

CITY OF
LANGLEY



EXPLANATORY MEMO

MAIL BALLOT VOTING PROCEDURES BYLAW, 2022

NO. 3223

PURPOSE:

The purpose of Bylaw No. 3223 is to establish procedures and time limits in relation to mail ballot voting with respect to general local elections.



MAIL BALLOT VOTING PROCEDURES BYLAW, 2022

BYLAW NO. 3223

A bylaw to establish mail ballot voting procedures and time limits with respect to general local elections

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

1. CITATION

This bylaw may be cited as “Mail Ballot Voting Procedures Bylaw 2022, No. 3223”.

2. DEFINITIONS

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 the Deputy Chief Election Officer, or other Election Official as authorized by the Chief Election Officer;

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.

3. APPLICATION PROCEDURE

- 3.1 In order to vote using a mail ballot, an application to vote by mail must be submitted to the Chief Election Officer or Designate in accordance with the application process and timeline determined by the chief election officer.
- 3.2 Upon receipt of an application to vote by mail, the Chief Election Officer or Designate shall:
- (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 deems helpful to maintain the Register of Mail Ballots.
 - (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.
- 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) 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.
- 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 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.
- 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; complete and sign the certification printed on such envelope; and, seal the certification envelope;
 - (c) place the certification envelope, in the outer envelope, seal the outer envelope; and,
 - (d) 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.

5. BALLOT ACCEPTANCE OR REJECTION

- 5.1 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.
- 5.2 When the Chief Election Officer, or Designate, examines the certification envelope, the Chief Election Officer, or Designate, shall:
- (a) confirm the identity of the elector as an Applicant on the Register of Mail Ballots;
 - (b) 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,
 - (c) determine the completeness of the certification envelope.
- 5.3 If the Chief Election Officer, or Designate, is satisfied that the elector has met the requirements in Section 5.2, 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 into the Register of Mail Ballots.

- 5.4 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.
- 5.5 The Chief Election Officer shall retain in their custody all opened and unopened certification envelopes.
- 5.6 After 3:00 p.m. on the Thursday two days before general voting day, the Chief Election Officer, or Designate, in the presence of at least one other Election Official, and any candidates and/or candidate representatives present, shall:
- (a) deal with any challenges to the electors involving the accepted certification envelopes;
 - (b) open the certification envelopes;
 - (c) open the secrecy envelopes and remove the ballots within face down; and
 - (d) insert each ballot into the vote counting unit designated for receiving mail ballots in accordance with provisions of the City of Langley’s Automated Vote Counting System Authorization and Procedure Bylaw as they pertain to mail ballot voting procedures.
- 5.7 If the Chief Election Officer receives a return envelope with its contents after 3:00 p.m. on the Thursday two days before general voting day but before the close of general voting, the Chief Election Officer or Designate shall:
- (a) process the return envelope in accordance with Section 5.1 of this Bylaw; and
 - (b) process the certification envelope in accordance with Sections 5.2 to 5.5, of this Bylaw.

- 5.8 As soon as possible, following the close of voting on general voting day, the Chief Election Officer, or Designate, in the presence of at least one other Election Official, and any candidates and/or candidate representatives present, shall supervise:
- (a) the opening of accepted certification envelopes;
 - (a) the opening of each secrecy envelope and removal of the ballot within; and,
 - (b) the insertion of each ballot into the vote counting unit designated for receiving mail ballots in accordance with provisions of the City of Langley's Automated Vote Counting System Authorization and Procedure Bylaw as they pertain to mail ballot voting procedures.
- 5.9 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.

6. CHALLENGE OF ELECTOR

A person who qualifies under Section 126 of the *Local Government Act* may challenge the right of a person to vote by mail ballot on the grounds set out in Section 126 of the *Local Government Act* up until 3:00 p.m. on the Thursday two days before general voting day.

7. ELECTOR'S NAME ALREADY USED

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*.

8. REPLACEMENT OF SPOILED BALLOT

8.1 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) mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer, or Designate.

8.2 Upon receipt of the spoiled ballot package, the Chief Election Officer, or Designate, shall record such fact and proceed according to Sections 4 and 5 of this Bylaw.

9. SEVERABILITY

If any provision of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

READ A FIRST, SECOND AND THIRD TIME this thirteenth day of June, 2022.

FINALLY ADOPTED this ____ day of _____, 2022.

MAYOR

CORPORATE OFFICER