

City of Chilliwack

Bylaw No. 5183

A bylaw to establish Mail Ballot voting procedures with respect to Local General Elections

The Council of the City of Chilliwack in an open meeting assembled enacts as follows:

CITATION

1. This bylaw may be cited as “**Mail Ballot Voting Procedures Bylaw 2022, No. 5183**”.

INTERPRETATION

2. In this Bylaw:

“Applicant” means an elector who wants to vote by mail and make a request for a mail ballot;

“Authorized Person” means a person that the applicant has authorized, on the applicant’s behalf, to:

- (a) pick up a mail ballot package; or,
- (b) drop off a completed mail ballot package.

“Designate” means a Deputy Chief Election Officer, Presiding Election Official, or Alternate Presiding Election Official;

“Register of Mail Ballots” means the records that the Chief Election Officer, or Designate, must keep in order to address any challenges to an elector’s right to vote.

The definitions contained in the *Local Government Act* shall apply in this Bylaw.

AUTHORIZATION

3. Voting may be done by mail ballot and registration of election may be done by mail in conjunction with mail ballot voting.
4. The time limits for voting by mail ballot will be determined by the Chief Election Officer, including the time limit to apply for a mail ballot package

APPLICATION PROCEDURE

5. An Applicant shall apply online at the City of Chilliwack Elections website during the specified period determined by the Chief Election Officer.
6. Upon the Applicant making a request for a mail ballot, the Chief Election Officer, or Designate, shall:
 - (a) make available to the Applicant, a mail ballot package that contains:
 - (i) the content set out in Section 110(7) of the *Local Government Act*;
 - (ii) additional instructions; and,
 - (iii) a statement advising the elector that:

- (A) the elector must meet the eligibility to vote criteria, and,
 - (B) the elector must attest to such fact; and,
 - (b) record in the Register of Mail Ballots and, upon request, make available for inspection:
 - (i) the name and address of the elector to whom the mail ballot package was issued; and,
 - (ii) any other information that the Chief Election Officer deems helpful to maintain the Register of Mail Ballots.
- 7. As per the Applicant’s direction, the Chief Election Officer, or Designate, may distribute the mail ballot package in any of the following ways:
 - (a) sending the mail ballot package by Canada Post;
 - (b) having the mail ballot package picked up by the Applicant at a designated location; or,
 - (c) having the mail ballot package picked up by an Authorized Person at a designated location.
- 8. The Chief Election Officer, or Designate, may request that the Authorized Person show identification and sign a form before providing the Authorized Person with the mail ballot package.

VOTING PROCEDURE

- 9. To vote by 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, or Designate.

In accordance with Section 110(4) of the *Local Government Act*, electors who register by mail are not required to produce to an election official copies of their identity and place of residence; however, they must attest to such fact in the presence of a witness and record having done so on the certification envelope.
- 10. 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; complete and sign the certification printed on said envelope; and, seal the certification envelope;
 - (c) have a witness verify the identity, residence and voter eligibility of the elector and record their name, address, and signature on the certification envelope;
 - (d) place the certification envelope, in the outer envelope, seal the outer envelope; and,
 - (e) mail, deliver, or have delivered, the outer envelope and its contents to the Chief Election Officer at the address specified so that it is received by the Chief Election Officer no later than the close of voting on general voting day.

BALLOT ACCEPTANCE OR REJECTION

11. Before general voting day, the Chief Election Officer, or Designate, shall, upon receipt of the return envelope and its contents:
 - (a) immediately record the date of receipt in the Register of Mail Ballots; and,
 - (b) open the return envelope.

12. When the Chief Election Officer, or Designate, examines the certification envelope, the Chief Election Officer, or Designate, shall:
 - (a) determine the fulfillment of the requirements in Section 70 of the *Local Government Act* and the completeness of any application to register, if required; and,
 - (b) determine the completeness of the certification envelope.

13. If the Chief Election Officer, or Designate, is satisfied that the elector has met the requirements in Section 12, the Chief Election Officer, or Designate, shall:
 - (a) mark the certification envelope as “accepted”;
 - (b) place the accepted certification envelope with the other certification envelopes; and,
 - (c) record information onto the Register of Mail Ballots.

14. If the Chief Election Officer, or Designate, determines that:
 - (a) they are not satisfied as to the identity of the elector; or,
 - (b) the elector has not completed the application to register properly;

The Chief Election, or Designate, shall:

 - (a) mark the certification envelope as “rejected”;
 - (b) indicate the reason for the rejection;
 - (c) record this in the Register of Mail Ballots; and,
 - (d) set aside the rejected certification envelope unopened.

15. The Chief Election Officer shall retain in their custody all opened and unopened certification envelopes until they are to be destroyed, as per the *Local Government Act*.

16. Before general voting day, at the discretion of the Chief Election Officer, or Designate, the Chief Election Officer, shall notify at least one other person, including any candidate scrutineer, of the date and time that the following will be taking place:
 - (a) address any challenges to the electors involving the accepted certification envelope;
 - (b) open, to date, the “accepted” certification envelope;
 - (c) remove the secrecy envelope containing the ballot; and,
 - (d) open the secrecy envelope containing the ballot and run the ballot through the vote tabulating machine.

17. As soon as possible after all of the envelopes have been placed in the ballot box by 8:00 pm, on general voting day, and, in the presence of at least one other person and any candidate scrutineer, the Chief Election Officer, or Designate, shall supervise:
 - (a) the opening of the ballot box;
 - (b) the marking of the certification envelope “accepted or “rejected”, updating the Register of Mail Ballots as defined in Sections 13 and 14 of this Bylaw;
 - (c) the opening of the secrecy envelopes; and,
 - (d) the ballot being put through the vote tabulating machine.
18. If the Chief Election Officer, or Designate, receives a return envelope with its contents after the close of general voting day, the Chief Election Officer, or Designate, shall:
 - (a) mark the unopened return envelope as “rejected”;
 - (b) indicate the reason why the return envelope was rejected on the return envelope;
 - (c) place the unopened return envelope with the other rejected return envelopes; and, record it in the Register of Mail Ballots.

ELECTOR’S NAME ALREADY USED

19. If upon receiving a request for a mail ballot, the Chief Election Officer, or Designate, determines that another person has voted or has already been issued a mail ballot in the elector’s name, the Chief Election Officer shall comply with Section 127 of the *Local Government Act*.

REPLACEMENT OF SPOILED BALLOT

20. If an elector unintentionally spoils a mail ballot before returning it to the Chief Election Officer, or Designate, the elector may request a replacement ballot by:
 - (a) advising the Chief Election Officer, or Designate, of the ballot spoilage; and,
 - (b) delivering, in person, the spoiled ballot package in its entirety to the Chief Election Officer, or Designate.
21. Upon receipt of the spoiled ballot package, the Chief Election Officer, or Designate, shall:
 - (a) record in the Register of Mail Ballots the spoiled ballot;
 - (b) issue a new ballot in a secrecy envelope and certification envelope to the elector, updating the information in the Register of Mail Ballots;
 - (c) provide a secure location for the elector to fill out the new ballot;
 - (d) verify the elector’s identity, residence, and vote eligibility then sign the certification envelope; and,
 - (e) continue to follow the steps for processing a mail ballot as defined in Sections 12 and 13 of this Bylaw.

SEVERABILITY

22. If at any time, any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this Bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or ultra vires provision.

Received first and second reading on the 7th day of June, 2022.

Received third reading on the 7th day of June, 2022.

Received adoption on the

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Mayor

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Corporate Officer