

# **Deep Bay Improvement District**

## **Election Procedures Policy**

**Policy Number: 10-01-01**

### **1. INTRODUCTION**

This policy is intended to provide the policies and procedures necessary to conduct a trustee election for the Deep Bay Improvement District (DBID). This policy is designed to:

1. Ensure that all elections meet the legal requirements as set out in the Improvement District Manual
2. Ensure that all elections are conducted in an open, fair and honest process

### **2. DEFINITIONS**

#### **RETURNING OFFICER**

1. Is appointed by the Board of Trustees and is responsible for the conduct of all elections, by-elections, and assent votes (formerly referendums);
2. Has the authority to determine whether or not an individual meets the voter eligibility requirements and may require such individual to make and file with him or her a solemn declaration showing that the declarant is eligible to vote;
3. May conduct the roll of Poll Clerk or delegate it to other staff; and,
4. Is responsible for training the Poll Clerk and any additional election officials required to conduct elections, by-elections and assent votes.

#### **POLL CLERK**

1. Assists the Returning Officer to set up and open the voting place and ensure that voting proceeds in an orderly and safe fashion;
2. Confirms an individual's identity and residential address and therefore their eligibility to vote; and,
3. Assists with counting ballots.

#### **SCRUTINEER OR CANDIDATE REPRESENTATIVE**

1. May be appointed in writing by a candidate to observe the election process to ensure that proper process is followed;
2. May be present while the ballots are distributed and at the final ballot count; and
3. May not interfere with the election proceedings.

### **3. VOTER ELIGIBILITY**

1. A Canadian citizen;
2. 18 years of age or older;
3. A resident of British Columbia for the past 6 months;

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4. Be an owner of land located within the improvement district or the authorized agent or legal representative of a deceased owner of such land;
5. Not otherwise be disqualified from voting under section 29 of the Election Act; and,
6. Have not voted before in the same election.

Each corporation or society that owns land within the improvement district has one vote and must designate, in writing, a person to vote on its behalf. That person can also be an owner of other property in the improvement district. If so, that person could vote twice, once on their own behalf as a landowner and as the agent authorized on behalf of the landowning corporation or society.

### **4. TRUSTEE ELIGIBILITY**

The eligibility requirements to be a trustee on an improvement district Board are the same as the eligibility requirements to vote in an improvement district election and per Letters Patent the spouse or common-law partner of an eligible elector is also qualified to be a candidate for trustee.

### **5. NUMBER OF TRUSTEES**

The Board consists of 7 elected trustees each elected for 3-year terms. Each year vacancies are identified on a rotational basis as follows: 2-2-3.

### **6. ANNUAL ELECTIONS**

A general election occurs annually on a day and time specified by the Returning Officer.

### **7. BY-ELECTIONS**

By-elections may occur at a special meeting or on a day and time specified by the Returning Officer.

### **8. NOMINATIONS**

1. Eligible individuals must declare their willingness to run for the elected position of trustee by completing a nomination form and submitting it to the Returning Officer.
2. The nomination form must be signed by 1 nominator.
3. Nominations close at least 14 days prior to the election.

### **9. NOTICES**

1. Per Letters Patent, notice of an election will be provided at least 14 days in advance of the election.
2. Notice will be mailed to all land owners, posted at the DBID office and posted on the DBID website.

### **10. VOTERS LIST**

1. A list of eligible electors based on the assessment role.

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2. If an individual confirms their name and address on the list, they are not required to show ID.

### 11. ELECTION PROCEDURES FOR VOTING

1. Poll Clerk and/or Returning Officer checks the name and address of individual on the voters list (if voters list is used).
2. If the individual is listed on the voters list – the Poll Clerk:
  - a. asks the elector to make an oral declaration:
    - DECLARING they meet the eligibility criteria:
    - I am a Canadian citizen;
    - I am 18 years of age or older;
    - I have resided in British Columbia for at least six months immediately preceding voting day;
    - I am a registered owner of real property in Deep Bay Improvement District immediately preceding voting day or the authorized agent or legal representative;
    - I am not disqualified under section 29 of the Election Act or any other enactment from voting in this election;
    - I have not previously voted in this election.
  - b. initials beside the elector's information on the voters list confirming that an oral declaration was given;
  - c. provides the elector with a ballot; and,
  - d. reminds the elector they have an opportunity to mark, with an X, one or more choices, to a maximum of the number of trustee vacancies there are to fill.
3. If the individual is not on the voters list, the Poll Clerk asks for identification that confirms the individual's identity and residential address and therefore their eligibility to vote;
4. If the individual does not have identification, the Poll Clerk:
  - a. asks the individual to fill out and sign the Property Owner Elector Solemn Declaration as to their identity and property ownership or the authorized agent or legal representative;
  - b. asks the individual to give an oral declaration;
  - c. initials beside the elector's information confirming that an oral declaration was given;
  - d. provides the elector with a ballot;
  - e. reminds the elector they have an opportunity to mark, with an X, one or more choices, to a maximum of the number of trustee vacancies there are to fill.
5. If the individual presents themselves as an agent of a board or corporation or authorized agent or legal representative, the individual must also present formal documentation supporting that they have been assigned authority as agent for

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that board or corporation's interest or legal representative in property owned within the Deep Bay Improvement District jurisdiction. Only one agent per board or corporation will be permitted to vote. The Poll Clerk:

- a. asks the individual to fill out and sign the Property Owner Elector Solemn Declaration as to their identity and property ownership, attaching a copy of the board or corporation's authorization as agent or legal representative documentation;
  - b. asks the individual to give an oral declaration;
  - c. initials beside the elector's information on the voters list confirming that an oral declaration was given;
  - d. provides the elector with a ballot; and,
  - e. reminds the elector they have an opportunity to mark, with an X, one or more choices, to a maximum of the number of trustee vacancies there are to fill.
6. The elector then marks their ballot and deposits the folded ballot into the ballot box.

### **12. BALLOT COUNT:**

1. Ensure only the Returning Officer, Poll Clerk and appointed scrutineers are present at the count:
  - a. a candidate's scrutineer may observe the ballot count proceedings to ensure a transparent and consistent process is followed and that any potentially spoiled ballots are ruled on by the Returning Office in a fair and consistent manner.
2. Determine the number of eligible electors that voted;
3. Open the sealed ballot box;
4. The Returning Officer will count the ballots using tally sheets:
  - a. a ballot will be counted when it clearly identifies not more than the maximum number of vacancies with an X,
  - b. a tick mark will be accepted if the intent of the elector is clearly indicated; and,
  - c. any writing, drawings or distinguishable markings will spoil the ballot and the ballot will not be counted towards the total votes.
5. Record the total ballots cast, the ballots counted, and the ballots rejected/spoiled;
6. Declaration of voting results by the Returning Officer:
  - a. The candidate(s) with the greatest number of votes cast will be elected to the vacant trustee position(s); and,
  - b. If there is a vacancy for different length terms, the candidate with the greatest number of votes cast will hold office for the longest term

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(generally a three-year term). The candidate with the second greatest number of votes cast holds office for the next longest term.

### 13. ELECTION CHALLENGE

1. A person who is qualified to vote at an improvement district election and who voted or applied to vote in the election may appeal to the Supreme Court against the order of the Returning Officer accepting or rejecting a vote or ballot or the result of the election.
2. The appeal must be made in writing within two weeks after the election.

### 14. RETENTION AND DESTRUCTION OF ELECTION DOCUMENTS

1. Until the end of the appeal period (two weeks after the election) the Returning Officer:
  - a. must keep the sealed ballot packages in their custody;
  - b. is responsible for retaining the nomination documents for the election; and,
  - c. is responsible for retaining the remainder of the election materials.
2. The following materials must be destroyed as soon as practicable within 30 days after the appeal period expires:
  - a. the ballots used in the election;
  - b. any copies of the list of electors used for the purposes of voting proceedings;
  - c. the voting books used in the election; and,
  - d. any solemn declarations and any written statements or declarations in relation to voting proceedings.

### Approval History

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| Policy originally adopted by Board: | January 20, 2010 |
| Policy amended:                     | May 21, 2014     |
| Policy amended:                     | November 5, 2020 |