

CITY OF SURREY

BY-LAW NO. 16685

A by-law to provide for mail ballot and
elector registration by mail.

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REPEALED BY 17393, 06/13/11

WHEREAS pursuant to Section 100 of the *Local Government Act*, Council may, by by-law, permit voting by mail ballot and establish procedures therefor;

NOW THEREFORE the Council of the City of Surrey, in open meeting, enacts as follows:

CITATION

- 1.1 This by-law may be cited as "City of Surrey Mail Ballot Authorization and Procedure By-law, 2008, No. 16685".

2. AUTHORIZATION

- 2.1 Voting by mail ballot and elector registration by mail in conjunction with mail ballot voting are hereby authorized.
- 2.2 The only electors who may vote by mail ballot are the following:
- (a) persons who have a physical disability, illness, or injury that affects their ability to vote at another voting opportunity; and
 - (b) persons who expect to be absent from the City of Surrey on general voting day and at the times of all advance voting opportunities;

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 7 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 first day of advanced voting and 4:00 pm on the Thursday two days before general voting day:
- (a) make available to the applicant, a mail ballot package as specified in Section 100(7) of the *Local Government Act*, together with a statement advising the elector that the elector must meet one or more of the mail ballot criteria specified in Section 2.2 of this by-law, and that they must attest to such fact; and
 - (b) immediately record and, upon request, make available for inspection:

- (i) the name and address of the person to whom the mail ballot package was issued; and
- (ii) the number of the voting division in which the person is registered as an elector, or “new elector”, if that person is not on the register of electors.

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 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 56 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 her custody all such certification envelopes in order to deal with any challenges made in accordance with Section 6 of this by-law.

- 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 by-law 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 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 56 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 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 by-law shall remain unopened and shall be subject to the provisions of Section 150(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 by-law may be challenged in accordance with and on the grounds specified in Section 116 of the *Local Government Act*, until 4:00 pm on the Thursday two days before general voting day.
- 6.2 The provisions of Section 116(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 determines that another person has voted or has already been issued a mail ballot in the elector's name, the provisions of Section 117 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, 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 shall, upon receipt of the spoiled ballot package, record such fact, and proceed in accordance with Section 3.2 of this by-law.

READ A FIRST, SECOND, AND THIRD TIME the 16th day of June, 2008.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 23rd day of June, 2008

_____ MAYOR

_____ CLERK