DISTRICT OF MACKENZIE

BYLAW NO. 1483

A bylaw to permit voting by mail ballot.

WHEREAS pursuant to Section 110 of the *Local Government Act*, Council may, by bylaw, permit voting by mail ballot and establish procedures therefor;

NOW THEREFORE the Council of the District of Mackenzie in open meeting, enacts as follows:

1. CITATION

1.1 This bylaw may be cited as "Mail Ballot Authorization and Procedure Bylaw No. 1483, 2022".

2. AUTHORIZATION

2.1 Voting may be done by mail ballot and registration of election may be done by mail in conjunction with mail ballot voting.

2.2 The following time limits shall apply in relation to voting by mail:

a) Commencing seven days before the first day of advance voting; and

b) Ending at 4:00 pm on the Thursday two days before general voting day.

3. APPLICATION PROCEDURE

3.1 A person wishing to vote by mail ballot shall apply by giving their name and address to the Chief Election Officer or to the person designated by the Chief Election Officer for such purposes, during the period commencing seven days before the first day of advance voting and ending at 4:00 pm on the Thursday two days before general voting day.

3.2 Upon receipt of a request for a mail ballot, the Chief Election Officer or designate shall, between the time when the ballots are ready and 4:00 pm on the Thursday two days before general voting day:

a) Make available to the applicant, a mail ballot package which 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 or designate deems helpful to maintain the register of mail ballots.

3.3 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) Sending the mail ballot package by courier at the expense of the applicant;

c) Having the mail ballot package picked up by the applicant at a designated time and location; or

d) Having the mail ballot package picked up by an authorized person at a designated time and location

3.4 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.

4. VOTING PROCEDURE

4.1 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.

4.2 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 application, 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 or designate at the address specified so that it is received no later than the close of voting on general voting day.

5. BALLOT ACCEPTANCE OR REJECTION

5.1 Until 4:00 pm on the Thursday two days before general voting day, upon receipt of the outer envelope and its contents, the Chief Election Officer or designate 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 fulfilment of the requirements of Section 70 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 custody all such certification envelopes in order to deal with any challenges made in accordance with Section 6 of this bylaw.

5.2 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.

5.3 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.

5.4 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 5.1 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 envelopes 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.

5.5 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, the secrecy envelopes shall be opened and the ballots contained therein counted in accordance with the provisions of the *Local Government Act*.

5.6 Where:

a) upon receipt of an outer envelope, the Chief Election Officer or designate 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 70 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 or designate shall mark such envelope as "rejected", and shall note the reasons therefor, and the ballot contained therein shall not be counted in the election.

5.7 Any certification envelopes and their contents rejected in accordance with Section 5.6 of the bylaw shall remain unopened and shall be subject to the provisions of Section 160(6) of the *Local Government Act* with regard to their destruction.

6. CHALLENGE OF ELECTOR

6.1 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 126 of the *Local Government Act*, until 4:00 pm on the Thursday two days before general voting day.

6.2 The provisions of Section 126(2) to (5) inclusive of the *Local Government Act* shall apply where a challenge of an elector using a mail ballot has been made.

7. ELECTOR'S NAME ALREADY USED

7.1 Where, 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 provisions of Section 127 of the *Local Government Act* shall apply, so far as applicable.

8. REPLACEMENT OF SPOILED BALLOT

8.1 Where 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 advising the Chief Election Officer or designate of the ballot spoilage and by mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer or designate.

8.2 The Chief Election Officer or designate shall, upon receipt of the spoiled ballot package, record such fact, and proceed in accordance with Section 3.2 of this bylaw.

9. REPEAL

Bylaw No. 1222 cited as "Mail Ballot Authorization and Procedure Bylaw No. 1222, 2008" is hereby repealed.

READ a first time this 24th day of May, 2022.

READ a second time this 24th day of May, 2022.

READ a third time this 24th day of May, 2022.

ADOPTED this 13th day of June, 2022.

I hereby certify the foregoing
to be a true and correct copy
of the District of Mackenzie
Bylaw No. 1483 cited as
"Mail Ballot Authorization and
Procedure Bylaw No. 1483, 2022".

Joan Atkinson
Mayor

Emily Kael
Corporate Officer

Corporate Officer