



## Explanatory Note

### Election & Assent Voting Procedure Bylaw, 2014, No. 2942, Amendment No. 1, 2018, No. 3057

The purpose of this amending bylaw is to:

- Update *Local Government Act* section references where they occur throughout the bylaw;
- Incorporate the provisions of the Election Nomination Deposits Bylaw into the Election & Assent Voting Procedure Bylaw;
- Define how tie votes after a judicial recount will be resolved per Section 151 of the *Local Government Act* as follows:

#### **“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.”

If this provision is not added to the bylaw, in the event of a tie after a judicial recount, a runoff election must be held per Section 152 of the Local Government Act:

**“Runoff election if tie vote after judicial recount**

152 (1) 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, a runoff election must be held in accordance with this section unless a bylaw under section 151 [*determination by lot*] applies.”

As it is faster and more cost effective than conducting a runoff election, it is recommended that provision for determination of results by lot if tie vote after judicial recount be added to the Election & Assent Voting Procedure Bylaw.



**ELECTION & ASSENT VOTING PROCEDURE BYLAW  
No. 2942,  
AMENDMENT BYLAW No. 1, 2018  
No. 3057**

A Bylaw to amend the Election & Assent Voting Procedure Bylaw.

**1. Title**

- (1) This bylaw shall be cited as the “Election & Assent Voting Procedure Bylaw, 2014, No. 2942, Amendment No. 1, 2018, No. 3057”.

**2. Amendments**

- (1) Election & Assent Voting Procedure Bylaw, 2014, No. 2942 is hereby amended:
  - (a)** by amending Section 3 Access to Nomination and Endorsement Documents:
    - i. in subsection (1), by replacing *Local Government Act* section reference “73(7)” with *Local Government Act* section reference “89(7)”;
    - ii. in subsection (2), by replacing *Local Government Act* section references “73.4(6)” and “73(7)” with *Local Government Act* section references “89” and “93” respectively;
  - (b)** by amending Section 4 Advance Voting Opportunities:
    - i. in subsection (1), by replacing *Local Government Act* section references “97(5)” and “98” with *Local Government Act* section references “107” and “108” respectively;
    - ii. in subsection (4), by replacing *Local Government Act* section reference “98” with *Local Government Act* section reference “108”;
  - (c)** by amending Section 5 Special Voting Opportunities:
    - i. in subsection (1) by replacing *Local Government Act* section references “99” with *Local Government Act* section references “109”;

- (d) by amending Section 6 Additional General Voting Opportunities:
  - i. by replacing *Local Government Act* section reference “96” with *Local Government Act* section references “106”;

- (e) by adding the following as Section 7:

**“7. Resolution of Tie Votes After Judicial Recount**

In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with Section 151 of the *Local Government Act*.”

- (f) by adding the following section as Section 8:

**“8 Nomination Deposits**

- (1) As authorized under Section 88 of the *Local Government Act*, nominations for mayor and councillor must be accompanied by a nomination deposit in the amount of \$100.
- (2) The nomination deposit must be received before the end of the nomination period by the Chief Election Officer or a person designated by the Chief Election Officer for this purpose. The said nomination deposit to be held by the Chief Election Officer and be returned to the candidate following the filing of his/her financial disclosure papers.
- (3) If the person nominated is not declared to be a candidate under Section 97 of the *Local Government Act*, the deposit be returned to the person or to the financial agent of that person.
- (4) In all other cases, the nomination deposit is forfeited and is paid to the City of Langley.”

- (g) by renumbering the remaining section of the bylaw accordingly.

READ A FIRST, SECOND AND THIRD TIME this 9<sup>th</sup> day of April, 2018.

ADOPTED this      day of      , 2018.

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MAYOR

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CORPORATE OFFICER