

CITY OF SURREY

BY-LAW NO. 15755

A by-law for determination of results by lot
if there is a tie vote after a judicial recount.

.....

WHEREAS pursuant to Section 141 of the *Local Government Act*, R.S.B.C. 1996, Chapter 323, as amended, (the "*Local Government Act*") the Council of the City of Surrey may, by by-law, 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 Section 141 of the *Local Government Act*;

NOW THEREFORE, the Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

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, the results will be determined by lot between those candidates in accordance with the following as set out in Section 141 of the *Local Government Act*:
 - (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.

2. "Determination of Results by Lot if Tie Vote After Judicial Recount By-law, 2002, No. 14715" is hereby repealed.

3. This By-law shall be cited for all purposes as "Determination of Results by Lot if Tie Vote After Judicial Recount By-law, 2005, No. 15755".

PASSED THREE READINGS by the City Council on the 30th day of May, 2005.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 13th day of June, 2005.

_____MAYOR

_____CLERK