person who is not a trustee, candidate or the Returning Officer will retrieve a piece of paper from the receptacle and the candidate whose name appears on the paper will be declared elected.

### **Multiple Terms**

Where there is an election to fill two or more vacancies on the board of trustees and the terms of the positions are different, there will be one election held. The candidate with the highest number of votes will take the longest term. The candidate with the next highest number of votes will take the next highest term, and so on.

### **Election Results**

The Returning Officer will keep a record of the total number of ballots printed, the number of ballots cast, the number of spoiled ballots, the number of unused ballots and the number of ballots cast for each candidate. In the case of a referendum, the number of ballots for and against the question will be recorded. The Returning Officer will announce the results of the vote at the place where the vote was held and they will also be placed on the District's website as soon as practicable. The results may also be announced in the media.

### **Election Challenge**

An election can only be challenged in accordance with Section 737 of the Local Government Act within two weeks of the election by application to the Supreme Court of BC.

### **Document Retention**

All election documents including ballots, ballot accounts, voting books and voters lists used during an election, must be retained by the Corporate Officer for at least 6 months after the election.