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DUTIES AND RESPONSIBILITIES OF:

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1. COMMUNITY AFFAIRS, Government of Yukon

Following is a list of general services provided by Community Affairs during the municipal election process. These services are not itemized in the *Municipal Act*.

- a) establish the election schedule and circulate to all municipalities and local advisory areas
- b) provide election documents: forms, brochures, booklets, manual, sample mail-in ballot, legislation
- c) assist municipalities with bylaws, if requested
- d) review ballots and advertising, etc., if requested
- e) provide general advertising throughout election period for Nomination Day, Election Day, and a notice regarding Employees Time Off to Vote.
- f) provide advice and guidance to municipal staff and returning officers on election process
- g) assist with new council training needs, if requested

2. MUNICIPAL COUNCIL

The following excerpts from the *Municipal Act* describe the duties of municipal councils in relation to municipal elections.

Bylaws regulating elections

53. Council may by bylaw

- (a) divide the municipality into polling divisions,
- (b) subject to this Act, regulate the conduct of an election,
- (c) establish polling places in hospitals, old age homes or similar institutions, and set special hours for when these polls shall be open, and
- (d) establish one or more mobile polls which may attend at hospitals, extended care facilities, or other facilities where voters are confined, or at the residences of electors incapable of attending at a poll by reason of physical incapacity, and set special hours for when the poll shall be in attendance at the various institutions and other places that the bylaw requires the poll to attend.

Provision for wards

54. The council may, by bylaw made with the approval of the Minister, provide that all or some of the members of the council be elected on an area or ward basis.

Commencement of election procedure

56.(1) The council shall by bylaw on or before the first Thursday in September in each election year and at other times as required

- (a) appoint a returning officer to be responsible for the administration of the election or public vote,
 - (b) establish the place for making nominations,
 - (c) establish places that are reasonably accessible to electors who are physically incapacitated at which polls will be held if a poll is required and, subject to section 85, set hours during which polls shall be open,
 - (d) appoint deputy returning officers as required, or delegate to the returning officer the power to appoint deputy returning officers, and
 - (e) otherwise arrange for the holding of the election or public vote.
- (2) The council may appoint an alternate returning officer.

List not required

60.(1) Despite section 59, a town, if it so desires, may by bylaw

- (a) dispense with the requirement of a list of electors for an election, and
 - (b) prescribe procedures and forms governing the conduct of elections otherwise consistent with this Act.
- (2) Sections 62 to 73 and subsection 130(2) do not apply to a town which has passed a bylaw under subsection (1).

Enumeration or registration of voters

61.(1) The council may, by bylaw, provide for

- (a) a system of enumeration of persons entitled to vote at an election, or
- (b) a system of registration of persons entitled to vote at an election which shall include the prescribed oath required to be signed by each person applying to vote.

(2) The council may enter into an agreement with the chief electoral officer of the Yukon or Canada to obtain data to be used in the preparation of a list of electors.

Board of Revision

63.(1) The council shall establish a Board of Revision of an odd number of members for the municipality and shall appoint its members, but a member of the council or an employee of the municipality shall not be a member of the Board of Revision. The members shall hold office during pleasure.

(4) The council shall, by resolution, prescribe a fee to be paid to members of the Board of Revision.

Chair, quorum, and sittings of the Board

64.(2) The municipality must supply a person to record the proceedings of the Board of Revision.

(4) The Board of Revision shall sit on the day before the fourth Thursday in September each election year for a continuous period of not less than two hours and not more than twelve hours **to be determined by the council.** (*Amended by SY 2003*)

(5) The council may, by bylaw, require the Board of Revision to sit at other times in addition to the time mentioned in subsection (4) so as to transact its business for a by-election.

Applications for revision of the list

67.(2) The council may, by bylaw, appoint an agent to make any application to the Board of Revision that a person who is eligible to vote at the election could make.

Notice of poll and hours for the poll to be given

84.(3) The polls shall be open from 8:00 a.m. to 8:00 p.m. The council may set extended hours during which one or more polls shall be open, but the extended hours must fall between 7:00 a.m. and 11:00 p.m.

Direction to establish advance poll

85.(1) For the purpose of enabling every voter mentioned in section 48 to vote at an election, the council

- (a) shall direct the returning officer to establish one or more polling places for advance polling at the time set out in subsection 87(1); and
- (b) may direct the returning officer to establish one or more polling places for a second advance polling on one other day as stipulated by the council.

Hours and voting qualifications for advance poll

87.(1) The poll at each advance polling place established under paragraph 85(1)(a) shall be open on the second Thursday in October from 8:00 a.m. to 8:00 p.m. The council may set extended hours during which one or more polls shall be open, but the extended hours must fall between 7:00 a.m. and 11:00 p.m.

(2) The poll at each advance polling place established under paragraph 85(1)(b) shall be open on the day or days stipulated by council from 8:00 a.m. to 8:00 p.m. The council may set extended hours during which one or more polls shall be open, but the extended hours must fall between 7:00 a.m. and 11:00 p.m.

Automated voting systems

104.(1) Council may, with the approval of the Minister, by bylaw provide for the taking of the votes of the electors by means of voting machines, vote recorders or automated voting systems, or other devices.

(2) Despite any other provision of this Act, the bylaw referred to in subsection (1) shall prescribe

- (a) the form of the ballot,
- (b) procedures for how to vote,
- (c) procedures, rules, and requirements regarding the counting and recounting of the votes,
- (d) procedures and precautions to ensure that each elector votes only once in the election and that they are able to vote secretly.

(3) To the extent that there is an inconsistency between the procedures, rules, and requirements established by a bylaw under subsection (1) and the procedures, rules, and requirements established by or under this Part, the bylaw prevails.

3. DESIGNATED MUNICIPAL OFFICER

The following excerpts from the *Municipal Act* describe the duties of the designated municipal officer in relation to municipal elections.

Preliminary list

59.(1) Where a municipality is not divided into separate polling divisions, in each election year the designated municipal officer shall prepare within the eight months preceding the date of the election a preliminary list of electors.

(2) Where a municipality is divided into polling divisions, in each election year the designated municipal officer shall prepare within the eight months preceding the date of the election a separate preliminary list of electors for each polling division.

(3) Where a by-election occurs and the list of electors has not been revised within the eight months preceding the date of the by-election, the council shall cause the list of electors to be revised in accordance with the provisions of this Act.

(4) Despite subsection (3), the council may cause the list of electors to be revised in accordance with provisions of this Act where a by-election occurs within the eight months following the last revision.

(5) Subject to subsection (6), the preliminary list of electors shall set out in alphabetical order, by surname and first initial, the names together with the address of the person's residence and mailing address, if different, as far as reasonably practicable, of all persons entitled to vote. (*Amended by SY 2003*)

(6) An elector may request at any time before the publication of the preliminary list of electors that the designated municipal officer not publish his or her name and address if the elector believes that publishing the elector's name will expose him or her to personal risk. (*Added by SY 2003*)

Posting of the list

62.(1) A designated municipal officer shall on the second Thursday in September in each election year post a copy of the preliminary list of electors on the notice board or usual place for public notices in the municipal office, and

(a) if the municipality is not divided into polling divisions, in at least 3 conspicuous places in the municipality, or

(b) if the municipality is divided into separate polling divisions, in at least 2 conspicuous places in each polling division.

(2) The designated municipal officer shall publish a notice that the preliminary list has been so posted by advertising in the local media or by any other method appropriate in the particular community, as prescribed by bylaw, and the preliminary list shall remain posted until the sitting of the Board of Revision.

Notice of revision hearings

65. Notice of the time and place fixed for the sitting of the Board of Revision shall be issued, published, and posted by the designated municipal officer at least 10 days before the day fixed for the sitting of the Board in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors.

Delivery of list to the Board

66. The designated municipal officer shall, at least 48 hours before the day fixed for revision of the preliminary list of electors, deliver to each of the members of the Board of Revision a copy of the preliminary list of electors.

Application procedure

68.(1) An application under section 67 must be made on or before the third Thursday in September by leaving the application for revision with the designated municipal officer.

(2) The application for revision of the preliminary list of electors shall fully set out

- (a) the name of the person in respect of whom the application is made,
- (b) the nature of the revision that is sought,
- (c) the grounds upon which the application is made, and
- (d) the name, residence, mailing address, and signature of the person making the application. *(Amended by SY 2003)*

(3) Despite subsection (1), a person may apply to the Board of Revision in person on the day of the sitting of the Board for a revision affecting their name only.

(4) A person who makes an application in person at the hearing must sign the application.

(5) If an application is made by a person for the adding or deleting of another person's name from the preliminary list, a notice shall be sent to that person by ordinary mail to the address shown on the preliminary list of electors, or any other record of the municipality.

Copies of the list

72. The designated municipal officer shall cause to be printed as many copies of the revised list of electors as the returning officer considers necessary.

Nomination requirements

76.(1) No person shall be nominated as a candidate unless they

(c) have delivered or caused to be delivered to the designated municipal officer or returning officer between the time of the nomination notice and 12 o'clock noon on nomination day, a nomination paper in the prescribed form, together with a declaration administered by the returning officer, designated municipal officer or notary public in the prescribed form.

(2) A nomination paper may be faxed to the returning officer or designated municipal officer.

Ballot boxes

92.(1) The designated municipal officer shall have ready for each polling day at least as many ballot boxes as there are polling stations in the municipality.

(2) Ballot boxes for an election may be any box or other appropriate receptacle that is constructed so that ballots can be inserted but not withdrawn unless the ballot box is opened.

(3) The designated municipal officer shall, before the polling day, deliver to the returning officer enough ballot boxes for the election.

(4) Any reference to ballot boxes in this Part shall include any other appropriate receptacle as approved by council by bylaw.

Alternate election officers

- 111.(1) If the returning officer is unable to or fails to do something required by this Part, it may be done by
- (a) the alternate returning officer, if any, appointed by the council, or
 - (b) the designated municipal officer, if no alternate returning officer has been appointed.

Retention of election records

129.(3) The returning officer shall cause the documents for an election retained under subsection (2) to be given to the designated municipal officer who shall retain them until the next general election.

Revision of the list of electors after an election

130.(1) Within eight weeks after proclaiming the result of the election, or of the public vote, the returning officer shall

- (b) give to the designated municipal officer the names of all electors who were sworn in at the polls.

(2) Immediately after receiving the names under paragraph (1)(b), the designated municipal officer shall incorporate into the list of electors the names of all electors who were sworn in at the polls.

Oaths of office and allegiance

171.(1) Before or at the first meeting of council, a person who is elected or appointed as mayor or councillor shall take the oaths of office and allegiance in the prescribed form before a judge of the Supreme Court or Territorial Court, a justice of the peace, a notary public, or a designated municipal officer, and shall file them with the designated municipal officer.

(2) Instead of swearing the oaths of office and allegiance, the person may affirm the prescribed affirmations of office and allegiance.

Failure to take oaths of office and allegiance

172. If a person elected to council fails to take the prescribed oaths or affirmations of office and allegiance within 40 days after they are proclaimed elected, their election shall be considered null and void and their office vacant.

4. RETURNING OFFICER

The following excerpts from the *Municipal Act* describe the duties of the Returning Officer before and after the polls. Many clauses of the *Act* refer to both the Returning Officer (RO) and the Deputy Returning Officer (DRO) - these clauses have been copied to both officer's sections.

Important: A smaller municipality may have one person filling both the RO and DRO roles - please check **both** sections for a complete listing of duties.

Commencement of election procedure

56.(1) The council shall by bylaw on or before the first Thursday in September in each election year and at other times as required

- (a) appoint a returning officer to be responsible for the administration of the election or public vote,
- (b) establish the place for making nominations,
- (c) establish places that are reasonably accessible to electors who are physically incapacitated at which polls will be held if a poll is required and, subject to section 85, set hours during which polls shall be open,
- (d) appoint deputy returning officers as required, or delegate to the returning officer the power to appoint deputy returning officers, and
- (e) otherwise arrange for the holding of the election or public vote.

(2) The council may appoint an alternate returning officer.

Powers of returning officers and deputies

57.(1) The returning officer can perform all the duties and powers of a deputy returning officer and if there is no deputy appointed he or she shall perform the deputy's duties.

(2) A returning officer or deputy returning officer appointed to attend at a polling place has the power to ask the questions and receive the declarations or oaths authorized by law to be asked of and made by electors.

Qualifications and procedure

58.(1) A person may be entitled to vote by **special ballot** if they are eligible to vote under this Act and apply to the returning officer to vote by special ballot and are:

- (a) housebound,
- (b) unable to vote at an advance or regular poll by reason of their employment, business, or profession,
- (c) a student or spouse of a student in an educational institution which is outside the municipality in which the student and spouse are qualified to vote,
- (d) a person who might be at personal risk if they appear in person to vote, or
- (e) going to be absent from the municipality on polling days.

(2) A person may request from a returning officer an application for a special ballot anytime after the first day in September or after another date as determined by council. (*Amended by SY 2003*).

(3) Anytime after the close of nominations a returning officer receiving an application for a special ballot may issue a special ballot to a person who is eligible to vote and who qualifies to vote by special ballot.

(4) In order to be counted, a special ballot must be returned before two o'clock in the afternoon of polling day to the returning officer of the municipality where the elector is qualified to vote.

(5) A person who applies and receives a special ballot cannot take the ballot paper to the polling station on polling day and vote in person using that special ballot.

(6) The returning officer shall provide a list of the names of persons who applied for and received special ballots, to the candidates, the returning officer and deputy returning officers at each poll, immediately before the opening of the polls.

Electors requiring confidentiality

58.1(1) An elector who believes that disclosure of his or her name or address would expose the elector to personal risk may apply at any time after the time established under subsection 58(2) to the returning officer to vote by special ballot even though the elector's name does not appear on the list of electors for the municipality in which the elector is qualified to vote.

(2) An application under subsection (1) shall state the elector's reason for applying to vote by special ballot under this section.

(3) If a special ballot is issued under this section, particulars of the elector shall be omitted from

(a) the list of electors; and

(b) lists and documents delivered to any candidate.

(4) A candidate may request from the returning officer the number of special ballots issued under this section. *(Added by SY 2003)*

Delivery of the revised list

71. The chair of the Board of Revision shall deliver a copy of the revised list of electors to the designated municipal officer and to the returning officer on or before the first Thursday of October.

Copies of the list

72. The designated municipal officer shall cause to be printed as many copies of the revised list of electors as the returning officer considers necessary.

Posting of the revised list

73. The returning officer shall, on or before the first Thursday in October each election year, post the revised list of electors and publish notice of the posting of copies of the revised list of electors in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors. The copies of the revised list of electors shall remain so posted until the day after polling day. *(Amended by SY 2003)*

Notice respecting nomination proceedings

74. Notice of the time and places fixed for holding nomination proceedings (the nomination notice) shall be issued by the returning officer in the prescribed form and shall be published and posted by the returning officer at least seven days before nomination day in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors.

Nomination requirements

76.(1) No person shall be nominated as a candidate unless they

(c) have delivered or caused to be delivered to the designated municipal officer or returning officer between the time of the nomination notice and 12 o'clock noon on nomination day, a nomination paper in the prescribed form, together with a declaration administered by the returning officer, designated municipal officer or notary public in the prescribed form.

(2) A nomination paper may be faxed to the returning officer or designated municipal officer.

Nomination Papers

77.(3) The returning officer shall, if requested to do so, give a receipt to the person who delivers a nomination paper with the accompanying declaration.

Proceedings on nomination day

78.(1) The returning officer shall be present between the hours of 10:00 a.m. and 12 o'clock noon on nomination day at the place appointed by the council for the holding of nomination proceedings, and shall as soon as practicable after 12 o'clock noon announce the names of all electors who have been nominated as candidates in accordance with the provisions of this Act.

(2) The returning officer shall not permit any speeches or interruptions during the nomination proceedings referred to in subsection (1).

Election, acclamation and filling of vacancies

79.(1) At the conclusion of nomination proceedings,

(a) if the number of candidates for the vacant offices exceeds the number of vacancies, the returning officer shall proceed to hold a poll under this Act, and

(b) if the number of candidates for the vacant offices equals or is less than the number of vacancies, the returning officer shall declare each candidate elected by acclamation if the time for a challenge under subsection 82 (2) has expired and the candidate's nomination has not been challenged.

Death of candidate

80.(1) If, after a poll is announced, a candidate dies after the close of nominations and before the close of the poll, the returning officer shall, on being satisfied of the death, countermand the notice of poll and commence a new election.

(2) Another nomination shall be held on the day and at the place and time, within 11 days from the date the poll was to have been held, as the council may by resolution determine, and the council shall also fix the time and places for the poll. The poll shall take place on the 7th day following the close of nominations.

(3) The council shall give the notice it considers best to inform the electors of the days, times and places fixed for the nomination and election.

(4) A fresh nomination is not necessary for a candidate nominated at the time of the countermand of the poll.

Withdrawal of nomination

81. A candidate may withdraw their nomination by filing a written notice of withdrawal with the returning officer within 96 hours after the close of nominations.

Challenge of nomination

- 82.** (8) The person making the challenge must
- (a) immediately notify the returning officer and the person whose nomination is challenged of the time when the challenge will be heard, and
 - (b) within one day of filing the petition, serve on those persons the petition and its accompanying affidavit, and a notice of the time set for the hearing.

Certified list of candidates

83. At the close of nominations, the returning officer shall, at the request of a candidate or agent, deliver to him or her a certified list of all candidates and their physical address for the delivery of documents.

Notice of poll and hours for the poll to be given

- 84.**(1) The notice of the poll issued by the returning officer shall state
- (a) the name of each candidate, and
 - (b) the time and place at which the poll will be open for the purpose of receiving the votes of the electors.
- (2) The notice of the poll referred to in subsection (1) shall be published and posted by the returning officer at least 7 days before polling day in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors.
- (3) The polls shall be open from 8:00 a.m. to 8:00 p.m. The council may set extended hours during which one or more polls shall be open, but the extended hours must fall between 7:00 a.m. and 11:00 p.m.

Direction to establish advance poll

- 85.**(1) For the purpose of enabling every voter mentioned in section 48 to vote at an election, the council
- (a) shall direct the returning officer to establish one or more polling places for advance polling at the time set out in subsection 87(1); and
 - (b) may direct the returning officer to establish one or more polling places for a second advance polling on one other day as stipulated by the council.
- (2) Notice of an advance poll shall be given in the form and in the manner provided in section 84.

Printing of ballot papers

- 93.**(1) If a poll is granted, the returning officer shall forthwith have printed, at the expense of the municipality, enough ballot papers in the prescribed form for the purposes of the election.
- (2) If a municipality continues to use a list of electors, the number of ballots printed in accordance with subsection (1) shall not be less than the number of electors on the revised list of electors.

Content of ballot papers

- 94.**(1) Separate ballot papers shall be used for the election of the mayor and for the election of councillors.

(2) The names of the candidates shall be printed on the ballot paper in the order determined by lot by the returning officer on nomination day or, if authorized by bylaw of the municipality, in a rotation so that there is equal opportunity for the name of each candidate to appear in each row on the ballots.

Preparation of ballot boxes

95. The presiding officer at each polling place shall, just before the commencement of the poll, show each ballot box empty to such persons as may be present in the polling station, so that they may see that it is empty, and then the presiding officer shall

- (a) close it and place a seal upon it in such manner as to prevent its being opened without breaking the seal, and
- (b) place and keep it in their view, closed and sealed, for the receipt of ballot papers.

Alternate election officers

- 111.**(1) If the returning officer is unable to or fails to do something required by this Part, it may be done by
- (a) the alternate returning officer, if any, appointed by the council, or
 - (b) the designated municipal officer, if no alternate returning officer has been appointed.

(2) If a deputy returning officer is unable to or fails to do something required by this Part, it may be done by

- (a) an alternate returning officer appointed by the council, or
- (b) another deputy returning officer designated by the returning officer.

Disruption of elections

112.(1) If a nomination or poll is significantly interrupted or obstructed, the returning officer or deputy returning officer may move the nomination or polling to another place or adjourn it to a later time or to another day, and shall take reasonable steps to give notice of the move or adjournment.

(2) If nominations are concluded after an adjournment under this section, the poll may, if practicable, be put off for an equal number of days, and the new day shall be the day of polling under this Act.

Notice of adjournment of poll

113. Where a poll has been adjourned by a deputy returning officer, they shall promptly notify the returning officer, who shall not declare the results of the poll, or the name or names of the candidate or candidates elected, until the poll so adjourned has been finally closed.

Maintenance of order at elections

114.(1) From the time of nomination of candidates until the day following the final closing of the election, each returning officer and deputy returning officer is responsible for maintaining good order where election proceedings take place.

(2) For the maintenance of peace and good order at an election, a returning officer or deputy returning officer may require the assistance of the R.C.M.P. or other persons present, whether at the nominations, at a polling place, or any place where the votes are counted.

Ballot accounts

123. (3) The deputy returning officer shall place the sealed packets and an original ballot account in the ballot boxes used in the officer's polling place and lock or seal the boxes.

(4) The locked or sealed boxes and a separate duplicate of the ballot account shall be delivered to the returning officer in accordance with the returning officer's instructions.

Examination of ballot accounts

124.(1) The returning officer shall arrange to examine the ballot accounts as soon as practicable after the close of the poll and, where necessary, to recount the votes in the presence of the candidates or their agents.

(2) The returning officer shall conduct a recount of the ballots

- (a) if there is a tie in the votes for two or more candidates,
- (b) at the request of a candidate or a candidate's agent, or
- (c) if the number of ballots rejected would affect the outcome of the election if they could be counted as valid.

(3) The returning officer may conduct a recount if

- (a) the number of ballots objected to and counted as valid would affect the outcome of the election if they were not counted and the returning officer is satisfied that there are reasonable grounds to review the objections, or
- (b) because of a combination of the closeness of the votes and other circumstances about the polling or the handling of the ballots, the returning officer is satisfied that there are reasonable grounds to recount the ballots so as to be confident the count is accurate.

Preliminary election results

125.(1) Immediately after examining the ballot accounts in any poll on the initial count under section 121, the returning officer may publish unofficial results as they are received from the polling place.

(2) At any election, the candidate or candidates receiving the highest number of votes shall be considered elected, and in the event of an equality of votes, section 126 applies.

Recount by returning officer

126.(1) Where a recount is necessary under section 125 the returning officer shall give notice of the time and place of the recount to the candidates or their agents, and the recount shall be held within 24 hours of the close of the polls on polling day.

(2) A returning officer who recounts votes under section 124, shall open each ballot box, take out the packets, recount and record the number of ballots and ballot papers, and then recount the votes, proceeding continuously so far as practicable.

(3) A recount shall be conducted by the same procedure as for the initial count under section 122.

(4) The returning officer may dispense with the recount where, in their opinion after examination of the ballot accounts, there is no doubt about the result of the poll and no candidate or agent has, in writing, requested a recount.

(5) The returning officer may limit the recount to those polling places requested by a candidate or their agent.

(6) The returning officer shall prepare a ballot account for any votes the officer counts on the recount.

(7) Subject only to a recount by the Supreme Court, the decision of the returning officer on a question about a ballot is final.

Vote by returning officer

127.(1) A returning officer shall not vote at an election until after a recount of the votes and then only if the votes cast in respect of two or more candidates are equal in number and their vote would break the tie.

(2) A returning officer casting their vote under subsection (1) shall do so by the drawing of lots for the purpose in the presence of at least one other election official and any candidate or agent present at the time.

Official election results

128.(1) On the fourth day following election day, the returning officer shall proclaim elected the candidate or candidates having the highest number of votes for the office or offices for which they have been nominated, subject to a judicial recount, if any.

(2) The returning officer shall give the designated municipal officer and each candidate a statement in the prescribed form showing the total number of votes cast for each candidate and the number of rejected ballot papers and post a copy of the statement in the municipal office.

Retention of election records

129.(1) The returning officer shall retain all documents and ballots for an election for a period of eight weeks from the day upon which they proclaim the result of the election and until every proceeding relating to that election pending in the Supreme Court during that period, and of which written notice has been received from a party to the proceedings, has been finally determined.

(2) Unless otherwise directed by the Supreme Court, the returning officer shall cause all ballots and all documents other than the following, to be destroyed and shall record the time, place and method for destruction:

- (a) ballot accounts,
- (b) appointment of election officers,
- (c) poll book,
- (d) all oaths and declarations,
- (e) nomination papers, and
- (f) the marked copies of the list of electors.

(3) The returning officer shall cause the documents for an election retained under subsection (2) to be given to the designated municipal officer who shall retain them until the next general election.

Revision of the list of electors after an election

130.(1) Within eight weeks after proclaiming the result of the election, or of the public vote, the returning officer shall

- (a) submit to council a copy of the statement they issued under section 128 together with a compilation of the information contained in the ballot accounts, and
- (b) give to the designated municipal officer the names of all electors who were sworn in at the polls.

(2) Immediately after receiving the names under paragraph (1)(b), the designated municipal officer shall incorporate into the list of electors the names of all electors who were sworn in at the polls.

Production of ballots and accounts

133. On written notice from the Supreme Court, the returning officer or other person in whose possession the ballots and ballot accounts are, shall produce them at the time and place appointed for the recount, and the ballots and ballot accounts shall remain in the custody of the returning officer or other person having lawful custody, subject to the direction of the Supreme Court.

Ballot and ballot box offences

163.(1) It is an offence for a person

- (a) to forge, counterfeit, fraudulently alter, deface or destroy a ballot paper,
- (b) without authority, to possess a ballot paper or supply a ballot paper to another person,
- (c) to fraudulently put into the ballot box any item other than a ballot paper that they are authorized to put in the box,
- (d) to fraudulently remove a ballot paper from a ballot box or polling place,
- (e) without authority, to destroy, take, open, or otherwise interfere with a ballot box or packet of ballots, or
- (f) without authority, to print a ballot paper or to print more ballot papers than authorized to print.

(2) It is an offence for an election official to

- (a) fraudulently put his or her initials, other than as authorized by this Act, on the back of any paper purporting to be a ballot paper,
- (b) place on any ballot paper, except as authorized by this Act, any writing, number or mark, or
- (c) to neglect or refuse to discharge any duty under this Part.

5. DEPUTY RETURNING OFFICER

The following excerpts from the *Municipal Act* describe the duties of the Deputy Returning Officer during the polls. Many clauses of the *Act* refer to both the Returning Officer (RO) and the Deputy Returning Officer (DRO) - these clauses have been copied to both officer's sections.

Important: A smaller municipality may have one person filling both the RO and DRO roles - please check **both** sections for a complete listing of duties.

Commencement of election procedure

56.(1) The council shall by bylaw on or before the first Thursday in September in each election year and at other times as required

- (a) appoint a returning officer to be responsible for the administration of the election or public vote,
 - (b) establish the place for making nominations,
 - (c) establish places that are reasonably accessible to electors who are physically incapacitated at which polls will be held if a poll is required and, subject to section 85, set hours during which polls shall be open,
 - (d) **appoint deputy returning officers as required, or delegate to the returning officer the power to appoint deputy returning officers**, and
 - e) otherwise arrange for the holding of the election or public vote.
- (2) The council may appoint an alternate returning officer.

Powers of returning officers and deputies

57.(1) The returning officer can perform all the duties and powers of a deputy returning officer and if there is no deputy appointed he or she shall perform the deputy's duties.

(2) A returning officer or deputy returning officer appointed to attend at a polling place has the power to ask the questions and receive the declarations or oaths authorized by law to be asked of and made by electors.

Oath of voter for advance poll

89. The deputy returning officer, every candidate and the agent of every candidate may require that a person intending to vote at the advance poll take any oath that the person may be required to take under this Act before being handed a ballot.

Sealing of ballot boxes for advance poll

90. Upon the close of the advance poll each day, the deputy returning officer shall, and each candidate or agent present may, affix a seal to the ballot box in such a manner that no ballots can be deposited in it without breaking the seal, and the ballot box shall remain sealed until the close of the poll on the regular polling day.

Preparation of ballot boxes

95. The presiding officer at each polling place shall, just before the commencement of the poll, show each ballot box empty to such persons as may be present in the polling station, so that they may see that it is empty, and then the presiding officer shall

- (a) close it and place a seal upon it in such manner as to prevent its being opened without breaking the seal, and
- (b) place and keep it in their view, closed and sealed, for the receipt of ballot papers.

Duty of officers to receive the votes of electors

98. Subject to subsection 99(2), the deputy returning officer shall receive the vote of any person who is eligible to vote in the election.

Challenges

99.(1) If a person offering to vote is challenged by the deputy returning officer, by a candidate or the candidate's agent, or by an elector, the deputy returning officer shall require the person to swear or affirm an oath in the prescribed form.

(2) Despite sections 98 and 101, any person who is challenged and who refuses to take the oath or affirmation shall not be permitted to vote.

Entries respecting challenges

100.(1) Where an elector takes the oath or affirmation, the deputy returning officer shall enter, opposite the name of the elector in the list of electors, the word "sworn" or "affirmed".

(2) Where the vote of a person is objected to by a candidate or the candidate's agent, the deputy returning officer shall also

- (a) record the objection in the list of electors opposite the name of the elector using the words "objected to", and adding the name of the candidate, if the municipality is using a list of electors for the election, or
- (b) record in the poll book a notation to identify the voter who was objected to and the candidate who objected, if the municipality is not using a list of electors for the election.

Omission from electors list

101.(1) A person whose name does not appear on the revised list of electors of the municipality is entitled to vote if

- (a) the person files with the deputy returning officer an application for registration in the prescribed form, and
- (b) the person is otherwise qualified to have his or her name entered upon the list of electors or entered on the poll book or other recording system established.

(2) Where a person receives a ballot under subsection (1), the poll clerk shall record the fact in the same way that section 100 requires a challenge to be recorded.

Provision of ballot paper to elector

102.(1) Upon being satisfied that an applicant for a ballot paper is entitled to vote at the polling place where they apply for the ballot paper, the deputy returning officer or poll clerk shall give the applicant one of each of the ballot papers to which they are entitled.

(2) Despite subsection (1), where a municipality has a system of voter registration established under section 60, a person who applies for a ballot shall swear or affirm an oath of eligibility before being given any ballots.

(3) A suitable mark shall be made on the list of electors against or through the name of each elector to whom a ballot paper is supplied.

Voting procedure

103. (2) The elector shall then fold the ballot paper across to conceal the names of the candidates and any mark they have made on the face of the ballot paper, leave the compartment without delay and, having exhibited the folded ballot paper to the returning officer, deputy returning officer or poll clerk, shall, without exposing the front of the ballot paper to anyone, deposit it in the closed ballot box.

Electors requiring assistance

105.(1) If the deputy returning officer is satisfied that an elector's disability or inability to read prevents them from entering one of the compartments for voting or from marking or reading the ballot paper without help, then the deputy returning officer may permit the elector to mark the ballot in some other convenient location or the deputy returning officer or person designated by the elector may accompany the elector to a convenient place and mark the ballot paper on behalf of the elector as directed by the elector, according to what help the elector needs to vote.

(2) A person, other than an election official, assisting in the marking of an elector's ballot under this section shall be required to swear or affirm the prescribed oath.

(3) The deputy returning officer shall enter, opposite the name of the elector who is voting in the list of electors or poll book, the words "disability" or "unable to read."

(4) The deputy returning officer or other person assisting the elector shall fold the ballot paper as in other cases, carry out the other requirements of section 103, and deposit the ballot paper in the closed ballot box in the presence of the elector.

Witness for electors requiring assistance

106.(1) An elector who is unable to mark their ballot is entitled to have a person of their choice witness the marking of their ballot and **the deputy returning officer shall inform the elector of their rights under this section.**

(2) A person may act as a witness under subsection (1) only once at the same election and only after they have sworn or affirmed an oath in the prescribed form.

Ballot papers inadvertently spoiled

108. An elector who has spoiled their ballot paper so that it cannot be used to cast their vote may return it to the deputy returning officer and obtain a new ballot paper to replace the spoiled one. The deputy returning officer shall immediately cancel the spoiled ballot paper and keep it separate from other ballot papers.

Votes of deputy returning officers and poll clerks

109. Despite section 102, a deputy returning officer or poll clerk, if a qualified elector, may vote at the polling place to which he or she is appointed.

Alternate election officers

- 111.**(1) If the returning officer is unable to or fails to do something required by this Part, it may be done by
- (a) the alternate returning officer, if any, appointed by the council, or
 - (b) the designated municipal officer, if no alternate returning officer has been appointed.

(2) If a deputy returning officer is unable to or fails to do something required by this Part, it may be done by

- (a) an alternate returning officer appointed by the council, or
- (b) another deputy returning officer designated by the returning officer.

Disruption of elections

112.(1) If a nomination or poll is significantly interrupted or obstructed, the returning officer or deputy returning officer may move the nomination or polling to another place or adjourn it to a later time or to another day, and shall take reasonable steps to give notice of the move or adjournment.

(2) If nominations are concluded after an adjournment under this section, the poll may, if practicable, be put off for an equal number of days, and the new day shall be the day of polling under this Act.

Notice of adjournment of poll

113. Where a poll has been adjourned by a deputy returning officer, they shall promptly notify the returning officer, who shall not declare the results of the poll, or the name or names of the candidate or candidates elected, until the poll so adjourned has been finally closed.

Maintenance of order at elections

114.(1) From the time of nomination of candidates until the day following the final closing of the election, each returning officer and deputy returning officer is responsible for maintaining good order where election proceedings take place.

(2) For the maintenance of peace and good order at an election, a returning officer or deputy returning officer may require the assistance of the R.C.M.P. or other persons present, whether at the nominations, at a polling place, or any place where the votes are counted.

Regulation of polling stations

115. For maintaining order at a polling place a deputy returning officer may regulate the number of electors admitted at a time and may exclude all persons not entitled, permitted, or required by this Act to be present.

Removal of persons from polling places

117.(1) Where a person misconducts themselves in a polling place or fails to obey the lawful orders of the deputy returning officer, they may immediately, by order of the deputy returning officer, be removed from the polling place by the R.C.M.P., and the person so removed shall not, except with the permission of the deputy returning officer, be allowed to enter the polling place again during the day.

(2) The powers under subsection (1) shall not be exercised to prevent any elector otherwise entitled to vote from having an opportunity to vote.

Arrest of person disturbing election

118.(1) A deputy returning officer may by verbal order cause to be arrested and placed in the custody of the R.C.M.P., a person who is disturbing the peace and good order at an election.

(2) No such arrest or detention under subsection (1) exempts in any manner the person arrested from a penalty to which they may have become liable for anything contrary to this Act or otherwise.

Persons attending the counting of the votes

120. The deputy returning officer, their assistants, poll clerks, the candidates and one agent for each candidate for each poll, but no other person except with the approval of the deputy returning officer, may be in the polling place during the opening of the ballot boxes and counting of the votes.

Counting of the votes

121.(1) The deputy returning officer for each polling place shall, promptly after the close of the poll, open the ballot boxes in the presence of candidates or their agents, count the votes in the manner prescribed by section 122, and declare the result of the poll at the polling place.

(2) Despite subsection (1), no ballot box for an advance poll, institutional poll, or mobile poll shall be opened until after the final close of all polls on polling day.

(3) If the deputy returning officer finds any ballot in other than the appropriate ballot box, they shall transfer it to the appropriate ballot box.

(4) The deputy returning officer shall, in counting the votes, reject as invalid any ballot

(a) for a reason set out in this Act,

(b) having votes for more candidates than are to be elected,

(c) having a mark or otherwise having been dealt with in a manner by which the voter could be identified,

(d) that is unmarked,

(e) that has been marked so that it is not clear which candidate has been voted for, or

(f) that has not been supplied by the deputy returning officer.

(5) The deputy returning officer may appoint persons, in addition to any poll clerks, to assist in counting the votes, except the deputy returning officer shall personally deal with all ballot papers rejected or ballots objected to during the counting.

(6) If fewer than 20 ballots have been cast at the poll, those ballots shall be combined with the ballots from another poll before being counted.

Procedure for counting votes

122.(1) The deputy returning officer in counting the votes shall examine each ballot and call out in a distinct voice the name of the candidates for whom votes are recorded on the ballot, keeping a record of the votes given for each candidate.

(2) The ballots shall be opened and placed on a table with their printed or written faces upward, so that the candidates or their agents can see how the face of the ballots are marked.

(3) The deputy returning officer shall reject ballots for the reasons set out in subsection 121(4), and shall endorse "rejected" on each ballot rejected, adding to the endorsement "rejection objected to" if an objection is made to their decision by a candidate or agent.

Ballot accounts

123.(1) After completion of the count, the deputy returning officer shall make into separate packets, each sealed by the officer and by those agents of candidates desiring to do so,

(a) all ballots counted as valid to which no objection has been made,

(b) all ballots counted as valid to which objection has been made,

(c) all rejected ballots,

(d) all unused and spoiled ballot papers,

(e) the marked copies of the list of electors, all oaths and declarations, the poll book, and the counterfoils of the ballot papers, if any.

- (2) The deputy returning officer shall prepare and sign in duplicate a ballot account showing
- (a) the number of votes for each candidate and on each public vote at that polling place, and
 - (b) the number of ballot papers entrusted to the officer accounted for under the headings of "ballot papers received", "ballots counted as valid", "ballots counted as valid to which objection has been made", "ballots rejected", and "ballot papers unused or spoiled".

(3) The deputy returning officer shall place the sealed packets and an original ballot account in the ballot boxes used in the officer's polling place and lock or seal the boxes.

(4) The locked or sealed boxes and a separate duplicate of the ballot account shall be delivered to the returning officer in accordance with the returning officer's instructions.

Ballot and ballot box offences

163.(1) It is an offence for a person

- (a) to forge, counterfeit, fraudulently alter, deface or destroy a ballot paper,
- (b) without authority, to possess a ballot paper or supply a ballot paper to another person,
- (c) to fraudulently put into the ballot box any item other than a ballot paper that they are authorized to put in the box,
- (d) to fraudulently remove a ballot paper from a ballot box or polling place,
- (e) without authority, to destroy, take, open, or otherwise interfere with a ballot box or packet of ballots, or
- (f) without authority, to print a ballot paper or to print more ballot papers than authorized to print.

(2) **It is an offence for an election official to**

- (a) fraudulently put his or her initials, other than as authorized by this Act, on the back of any paper purporting to be a ballot paper,
- (b) place on any ballot paper, except as authorized by this Act, any writing, number or mark, or
- (c) to neglect or refuse to discharge any duty under this Part.

6. POLL CLERK

The following excerpts from the *Municipal Act* describe the duties of the Poll Clerk during the polls. Poll Clerks might also have other duties as assigned by the Deputy Returning Officer.

Recording of voters for advance poll

88. The poll clerk at each advance polling place shall record in the poll book in the column headed "remarks" after the name of each person who votes, a notation that the person has voted.

Entries respecting challenges

100.(1) Where an elector takes the oath or affirmation, the deputy returning officer shall enter, opposite the name of the elector in the list of electors, the word "sworn" or "affirmed".

(2) Where the vote of a person is objected to by a candidate or the candidate's agent, the deputy returning officer shall also

- (a) record the objection in the list of electors opposite the name of the elector using the words "objected to", and adding the name of the candidate, if the municipality is using a list of electors for the election, or
- (b) record in the poll book a notation to identify the voter who was objected to and the candidate who objected, if the municipality is not using a list of electors for the election.

Omission from electors list

101.(1) A person whose name does not appear on the revised list of electors of the municipality is entitled to vote if

- (a) the person files with the deputy returning officer an application for registration in the prescribed form, and
- (b) the person is otherwise qualified to have his or her name entered upon the list of electors or entered on the poll book or other recording system established.

(2) Where a person receives a ballot under subsection (1), the poll clerk shall record the fact in the same way that section 100 requires a challenge to be recorded.

Provision of ballot paper to elector

102.(1) Upon being satisfied that an applicant for a ballot paper is entitled to vote at the polling place where they apply for the ballot paper, the deputy returning officer or poll clerk shall give the applicant one of each of the ballot papers to which they are entitled.

(2) Despite subsection (1), where a municipality has a system of voter registration established under section 60, a person who applies for a ballot shall swear or affirm an oath of eligibility before being given any ballots.

(3) A suitable mark shall be made on the list of electors against or through the name of each elector to whom a ballot paper is supplied.

Voting procedure

103.(1) The elector, on receiving a ballot paper, shall promptly proceed into one of the compartments provided and, while screened from observation, shall mark their ballot paper by making a cross or other mark in the blank space opposite the name of the candidate or candidates for whom they vote, or by making a cross or other mark in the blank space provided for the purpose of indicating whether or not they are in favour of a public vote.

(2) The elector shall then fold the ballot paper across to conceal the names of the candidates and any mark they have made on the face of the ballot paper, leave the compartment without delay and, having exhibited the folded ballot paper to the returning officer, deputy returning officer or poll clerk, shall, without exposing the front of the ballot paper to anyone, deposit it in the closed ballot box.

(3) After depositing their ballot paper, the elector shall promptly leave the polling place.

Mistaken identity

107.(1) If a person, representing himself or herself to be a particular elector, applies for a ballot paper after another person has voted as that elector, the applicant, on swearing or affirming the oath required under section 99, is entitled to receive a ballot paper and to vote.

(2) Where a person receives a ballot paper under subsection (1), the poll clerk shall record the fact in the same way that section 100 requires a challenge to be recorded.

Votes of deputy returning officers and poll clerks

109. Despite section 102, a deputy returning officer or poll clerk, if a qualified elector, may vote at the polling place to which he or she is appointed.

Persons attending the counting of the votes

120. The deputy returning officer, their assistants, poll clerks, the candidates and one agent for each candidate for each poll, but no other person except with the approval of the deputy returning officer, may be in the polling place during the opening of the ballot boxes and counting of the votes.

Counting of the votes

121.(1) The deputy returning officer for each polling place shall, promptly after the close of the poll, open the ballot boxes in the presence of candidates or their agents, count the votes in the manner prescribed by section 122, and declare the result of the poll at the polling place.

(5) The deputy returning officer may appoint persons, in addition to any poll clerks, to assist in counting the votes, except the deputy returning officer shall personally deal with all ballot papers rejected or ballots objected to during the counting.

Ballot and ballot box offences

163.(1) It is an offence for a person

- (a) to forge, counterfeit, fraudulently alter, deface or destroy a ballot paper,
- (b) without authority, to possess a ballot paper or supply a ballot paper to another person,
- (c) to fraudulently put into the ballot box any item other than a ballot paper that they are authorized to put in the box,
- (d) to fraudulently remove a ballot paper from a ballot box or polling place,
- (e) without authority, to destroy, take, open, or otherwise interfere with a ballot box or packet of ballots, or
- (f) without authority, to print a ballot paper or to print more ballot papers than authorized to print.

(2) It is an offence for an election official to

- (a) fraudulently put his or her initials, other than as authorized by this Act, on the back of any paper purporting to be a ballot paper,
- (b) place on any ballot paper, except as authorized by this Act, any writing, number or mark, or
- (c) to neglect or refuse to discharge any duty under this Part.

7. BOARD OF REVISION

The following excerpts from the *Municipal Act* describe the duties of the Board of Revision.

Board of Revision

63.(1) The council shall establish a Board of Revision of an odd number of members for the municipality and shall appoint its members, but a member of the council or an employee of the municipality shall not be a member of the Board of Revision. The members shall hold office during pleasure.

(2) If the Board has three or more members, they shall select one of their members to be chair of the Board.

(3) Each member of the Board of Revision shall, before entering upon their duties, take and subscribe the oath or affirmation in the prescribed form.

(4) The council shall, by resolution, prescribe a fee to be paid to members of the Board of Revision.

Chair, quorum, and sittings of the Board

64.(1) The Board of Revision shall be presided over by the chair, or in the chair's absence by an acting chair chosen from among the members present.

(2) The municipality must supply a person to record the proceedings of the Board of Revision.

(3) A majority of the members of the Board of Revision constitutes a quorum of the Board and if a quorum is not present, the Board shall stand adjourned to the next day, not a holiday, and from day to day thereafter until there is a quorum.

(4) The Board of Revision shall sit on the day before the fourth Thursday in September each election year for a continuous period of not less than two hours and not more than twelve hours to be determined by the council. *(Amended by SY 2003)*

(5) The council may, by bylaw, require the Board of Revision to sit at other times in addition to the time mentioned in subsection (4) so as to transact its business for a by-election.

Notice of revision hearings

65. Notice of the time and place fixed for the sitting of the Board of Revision shall be issued, published, and posted by the designated municipal officer at least 10 days before the day fixed for the sitting of the Board in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors.

Delivery of list to the Board

66. The designated municipal officer shall, at least 48 hours before the day fixed for revision of the preliminary list of electors, deliver to each of the members of the Board of Revision a copy of the preliminary list of electors.

Applications for revision of the list

67.(1) Any person who is eligible to vote at an election may apply to the Board of Revision to revise the preliminary list of electors on the grounds that the name of

- (a) an eligible voter is omitted from it,
- (b) an eligible voter is incorrectly described in it,
- (c) a person who is not eligible to vote is described in it, or
- (d) an eligible voter is included in it contrary to the wishes of the eligible voter. *(Amended by SY 2003)*

(2) The council may, by bylaw, appoint an agent to make any application to the Board of Revision that a person who is eligible to vote at the election could make.

Application procedure

68.(1) An application under section 67 must be made on or before the third Thursday in September by leaving the application for revision with the designated municipal officer.

- (2) The application for revision of the preliminary list of electors shall fully set out
- (a) the name of the person in respect of whom the application is made,
 - (b) the nature of the revision that is sought,
 - (c) the grounds upon which the application is made, and
 - (d) the name, residence, mailing address, and signature of the person making the application. *(Amended by SY 2003)*

(3) Despite subsection (1), a person may apply to the Board of Revision in person on the day of the sitting of the Board for a revision affecting their name only.

(4) A person who makes an application in person at the hearing must sign the application.

(5) If an application is made by a person for the adding or deleting of another person's name from the preliminary list, a notice shall be sent to that person by ordinary mail to the address shown on the preliminary list of electors, or any other record of the municipality.

Revision of the list

69.(1) The Board of Revision shall consider all applications made under section 67.

(2) If on any application the Board of Revision is satisfied that the preliminary list of electors should be corrected, then the Board of Revision shall revise the preliminary list of electors accordingly.

(3) Where the name of a person qualified to vote is incorrectly spelled, duplicated, or improperly described in the preliminary list of electors, the Board of Revision may correct such spelling, duplication or description despite the absence of any notice or application required by this Act.

(4) If a person's name is removed from or added to the preliminary list of electors, or is changed on the list, in response to the application of some other person, the designated municipal officer shall give notice to the person whose name was removed or added or changed.

(5) The notice required by subsection (4) may be given by ordinary mail addressed to the address shown on the preliminary list of electors, or any other record of the municipality, for the person who is entitled to be given the notice.

Revised list of electors

70.(1) All corrections and revisions made in the preliminary list of electors by the Board of Revision shall be shown legibly on it, and the preliminary list of electors so corrected and revised shall be certified by the Board of Revision as being the revised list of electors for the municipality.

(2) The revised list of electors shall be the list of qualified electors for municipal elections.

Delivery of the revised list

71. The chair of the Board of Revision shall deliver a copy of the revised list of electors to the designated municipal officer and to the returning officer on or before the first Thursday of October.

**TOWN OF TEENAH LAKE
BYLAW #2012-12**

A Bylaw to regulate the conduct of the Municipal Election

WHEREAS Section 53 of the *Municipal Act*, being Chapter 154 of the Statutes of the Yukon (2002) and amendments thereto, provides that Council may by bylaw regulate the conduct of an election;

NOW THEREFORE pursuant to the provisions of the *Municipal Act* of the Yukon Territory, the Council of the Town of Teenah Lake, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "Municipal Election Bylaw".

INTERPRETATION

2. In this bylaw,
 - (1) "clerk" means the Designated Municipal Officer of the Town of Teenah Lake.
 - (2) "council" means the Council of the Town of Teenah Lake.
 - (3) "elector" means a person qualified to vote in a municipal election pursuant to the Municipal Act
 - (4) "town" means the Town of Teenah Lake.

ELECTION OFFICIALS

3.
 - (1) Jane Doe is hereby appointed Returning Officer.
 - (2) The Returning Officer appointed by Council hereby has delegated authority to appoint Deputy Returning Officers and Poll Clerks as necessary.
 - (3) Election officials shall, during their employment, refrain from any active or public support or criticism of any candidate.

NOMINATIONS

4.
 - (1) Council chambers located in the Town office are hereby designated as the place for nomination proceedings.
 - (2) Nomination Day is September 27, 2012.
 - (3) Nominations will be received by the Returning Officer no later than 12 o'clock noon on Thursday, September 27, 2012.

PLACES AND HOURS OF POLLS

5.
 - (1) The advance polling place and the regular polling place shall be established in the Teenah Lake Community Centre.
 - (2) The advance poll shall be held Thursday, October 11, 2012, and the hours of the poll shall be from 8:00 a.m. to 8:00 p.m.
 - (3) The regular poll shall be held Thursday, October 18, 2012, and the hours of the poll shall be from 8:00 a.m. to 8:00 p.m.

FEES

6. The following rates shall be paid to persons acting as election officials, other than full time officers or employees of the Town of Teenah Lake:

Returning Officer	\$ xx.xx per hour
Deputy Returning Officer	\$ xx.xx per hour
Poll Clerk	\$ xx.xx per hour
Board of Revision Member	\$ xx.xx per hour

REPEAL

7. Bylaw #2009-12 is hereby repealed.

ENACTMENT

8. This Bylaw shall come into full force and effect upon the passing thereof.

READ A FIRST TIME THIS _____ DAY OF _____, 2012.

READ A SECOND TIME THIS _____ DAY OF _____, 2012.

READ A THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2012.

MAYOR

DESIGNATED MUNICIPAL OFFICER

2012 GENERAL MUNICIPAL ELECTIONS

ELECTION CALENDAR

Feb - Sept.
Section 59

... the Designated Municipal Officer shall prepare, within the eight months preceding the date of the election, a preliminary list of electors.

May or June
Section 61

Council **may**, by bylaw, provide for

- (a) a system of **enumeration** of persons entitled to vote at an election, or
- (b) a system of **registration** of persons entitled to vote at an election which shall include the prescribed oath required to be signed by each person applying to vote.

The Returning Officer could be appointed at this time to oversee the enumeration process.

August
Section 53

Council **may** by bylaw

- (a) divide the municipality into polling divisions,
- (b) subject to this Act, regulate the conduct of an election,
- (c) establish polling places in hospitals, old age homes or similar institutions, and set special hours for when these polls shall be open, and
- (d) establish one or more mobile polls which may attend at hospitals, extended care facilities, or other facilities where voters are confined, or at the residences of electors incapable of attending at a poll by reason of physical incapacity, and set special hours for when the poll shall be in attendance at the various institutions and other places that the bylaw requires the poll to attend.

On or before
Sept. 6
Section 56

The Council **shall** by bylaw on or before the first Thursday in September in each election year and at other times as required

- (a) appoint a returning officer to be responsible for the administration of the election or public vote,
- (b) establish the place for making nominations,
- (c) establish places that are reasonably accessible to electors who are physically incapacitated at which polls will be held if a poll is required and, subject to section 85, set hours during which polls shall be open,
- (d) appoint deputy returning officers as required, or delegate to the returning officer the power to appoint deputy returning officers, and
- (e) otherwise arrange for the holding of the election or public vote.

As part of the election bylaw:
Section 63

- (1) The council shall **establish a Board of Revision** of an odd number of members for the municipality and shall appoint its members, but a member of the council or an employee of the municipality shall not be a member of the Board of Revision. The members shall hold office during pleasure.
- (2) If the Board has three or more members, they shall select one of their members to be chair of the Board.
- (3) Each member of the Board of Revision shall, before entering upon their duties, take and subscribe the oath or affirmation in the prescribed form.
- (4) The council shall, by resolution, **prescribe a fee** to be paid to members of the Board of Revision.

Sept. 13
Section 62

A designated municipal officer shall on the second Thursday in September in each election year **post a copy of the preliminary list** of electors on the notice board or usual place for public notices in the municipal office, and

- (a) if the municipality is not divided into polling divisions, in at least 3 conspicuous places in the municipality, or
- (b) if the municipality is divided into separate polling divisions, in at least 2 conspicuous places in each polling division.

The designated municipal officer shall publish a notice that the preliminary list has been so posted by advertising in the local media or by any other method appropriate in the particular community, as prescribed by bylaw, and the preliminary list shall remain posted until the sitting of the Board of Revision.

Sept. 14
Section 65

Notice of the time and place fixed for the sitting of the Board of Revision shall be issued, published, and posted by the designated municipal officer **at least 10 days before** the day fixed for the sitting of the Board in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors.

On or before Sept. 20
Section 74

Notice of the time and places fixed for holding nomination proceedings (the nomination notice) shall be issued by the returning officer in the prescribed form and shall be published and posted by the returning officer **at least seven days before** nomination day in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors.

- On or before Sept. 20**
Section 68(1) An application under section 67 (*refers to Applications for Revision of the List of Electors*) must be made on or before the third Thursday in September by leaving the **application for revision** with the designated municipal officer.
- Sept. 24**
Section 66 The designated municipal officer shall, at least 48 hours before the day fixed for revision of the preliminary list of electors, **deliver to each of the members of the Board of Revision** a copy of the preliminary list of electors.
- Sept. 26**
Section 64 **The Board of Revision shall sit** on the day before the fourth Thursday in September each election year for a continuous period of not less than two hours and not more than twelve hours to be determined by the council.
- Sept. 27**
Section 75 **Nominations** for the offices of mayor and councilor must be made between the first day on which the nomination notice referred to in section 74 is published or posted and noon of the fourth Thursday in September.
- Oct. 4**
Section 85 **Notice of an advance poll** shall be given in the form and in the manner provided in section 84.
- On or before Oct. 4**
Section 71 The **chair of the Board of Revision shall deliver a copy of the revised list of electors** to the designated municipal officer and to the returning officer on or before the first Thursday of October.
- Oct. 4**
Section 73 The returning officer shall, by the first Thursday in October each election year, **post the revised list of electors** and publish notice of the posting of copies of the revised list of electors in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors. The copies of the revised list of electors shall remain so posted until the day after polling day.
- Oct. 11**
Section 84 The **notice of poll** referred to in subsection (1) shall be published and posted by the returning officer at least 7 days before polling day in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors.
- Oct. 11**
Section 87 The poll at each **advance polling place** established under paragraph 85(1) (a) shall be open on the second Thursday in October from 8:00 a.m. to 8:00 p.m. The council may set extended hours during which one or more polls shall be open, but the extended hours must fall between 7:00 a.m. and 11:00 p.m.

Oct. 18
Section 75

If it is necessary to hold a poll, ***polling day*** shall be the third
Thursday of October.

NOTE: Activities relating to the Voters' List or the Board of Revision would not be done in those municipalities that have passed a bylaw adopting the Registration System.

2012 GENERAL MUNICIPAL ELECTIONS

LEGISLATED DATES

<u>DATE</u>	<u>MUNICIPAL ACT SECTION</u>	<u>DESCRIPTION</u>
Sept. 6	56	Bylaw to be passed by this date to appoint Returning Officer and establish other election arrangements
Sept. 13	62	Preliminary List of Electors to be posted and advertised
Sept. 14	65	Notice of Hearing, Board of Revision to be posted and advertised by this date
Sept. 20	74	Notice of Nomination Day to be posted and advertised
Sept. 20	68(1)	Application to Board of Revision: deadline for written applications
Sept. 26	64(4)	Board of Revision: sits to review all applications to revise the electors' list
Sept. 27	75	Nomination Day: noon is the deadline for submission of nominations to the Returning Officer or municipal officer
October 4	84(2), 85(2)	Notice of Advance Poll to be posted and advertised
October 4	73	Revised List of Electors to be posted and advertised
October 11	84(2)	Notice of Poll to be posted and advertised
October 11	87	Advance Poll
October 18	52	POLLING DAY

Note:

Activities in shaded areas are not required to be done in the case of a Town that has adopted a registration system for the election in lieu of an electors' list, as per s. 60 of the Municipal Act.

PART 3

ELECTIONS

Division 1 – Electors

Qualifications of electors

48. Unless otherwise disqualified, every person is entitled to vote at an election in a municipality who

- (a) is a Canadian citizen,
- (b) is the age of 18 years or older on the day on which the poll is taken, and
- (c) is a resident of the municipality and has resided in the municipality for the period of one year immediately preceding the day on which the poll is taken.

Residence of voters

49. For the purposes of establishing the residence of a person under section 48, the following rules apply:

- (a) the residence of a person is the place where the person lives and sleeps and to which, when absent, the person intends to return,
- (b) a person does not lose his or her residence by leaving the residence for temporary purposes only,
- (c) the place where a person's family resides is considered to be the person's place of residence unless the person takes up or continues living at some other place with the intention of remaining there, in which case, the person is considered to be a resident of the other place, and
- (d) a person may have only one residence for the purposes of this Part.

Division 2 – Qualifications for Candidates

Qualifications for election

50.(1) A person may be nominated as a candidate and elected to a municipal council only if

- (a) they meet the requirements to vote in a municipal election under section 48, and
- (b) they are not disqualified by reason of
 - (i) having been convicted of an offence referred to in subsection 164(3),
 - (ii) being a judge of a court,
 - (iii) being indebted to the municipality for an overdue debt exceeding \$500 other than a debt for current taxes,
 - (iv) being disqualified by another provision of this or any other Act.

(2) An employee of a municipality is eligible to be a candidate and to be elected as a member of the council of the municipality, if they take a leave of absence under section 51.

(3) In this section, the expression "judge of a court" does not include a justice of the peace, a youth court judge,

or a deputy judge of the Small Claims Court.

Leave of absence of employee or salaried officer

51.(1) In this section, "employee" includes a salaried officer.

(2) A municipality shall grant a leave of absence without pay to an employee of the municipality who requests leave to seek nomination or election as a candidate for mayor or councillor of the municipality.

(3) An employee who has been granted a leave of absence under subsection (2) may speak, write, or work on their own behalf but the employee shall not

(a) reveal any information that they obtained or that came to their knowledge solely by virtue of their employment by the municipality, or

(b) publicly criticise or oppose any municipal policy that they have been instrumental in formulating while an employee.

(4) The leave of absence referred to in subsection (2) shall commence on or before the nomination day for the offices of mayor and councillor as set out in section 75.

(5) The leave of absence referred to in subsection (2) shall terminate 48 hours following the official declaration of the result of the election.

(6) An employee of a municipality who has been granted a leave of absence under subsection (2) and who has been elected as mayor or councillor of the municipality must resign from their employment by the municipality effective immediately on the termination of the leave of absence.

(7) Every person who violates subsection (3) commits an offence.

(Added by SY 1999, c. 19, s. 5)

Division 3 - Election Proceedings

General election of council

52. Each municipality shall hold a general election every three years on the third Thursday of October, starting in the year 2000.

Bylaws regulating elections

see sample Election Bylaw, Tab #4

53. Council may by bylaw

(a) divide the municipality into polling divisions,

(b) subject to this Act, regulate the conduct of an election,

(c) establish polling places in hospitals, old age homes or similar institutions, and set special hours for when these polls shall be open, and

(d) establish one or more mobile polls which may attend at hospitals, extended care facilities, or other facilities where voters are confined, or at the residences of electors incapable of attending at a poll by reason of physical incapacity, and set special hours for when the poll shall be in attendance at the various institutions and other places

that the bylaw requires the poll to attend.

Provision for wards

54. The council may, by bylaw made with the approval of the Minister, provide that all or some of the members of the council be elected on an area or ward basis.

Constitution of wards

55. For the purposes of section 54, a single area or ward may consist of one or more defined areas whether or not the areas are contiguous.

Commencement of election procedure

see sample Election Bylaw, Tab #4

56.(1) The council shall by bylaw on or before the first Thursday in September in each election year and at other times as required

- (a) appoint a returning officer to be responsible for the administration of the election or public vote,
- (b) establish the place for making nominations,
- (c) establish places that are reasonably accessible to electors who are physically incapacitated at which polls will be held if a poll is required and, subject to section 85, set hours during which polls shall be open,
- (d) appoint deputy returning officers as required, or delegate to the returning officer the power to appoint deputy returning officers, and
- (e) otherwise arrange for the holding of the election or public vote.

(2) The council may appoint an alternate returning officer.

see Form at page 1, Tab #5 for
"Appointment/Oath of Election Officer"

Powers of returning officers and deputies

57.(1) The returning officer can perform all the duties and powers of a deputy returning officer and if there is no deputy appointed he or she shall perform the deputy's duties.

(2) A returning officer or deputy returning officer appointed to attend at a polling place has the power to ask the questions and receive the declarations or oaths authorized by law to be asked of and made by electors.

Division 4 - Special Ballots

Qualifications and procedure

see Form at page 2, Tab #5
"Special Ballot Application & Oath"

58.(1) A person may be entitled to vote by special ballot if they are eligible to vote under this Act and apply to the returning officer to vote by special ballot and are:

- (a) housebound,
- (b) unable to vote at an advance or regular poll by reason of their employment, business, or profession,
- (c) a student or spouse of a student in an educational institution which is outside the municipality in which the

student and spouse are qualified to vote,

(d) a person who might be at personal risk if they appear in person to vote, or

(e) going to be absent from the municipality on polling days.

(2) A person may request from a returning officer an application for a special ballot anytime after the first day in September or after another date as determined by council. (*Amended by SY 2003*)

(3) Anytime after the close of nominations a returning officer receiving an application for a special ballot may issue a special ballot to a person who is eligible to vote and who qualifies to vote by special ballot.

(4) In order to be counted, a special ballot must be returned before two o'clock in the afternoon of polling day to the returning officer of the municipality where the elector is qualified to vote.

(5) A person who applies and receives a special ballot cannot take the ballot paper to the polling station on polling day and vote in person using that special ballot.

(6) The returning officer shall provide a list of the names of persons who applied for and received special ballots, to the candidates, the returning officer and deputy returning officers at each poll, immediately before the opening of the polls.

Electors requiring confidentiality

58.1(1) An elector who believes that disclosure of his or her name or address would expose the elector to personal risk may apply at any time after the time established under subsection 58(2) to the returning officer to vote by special ballot even though the elector's name does not appear on the list of electors for the municipality in which the elector is qualified to vote.

(2) An application under subsection (1) shall state the elector's reason for applying to vote by special ballot under this section.

(3) If a special ballot is issued under this section, particulars of the elector shall be omitted from

(a) the list of electors; and

(b) lists and documents delivered to any candidate.

(4) A candidate may request from the returning officer the number of special ballots issued under this section.

(*Added by SY 2003*)

Division 5 - List of Electors

Preliminary list

59.(1) Where a municipality is not divided into separate polling divisions, in each election year the designated municipal officer shall prepare within the eight months preceding the date of the election a preliminary list of electors.

(2) Where a municipality is divided into polling divisions, in each election year the designated municipal officer shall prepare within the eight months preceding the date of the election a separate preliminary list of electors for each polling division.

(3) Where a by-election occurs and the list of electors has not been revised within the eight months preceding

the date of the by-election, the council shall cause the list of electors to be revised in accordance with the provisions of this Act.

(4) Despite subsection (3), the council may cause the list of electors to be revised in accordance with provisions of this Act where a by-election occurs within the eight months following the last revision.

(5) Subject to subsection (6), the preliminary list of electors shall set out in alphabetical order, by surname and first initial, the names together with the address of the person's residence and mailing address, if different, as far as reasonably practicable, of all persons entitled to vote. *(Amended by SY 2003)*

(6) An elector may request at any time before the publication of the preliminary list of electors that the designated municipal officer not publish his or her name and address if the elector believes that publishing the elector's name will expose him or her to personal risk. *(Added by SY 2003)*

List not required

see sample Registration Bylaw, Tab #4

60.(1) Despite section 59, a town, if it so desires, may by bylaw

(a) dispense with the requirement of a list of electors for an election, and

(b) prescribe procedures and forms governing the conduct of elections otherwise consistent with this Act.

(2) Sections 62 to 73 and subsection 130(2) do not apply to a town which has passed a bylaw under subsection (1).

Enumeration or registration of voters

see sample Enumeration Bylaw, Tab #4

61.(1) The council may, by bylaw, provide for

(a) a system of enumeration of persons entitled to vote at an election, or

(b) a system of registration of persons entitled to vote at an election which shall include the prescribed oath required to be signed by each person applying to vote.

(2) The council may enter into an agreement with the chief electoral officer of the Yukon or Canada to obtain data to be used in the preparation of a list of electors.

Posting of the list

**see Form at page 3, Tab #5
"Preliminary List of Electors"**

62.(1) A designated municipal officer shall on the second Thursday in September in each election year post a copy of the preliminary list of electors on the notice board or usual place for public notices in the municipal office, and

(a) if the municipality is not divided into polling divisions, in at least 3 conspicuous places in the municipality, or

(b) if the municipality is divided into separate polling divisions, in at least 2 conspicuous places in each polling division.

(2) The designated municipal officer shall publish a notice that the preliminary list has been so posted by advertising in the local media or by any other method appropriate in the particular community, as prescribed by bylaw, and the preliminary list shall remain posted until the sitting of the Board of Revision.

Board of Revision

see Form at page 4, Tab #5
"Oath of a Member of the Board of Revision"

63.(1) The council shall establish a Board of Revision of an odd number of members for the municipality and shall appoint its members, but a member of the council or an employee of the municipality shall not be a member of the Board of Revision. The members shall hold office during pleasure.

(2) If the Board has three or more members, they shall select one of their members to be chair of the Board.

(3) Each member of the Board of Revision shall, before entering upon their duties, take and subscribe the oath or affirmation in the prescribed form.

(4) The council shall, by resolution, prescribe a fee to be paid to members of the Board of Revision.

Chair, quorum, and sittings of the Board

64.(1) The Board of Revision shall be presided over by the chair, or in the chair's absence by an acting chair chosen from among the members present.

(2) The municipality must supply a person to record the proceedings of the Board of Revision.

(3) A majority of the members of the Board of Revision constitutes a quorum of the Board and if a quorum is not present, the Board shall stand adjourned to the next day, not a holiday, and from day to day thereafter until there is a quorum.

(4) The Board of Revision shall sit on the day before the fourth Thursday in September each election year for a continuous period of not less than two hours and not more than twelve hours to be determined by the council.
(Amended by SY 2003)

(5) The council may, by bylaw, require the Board of Revision to sit at other times in addition to the time mentioned in subsection (4) so as to transact its business for a by-election.

Notice of revision hearings

see Form at page 5, Tab #5
"Board of Revision Notice of Hearing"

65. Notice of the time and place fixed for the sitting of the Board of Revision shall be issued, published, and posted by the designated municipal officer at least 10 days before the day fixed for the sitting of the Board in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors.

Delivery of list to the Board

66. The designated municipal officer shall, at least 48 hours before the day fixed for revision of the preliminary list of electors, deliver to each of the members of the Board of Revision a copy of the preliminary list of electors.

Applications for revision of the list

see Form at page 6, Tab #5
"Notice of Application for Revision"

67.(1) Any person who is eligible to vote at an election may apply to the Board of Revision to revise the preliminary list of electors on the grounds that the name of

(a) an eligible voter is omitted from it,

(b) an eligible voter is incorrectly described in it, or

(c) a person who is not eligible to vote is described in it, or

(d) an eligible voter is included in it contrary to the wishes of the eligible voter. *(Amended by SY 2003)*

(2) The council may, by bylaw, appoint an agent to make any application to the Board of Revision that a person who is eligible to vote at the election could make.

Application procedure

68.(1) An application under section 67 must be made on or before the third Thursday in September by leaving the application for revision with the designated municipal officer.

(2) The application for revision of the preliminary list of electors shall fully set out

(a) the name of the person in respect of whom the application is made,

(b) the nature of the revision that is sought,

(c) the grounds upon which the application is made, and

(d) the name, residence, mailing address, and signature of the person making the application.

(Amended by SY 2003)

(3) Despite subsection (1), a person may apply to the Board of Revision in person on the day of the sitting of the Board for a revision affecting their name only.

(4) A person who makes an application in person at the hearing must sign the application.

(5) If an application is made by a person for the adding or deleting of another person's name from the preliminary list, a notice shall be sent to that person by ordinary mail to the address shown on the preliminary list of electors, or any other record of the municipality.

Revision of the list

69.(1) The Board of Revision shall consider all applications made under section 67.

(2) If on any application the Board of Revision is satisfied that the preliminary list of electors should be corrected, then the Board of Revision shall revise the preliminary list of electors accordingly.

(3) Where the name of a person qualified to vote is incorrectly spelled, duplicated, or improperly described in the preliminary list of electors, the Board of Revision may correct such spelling, duplication or description despite the absence of any notice or application required by this Act.

(4) If a person's name is removed from or added to the preliminary list of electors, or is changed on the list, in response to the application of some other person, the designated municipal officer shall give notice to the person whose name was removed or added or changed.

(5) The notice required by subsection (4) may be given by ordinary mail addressed to the address shown on the preliminary list of electors, or any other record of the municipality, for the person who is entitled to be given the notice.

Revised list of electors

see Form at page 7, Tab #5
"Revised List of Electors - Certificate of Board of Revision"

70.(1) All corrections and revisions made in the preliminary list of electors by the Board of Revision shall be shown legibly on it, and the preliminary list of electors so corrected and revised shall be certified by the Board of Revision as being the revised list of electors for the municipality.

(2) The revised list of electors shall be the list of qualified electors for municipal elections.

Delivery of the revised list

71. The chair of the Board of Revision shall deliver a copy of the revised list of electors to the designated municipal officer and to the returning officer on or before the first Thursday of October.

Copies of the list

72. The designated municipal officer shall cause to be printed as many copies of the revised list of electors as the returning officer considers necessary.

Posting of the revised list

see Form at page 8, Tab #5
"List of Electors"

73. The returning officer shall, on or before the first Thursday in October each election year, post the revised list of electors and publish notice of the posting of copies of the revised list of electors in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors. The copies of the revised list of electors shall remain so posted until the day after polling day. (*Amended by SY 2003*)

Division 6 - Nomination

Notice respecting nomination proceedings

see Form at page 9, Tab #5
"Notice of Nominations"

74. Notice of the time and places fixed for holding nomination proceedings (the nomination notice) shall be issued by the returning officer in the prescribed form and shall be published and posted by the returning officer at least seven days before nomination day in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors.

Nomination day and polling day

75.(1) Nominations for the offices of mayor and councillor must be made between the first day on which the nomination notice referred to in section 74 is published or posted and noon of the fourth Thursday in September.

(2) If it is necessary to hold a poll, polling day shall be the third Thursday of October.

Nomination requirements

76.(1) No person shall be nominated as a candidate unless they

(a) are qualified to be elected under section 50,

(b) have been nominated in writing by at least 10 electors, and

(c) have delivered or caused to be delivered to the designated municipal officer or returning officer between the time of the nomination notice and 12 o'clock noon on nomination day, a nomination paper in the prescribed

form, together with a declaration administered by the returning officer, designated municipal officer or notary public in the prescribed form.

(2) A nomination paper may be faxed to the returning officer or designated municipal officer.

Nomination Papers

**see Form at page 10, Tab #5
"Nomination Paper"**

77.(1) A nomination paper shall contain

(a) the name and address of the person being nominated,

(b) a physical address to which documents may be delivered to a person who is nominated,

(c) the written consent of the person being nominated,

(d) a statement and solemn declaration by the person being nominated that they are qualified under paragraph 50(1)(a) and not otherwise disqualified under paragraph 50(1)(b), and

(e) a statement in the prescribed form signed by the nominators in which they declare that they are electors and that they nominate the candidate for election to the office.

(f) insofar as is consistent with the principles of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Act*, a statement in the prescribed form signed by the person being nominated in which they disclose all their convictions within the preceding 10 years for indictable offences under the *Criminal Code* for which they have not received a pardon.

(2) An elector may sign as many nomination papers as there are candidates to be elected, but each candidate must be nominated by a separate nomination paper.

(3) The returning officer shall, if requested to do so, give a receipt to the person who delivers a nomination paper with the accompanying declaration.

Proceedings on nomination day

78.(1) The returning officer shall be present between the hours of 10:00 a.m. and 12 o'clock noon on nomination day at the place appointed by the council for the holding of nomination proceedings, and shall as soon as practicable after 12 o'clock noon announce the names of all electors who have been nominated as candidates in accordance with the provisions of this Act.

(2) The returning officer shall not permit any speeches or interruptions during the nomination proceedings referred to in subsection (1).

Election, acclamation and filling of vacancies

79.(1) At the conclusion of nomination proceedings,

(a) if the number of candidates for the vacant offices exceeds the number of vacancies, the returning officer shall proceed to hold a poll under this Act, and

(b) if the number of candidates for the vacant offices equals or is less than the number of vacancies, the returning officer shall declare each candidate elected by acclamation if the time for a challenge under subsection 82 (2) has expired and the candidate's nomination has not been challenged.

(2) If there are, on nomination day, fewer persons nominated as candidates for office than there are members to be elected,

(a) an additional six days will be allowed for nominating candidates,

(b) the Minister shall forthwith consult the council, and may consult other persons in the community, about who are suitable persons to be nominated or appointed to council and may encourage electors to nominate candidates or to consent to be nominated, and

(c) if after the end of the additional six days not enough persons have been nominated to fill the remaining vacancies or to require an election, the Minister may appoint to council as many electors as are needed.

(3) A person appointed under subsection (2) shall, if they accept office, make every disclosure that is required of a person nominated for election and shall make the prescribed declaration and take the oaths of office and allegiance under the same provisions as if they had been elected.

see Forms on pages 22 & 23, Tab #5 "Oath of Office" & "Oath of Allegiance"

Death of candidate

80.(1) If, after a poll is announced, a candidate dies after the close of nominations and before the close of the poll, the returning officer shall, on being satisfied of the death, countermand the notice of poll and commence a new election.

(2) Another nomination shall be held on the day and at the place and time, within 11 days from the date the poll was to have been held, as the council may by resolution determine, and the council shall also fix the time and places for the poll. The poll shall take place on the 7th day following the close of nominations.

(3) The council shall give the notice it considers best to inform the electors of the days, times and places fixed for the nomination and election.

(4) A fresh nomination is not necessary for a candidate nominated at the time of the countermand of the poll.

Withdrawal of nomination

81. A candidate may withdraw their nomination by filing a written notice of withdrawal with the returning officer within 96 hours after the close of nominations.

Challenge of nomination

82.(1) A nomination may only be challenged by an application to the Supreme Court in accordance with this section.

(2) An application to challenge a nomination may only be made within two days after the close of nominations.

(3) A challenge may be made only by a person who is an elector of the municipality.

(4) A challenge may be made only on one or more of the following grounds:

(a) that the person is not qualified to be nominated or elected,

(b) that the nomination was not made in accordance with this Division,

(c) that the usual name given for the nominee in the nomination paper is not the nominee's usual name and the

difference is likely to mislead electors,

(d) that the person is not nominated by at least 10 electors named in the nomination paper.

(5) If a person is nominated by at least 10 eligible electors under section 76, the fact that an ineligible elector has also signed the nomination paper of a person, is not a proper ground to challenge the nomination.

(6) A challenge must be made by a petition filed with the court within the time limit mentioned in subsection (2), and the petition must be accompanied by an affidavit that sets out the facts on which the challenge is based.

(7) At the same time a challenge is commenced, a time must be set for the hearing of the petition, and the time must be adequate to allow the court to give its decision on the matter within the time limit set by subsection (9), and the court must require the parties to act so as to complete the hearing and allow the decision to be made within that time limit.

(8) The person making the challenge must

(a) immediately notify the returning officer and the person whose nomination is challenged of the time when the challenge will be heard, and

(b) within one day of filing the petition, serve on those persons the petition and its accompanying affidavit, and a notice of the time set for the hearing.

(9) Within four days of the filing of the petition, the court must hear and decide the matter and issue an order

(a) confirming the person as a candidate or declaring that the person is no longer a candidate, or

(b) declaring that the person is or is not entitled to have their name, as indicated on the nomination paper, used on the ballot, and if not entitled, state the name they must use on the ballot.

(10) If the name given for the nominee in the nomination paper is not the nominee's usual name and the difference is likely to mislead electors, the person's nomination remains valid, and if elected their election will be valid, unless an order made under subsection (9)(b) is not complied with.

(11) The court may order that the costs of a challenge, within the meaning of the Rules of Court, be paid in accordance with the order.

(12) The decision of the Supreme Court on a challenge under this section is final and may not be appealed or judicially reviewed in another court.

(13) No challenge shall be dismissed solely because a person was unable to give to another a notice required by this section or the Rules of Court, so long as the person required to give notice made reasonable efforts to give it.

Certified list of candidates

83. At the close of nominations, the returning officer shall, at the request of a candidate or agent, deliver to him or her a certified list of all candidates and their physical address for the delivery of documents.

Division 7 - Notice of Poll

Notice of poll and hours for the poll to be given

see Form at page 11, Tab #5
"Notice of Poll"

84.(1) The notice of the poll issued by the returning officer shall state

(a) the name of each candidate, and

(b) the time and place at which the poll will be open for the purpose of receiving the votes of the electors.

(2) The notice of the poll referred to in subsection (1) shall be published and posted by the returning officer at least 7 days before polling day in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors.

(3) The polls shall be open from 8:00 a.m. to 8:00 p.m. The council may set extended hours during which one or more polls shall be open, but the extended hours must fall between 7:00 a.m. and 11:00 p.m.

Division 8 - Advance Poll

Direction to establish advance poll

85.(1) For the purpose of enabling every voter mentioned in section 48 to vote at an election, the council

(a) shall direct the returning officer to establish one or more polling places for advance polling at the time set out in subsection 87(1); and

(b) may direct the returning officer to establish one or more polling places for a second advance polling on one other day as stipulated by the council.

(2) Notice of an advance poll shall be given in the form and in the manner provided in section 84.

Conduct of advance poll

86. Except as otherwise provided in this Act, the poll to be held at every advance polling place shall be conducted in the same manner provided by this Act for the conduct of other polls in an election.

Hours and voting qualifications for advance poll

87.(1) The poll at each advance polling place established under paragraph 85(1)(a) shall be open on the second Thursday in October from 8:00 a.m. to 8:00 p.m. The council may set extended hours during which one or more polls shall be open, but the extended hours must fall between 7:00 a.m. and 11:00 p.m.

(2) The poll at each advance polling place established under paragraph 85(1)(b) shall be open on the day or days stipulated by council from 8:00 a.m. to 8:00 p.m. The council may set extended hours during which one or more polls shall be open, but the extended hours must fall between 7:00 a.m. and 11:00 p.m.

(3) A person is entitled to vote at an advance poll only if the person would be unable to vote on the day which the vote is to be held:

(a) by reason of the person's planned absence from the municipality;

(b) by matters of conscience,

see Form at page 12, Tab #5 "Advance Poll Oath"

(c) by circumstances beyond the person's control,

(d) by reason of physical disability, or

(e) by reason of the person's work as an election official or a candidate or a worker for a candidate.

Recording of voters for advance poll

see Form at page 13, Tab #5
"Poll Book"

88. The poll clerk at each advance polling place shall record in the poll book in the column headed "remarks" after the name of each person who votes, a notation that the person has voted.

Oath of voter for advance poll

89. The deputy returning officer, every candidate and the agent of every candidate may require that a person intending to vote at the advance poll take any oath that the person may be required to take under this Act before being handed a ballot.

Sealing of ballot boxes for advance poll

90. Upon the close of the advance poll each day, the deputy returning officer shall, and each candidate or agent present may, affix a seal to the ballot box in such a manner that no ballots can be deposited in it without breaking the seal, and the ballot box shall remain sealed until the close of the poll on the regular polling day.

Counting of the ballots for advance poll

91. All ballots for the advance poll shall be counted when all polls are finally closed on the regular polling day in accordance with section 121.

Division 9 - Preparations for the Poll

Ballot boxes

92.(1) The designated municipal officer shall have ready for each polling day at least as many ballot boxes as there are polling stations in the municipality.

(2) Ballot boxes for an election may be any box or other appropriate receptacle that is constructed so that ballots can be inserted but not withdrawn unless the ballot box is opened.

(3) The designated municipal officer shall, before the polling day, deliver to the returning officer enough ballot boxes for the election.

(4) Any reference to ballot boxes in this Part shall include any other appropriate receptacle as approved by council by bylaw.

Printing of ballot papers

see Form at page 14, Tab #5
"Affidavit of Printer"

93.(1) If a poll is granted, the returning officer shall forthwith have printed, at the expense of the municipality, enough ballot papers in the prescribed form for the purposes of the election.

(2) If a municipality continues to use a list of electors, the number of ballots printed in accordance with subsection (1) shall not be less than the number of electors on the revised list of electors.

Content of ballot papers

94.(1) Separate ballot papers shall be used for the election of the mayor and for the election of councillors.

(2) The names of the candidates shall be printed on the ballot paper in the order determined by lot by the returning officer on nomination day or, if authorized by bylaw of the municipality, in a rotation so that there is equal opportunity for the name of each candidate to appear in each row on the ballots.

(3) Subject to an order under section 82, the name of each candidate shall be printed on the ballot paper in accordance with such reasonable directions as he or she may give in their nomination papers as to its spelling, or as to the use of a contraction or a nickname.

(4) Ballot papers shall include a statement indicating the maximum number of candidates an elector can vote for.

(5) If there is one or more public votes at the same time as an election, a separate ballot paper shall be used for each public vote.

Division 10 – Proceedings at the Polls

Preparation of ballot boxes

95. The presiding officer at each polling place shall, just before the commencement of the poll, show each ballot box empty to such persons as may be present in the polling station, so that they may see that it is empty, and then the presiding officer shall

(a) close it and place a seal upon it in such manner as to prevent its being opened without breaking the seal, and

(b) place and keep it in their view, closed and sealed, for the receipt of ballot papers.

Secret ballot

96. The voting at every election shall be by secret ballot and an elector has the right to vote in secret and keep secret for whom they have voted.

One vote

97.(1) An elector is entitled to vote for as many candidates for such offices as there are members to be elected to that office, but only once for each candidate.

(2) An elector is not entitled to vote in more than one municipality.

(3) The provisions of this section do not apply to the returning officer who shall only vote in accordance with the provisions of sections 127 and 135.

Duty of officers to receive the votes of electors

98. Subject to subsection 99(2), the deputy returning officer shall receive the vote of any person who is eligible to vote in the election.

Challenges

see Form at page 15, Tab #5
"Oath of a Challenged Elector"

99.(1) If a person offering to vote is challenged by the deputy returning officer, by a candidate or the candidate's agent, or by an elector, the deputy returning officer shall require the person to swear or affirm an oath in the prescribed form.

(2) Despite sections 98 and 101, any person who is challenged and who refuses to take the oath or affirmation shall not be permitted to vote.

Entries respecting challenges

100.(1) Where an elector takes the oath or affirmation, the deputy returning officer shall enter, opposite the name of the elector in the list of electors, the word "sworn" or "affirmed".

(2) Where the vote of a person is objected to by a candidate or the candidate's agent, the deputy returning officer shall also

(a) record the objection in the list of electors opposite the name of the elector using the words "objected to", and adding the name of the candidate, if the municipality is using a list of electors for the election, or

(b) record in the poll book a notation to identify the voter who was objected to and the candidate who objected, if the municipality is not using a list of electors for the election.

Omission from electors list

see Form at page 16, Tab #5
"Application for Registration"

101.(1) A person whose name does not appear on the revised list of electors of the municipality is entitled to vote if

(a) the person files with the deputy returning officer an application for registration in the prescribed form, and

(b) the person is otherwise qualified to have his or her name entered upon the list of electors or entered on the poll book or other recording system established.

(2) Where a person receives a ballot under subsection (1), the poll clerk shall record the fact in the same way that section 100 requires a challenge to be recorded.

Provision of ballot paper to elector

102.(1) Upon being satisfied that an applicant for a ballot paper is entitled to vote at the polling place where they apply for the ballot paper, the deputy returning officer or poll clerk shall give the applicant one of each of the ballot papers to which they are entitled.

(2) Despite subsection (1), where a municipality has a system of voter registration established under section 60, a person who applies for a ballot shall swear or affirm an oath of eligibility before being given any ballots.

(3) A suitable mark shall be made on the list of electors against or through the name of each elector to whom a ballot paper is supplied.

Voting procedure

103.(1) The elector, on receiving a ballot paper, shall promptly proceed into one of the compartments provided and, while screened from observation, shall mark their ballot paper by making a cross or other mark in the blank space opposite the name of the candidate or candidates for whom they vote, or by making a cross or other mark in the blank

space provided for the purpose of indicating whether or not they are in favour of a public vote.

(2) The elector shall then fold the ballot paper across to conceal the names of the candidates and any mark they have made on the face of the ballot paper, leave the compartment without delay and, having exhibited the folded ballot paper to the returning officer, deputy returning officer or poll clerk, shall, without exposing the front of the ballot paper to anyone, deposit it in the closed ballot box.

(3) After depositing their ballot paper, the elector shall promptly leave the polling place.

Automated voting systems

104.(1) Council may, with the approval of the Minister, by bylaw provide for the taking of the votes of the electors by means of voting machines, vote recorders or automated voting systems, or other devices.

(2) Despite any other provision of this Act, the bylaw referred to in subsection (1) shall prescribe

(a) the form of the ballot,

(b) procedures for how to vote,

(c) procedures, rules, and requirements regarding the counting and recounting of the votes,

(d) procedures and precautions to ensure that each elector votes only once in the election and that they are able to vote secretly.

(3) To the extent that there is an inconsistency between the procedures, rules, and requirements established by a bylaw under subsection (1) and the procedures, rules, and requirements established by or under this Part, the bylaw prevails.

Electors requiring assistance

see Form at page 17, Tab #5
"Oath of Elector's Assistant"

105.(1) If the deputy returning officer is satisfied that an elector's disability or inability to read prevents them from entering one of the compartments for voting or from marking or reading the ballot paper without help, then the deputy returning officer may permit the elector to mark the ballot in some other convenient location or the deputy returning officer or person designated by the elector may accompany the elector to a convenient place and mark the ballot paper on behalf of the elector as directed by the elector, according to what help the elector needs to vote.

(2) A person, other than an election official, assisting in the marking of an elector's ballot under this section shall be required to swear or affirm the prescribed oath.

(3) The deputy returning officer shall enter, opposite the name of the elector who is voting in the list of electors or poll book, the words "disability" or "unable to read."

(4) The deputy returning officer or other person assisting the elector shall fold the ballot paper as in other cases, carry out the other requirements of section 103, and deposit the ballot paper in the closed ballot box in the presence of the elector.

Witness for electors requiring assistance

see Form at page 18, Tab #5
"Oath of Witness"

106.(1) An elector who is unable to mark their ballot is entitled to have a person of their choice witness the marking

of their ballot and the deputy returning officer shall inform the elector of their rights under this section.

(2) A person may act as a witness under subsection (1) only once at the same election and only after they have sworn or affirmed an oath in the prescribed form.

Mistaken identity

see Form at page 15, Tab #5
"Oath of a Challenged Elector"

107.(1) If a person, representing himself or herself to be a particular elector, applies for a ballot paper after another person has voted as that elector, the applicant, on swearing or affirming the oath required under section 99, is entitled to receive a ballot paper and to vote.

(2) Where a person receives a ballot paper under subsection (1), the poll clerk shall record the fact in the same way that section 100 requires a challenge to be recorded.

Ballot papers inadvertently spoiled

108. An elector who has spoiled their ballot paper so that it cannot be used to cast their vote may return it to the deputy returning officer and obtain a new ballot paper to replace the spoiled one. The deputy returning officer shall immediately cancel the spoiled ballot paper and keep it separate from other ballot papers.

Votes of deputy returning officers and poll clerks

109. Despite section 102, a deputy returning officer or poll clerk, if a qualified elector, may vote at the polling place to which he or she is appointed.

Time for employees to vote

110.(1) An employee who is an elector is entitled to have three consecutive hours to cast their vote.

(2) If the hours of the employee's employment do not allow for the three consecutive hours, the employee is entitled to the additional time off from work to provide the three consecutive hours, but the employer may schedule that time off so as to minimise disruption to the employer's business.

(3) No deduction shall be made from the pay of an employee, nor shall the employee be penalised in any way, for their absence from work during the three consecutive hours.

(4) Subsections (1), (2), and (3) do not apply if the employer provides for the attendance of an employee who is an elector at a polling station while it is open during the hours of the employee's employment with no deduction from the employee's pay or other penalty.

Division 11 - Miscellaneous

Alternate election officers

see Form at page 1, Tab #5
"Appointment/Oath of Election Officer"

111.(1) If the returning officer is unable to or fails to do something required by this Part, it may be done by

(a) the alternate returning officer, if any, appointed by the council, or

(b) the designated municipal officer, if no alternate returning officer has been appointed.

(2) If a deputy returning officer is unable to or fails to do something required by this Part, it may be done by

- (a) an alternate returning officer appointed by the council, or
- (b) another deputy returning officer designated by the returning officer.

Disruption of elections

112.(1) If a nomination or poll is significantly interrupted or obstructed, the returning officer or deputy returning officer may move the nomination or polling to another place or adjourn it to a later time or to another day, and shall take reasonable steps to give notice of the move or adjournment.

(2) If nominations are concluded after an adjournment under this section, the poll may, if practicable, be put off for an equal number of days, and the new day shall be the day of polling under this Act.

Notice of adjournment of poll

113. Where a poll has been adjourned by a deputy returning officer, they shall promptly notify the returning officer, who shall not declare the results of the poll, or the name or names of the candidate or candidates elected, until the poll so adjourned has been finally closed.

Maintenance of order at elections

114.(1) From the time of nomination of candidates until the day following the final closing of the election, each returning officer and deputy returning officer is responsible for maintaining good order where election proceedings take place.

(2) For the maintenance of peace and good order at an election, a returning officer or deputy returning officer may require the assistance of the R.C.M.P. or other persons present, whether at the nominations, at a polling place, or any place where the votes are counted.

Regulation of polling stations

115. For maintaining order at a polling place a deputy returning officer may regulate the number of electors admitted at a time and may exclude all persons not entitled, permitted, or required by this Act to be present.

Persons entitled to be in polling places

116. During polling, the following persons are entitled to be present in a polling place so long as they do not interrupt or obstruct polling and do not act in a disorderly way

- (a) electors who are present for voting and persons in their care and persons accompanying the elector to help them or witness their vote,
- (b) candidates and their agents, and see Form at page 19, Tab #5 - "Authorization of Agent"
- (c) elections officials and persons whom they ask to be present.

Removal of persons from polling places

117.(1) Where a person misconducts themselves in a polling place or fails to obey the lawful orders of the deputy returning officer, they may immediately, by order of the deputy returning officer, be removed from the polling place by the R.C.M.P., and the person so removed shall not, except with the permission of the deputy returning officer, be allowed to enter the polling place again during the day.

- (2) The powers under subsection (1) shall not be exercised to prevent any elector otherwise entitled to vote

from having an opportunity to vote.

Arrest of person disturbing election

118.(1) A deputy returning officer may by verbal order cause to be arrested and placed in the custody of the R.C.M.P., a person who is disturbing the peace and good order at an election.

(2) No such arrest or detention under subsection (1) exempts in any manner the person arrested from a penalty to which they may have become liable for anything contrary to this Act or otherwise.

Division 12 - Proceedings after the Poll

Sealing of the ballot boxes

119. At the close of the poll the ballot boxes shall be sealed so as to prevent the introduction of additional ballots.

Persons attending the counting of the votes

120. The deputy returning officer, their assistants, poll clerks, the candidates and one agent for each candidate for each poll, but no other person except with the approval of the deputy returning officer, may be in the polling place during the opening of the ballot boxes and counting of the votes.

Counting of the votes

121.(1) The deputy returning officer for each polling place shall, promptly after the close of the poll, open the ballot boxes in the presence of candidates or their agents, count the votes in the manner prescribed by section 122, and declare the result of the poll at the polling place.

(2) Despite subsection (1), no ballot box for an advance poll, institutional poll, or mobile poll shall be opened until after the final close of all polls on polling day.

(3) If the deputy returning officer finds any ballot in other than the appropriate ballot box, they shall transfer it to the appropriate ballot box.

(4) The deputy returning officer shall, in counting the votes, reject as invalid any ballot

(a) for a reason set out in this Act,

(b) having votes for more candidates than are to be elected,

(c) having a mark or otherwise having been dealt with in a manner by which the voter could be identified,

(d) that is unmarked,

(e) that has been marked so that it is not clear which candidate has been voted for, or

(f) that has not been supplied by the deputy returning officer.

(5) The deputy returning officer may appoint persons, in addition to any poll clerks, to assist in counting the votes, except the deputy returning officer shall personally deal with all ballot papers rejected or ballots objected to during the counting.

(6) If fewer than 20 ballots have been cast at the poll, those ballots shall be combined with the ballots from another

poll before being counted.

Procedure for counting votes

see Form at page 20, Tab #5
"Tally Sheet"

122.(1) The deputy returning officer in counting the votes shall examine each ballot and call out in a distinct voice the name of the candidates for whom votes are recorded on the ballot, keeping a record of the votes given for each candidate.

(2) The ballots shall be opened and placed on a table with their printed or written faces upward, so that the candidates or their agents can see how the face of the ballots are marked.

(3) The deputy returning officer shall reject ballots for the reasons set out in subsection 121(4), and shall endorse "rejected" on each ballot rejected, adding to the endorsement "rejection objected to" if an objection is made to their decision by a candidate or agent.

Ballot accounts

see Form at page 21, Tab #5
"Ballot Account"

123.(1) After completion of the count, the deputy returning officer shall make into separate packets, each sealed by the officer and by those agents of candidates desiring to do so,

(a) all ballots counted as valid to which no objection has been made,

(b) all ballots counted as valid to which objection has been made,

(c) all rejected ballots,

(d) all unused and spoiled ballot papers,

(e) the marked copies of the list of electors, all oaths and declarations, the poll book, and the counterfoils of the ballot papers, if any.

(2) The deputy returning officer shall prepare and sign in duplicate a ballot account showing

(a) the number of votes for each candidate and on each public vote at that polling place, and

(b) the number of ballot papers entrusted to the officer accounted for under the headings of "ballot papers received", "ballots counted as valid", "ballots counted as valid to which objection has been made", "ballots rejected", and "ballot papers unused or spoiled".

(3) The deputy returning officer shall place the sealed packets and an original ballot account in the ballot boxes used in the officer's polling place and lock or seal the boxes.

(4) The locked or sealed boxes and a separate duplicate of the ballot account shall be delivered to the returning officer in accordance with the returning officer's instructions.

Examination of ballot accounts

124.(1) The returning officer shall arrange to examine the ballot accounts as soon as practicable after the close of the poll and, where necessary, to recount the votes in the presence of the candidates or their agents.

(2) The returning officer shall conduct a recount of the ballots

- (a) if there is a tie in the votes for two or more candidates,
 - (b) at the request of a candidate or a candidate's agent, or
 - (c) if the number of ballots rejected would affect the outcome of the election if they could be counted as valid.
- (3) The returning officer may conduct a recount if
- (a) the number of ballots objected to and counted as valid would affect the outcome of the election if they were not counted and the returning officer is satisfied that there are reasonable grounds to review the objections, or
 - (b) because of a combination of the closeness of the votes and other circumstances about the polling or the handling of the ballots, the returning officer is satisfied that there are reasonable grounds to recount the ballots so as to be confident the count is accurate.

Preliminary election results

125.(1) Immediately after examining the ballot accounts in any poll on the initial count under section 121, the returning officer may publish unofficial results as they are received from the polling place.

(2) At any election, the candidate or candidates receiving the highest number of votes shall be considered elected, and in the event of an equality of votes, section 126 applies.

Recount by returning officer

126.(1) Where a recount is necessary under section 125 the returning officer shall give notice of the time and place of the recount to the candidates or their agents, and the recount shall be held within 24 hours of the close of the polls on polling day.

(2) A returning officer who recounts votes under section 124, shall open each ballot box, take out the packets, recount and record the number of ballots and ballot papers, and then recount the votes, proceeding continuously so far as practicable.

(3) A recount shall be conducted by the same procedure as for the initial count under section 122.

(4) The returning officer may dispense with the recount where, in their opinion after examination of the ballot accounts, there is no doubt about the result of the poll and no candidate or agent has, in writing, requested a recount.

(5) The returning officer may limit the recount to those polling places requested by a candidate or their agent.

(6) The returning officer shall prepare a ballot account for any votes the officer counts on the recount.

(7) Subject only to a recount by the Supreme Court, the decision of the returning officer on a question about a ballot is final.

Vote by returning officer

127.(1) A returning officer shall not vote at an election until after a recount of the votes and then only if the votes cast in respect of two or more candidates are equal in number and their vote would break the tie.

(2) A returning officer casting their vote under subsection (1) shall do so by the drawing of lots for the purpose in the presence of at least one other election official and any candidate or agent present at the time.

Official election results

128.(1) On the fourth day following election day, the returning officer shall proclaim elected the candidate or candidates having the highest number of votes for the office or offices for which they have been nominated, subject to a judicial recount, if any.

(2) The returning officer shall give the designated municipal officer and each candidate a statement in the prescribed form showing the total number of votes cast for each candidate and the number of rejected ballot papers and post a copy of the statement in the municipal office.

see "Ballot Account" at page 21, Tab #5

Retention of election records

129.(1) The returning officer shall retain all documents and ballots for an election for a period of eight weeks from the day upon which they proclaim the result of the election and until every proceeding relating to that election pending in the Supreme Court during that period, and of which written notice has been received from a party to the proceedings, has been finally determined.

(2) Unless otherwise directed by the Supreme Court, the returning officer shall cause all ballots and all documents other than the following, to be destroyed and shall record the time, place and method for destruction:

- (a) ballot accounts,
- (b) appointment of election officers,
- (c) poll book,
- (d) all oaths and declarations,
- (e) nomination papers, and
- (f) the marked copies of the list of electors.

(3) The returning officer shall cause the documents for an election retained under subsection (2) to be given to the designated municipal officer who shall retain them until the next general election.

Revision of the list of electors after an election

130.(1) Within eight weeks after proclaiming the result of the election, or of the public vote, the returning officer shall

- (a) submit to council a copy of the statement they issued under section 128 together with a compilation of the information contained in the ballot accounts, and
- (b) give to the designated municipal officer the names of all electors who were sworn in at the polls.

(2) Immediately after receiving the names under paragraph (1)(b), the designated municipal officer shall incorporate into the list of electors the names of all electors who were sworn in at the polls.

Division 13 - Judicial Recount

Time for judicial recount

131.(1) Where, on the affidavit of a credible witness, it appears to the Supreme Court at any time within four days after the proclamation of the results of the election that the returning officer or deputy returning officer has, in

counting the votes, incorrectly counted the number of votes cast or incorrectly accepted or rejected a ballot, the Supreme Court may, where the majority for a successful candidate is under 50 votes, immediately by order appoint a time for a judicial recount of the votes.

(2) The time appointed for the judicial recount shall not be more than eight days from the date of the order of the Supreme Court.

(3) Notice of the time appointed for the recount shall be served on the returning officer and on each candidate or their agent not less than four days before the time appointed, or within such other time as the Supreme Court directs.

(4) The Supreme Court may require a clerk of the Court to be present at the judicial recount and may appoint persons to assist it in the recount.

Persons who may attend

132. The Supreme Court may decide which persons other than the returning officer, the candidates and their agents, may be present while the judicial recount is carried out.

Production of ballots and accounts

133. On written notice from the Supreme Court, the returning officer or other person in whose possession the ballots and ballot accounts are, shall produce them at the time and place appointed for the recount, and the ballots and ballot accounts shall remain in the custody of the returning officer or other person having lawful custody, subject to the direction of the Supreme Court.

Security precautions

134.(1) During a recess or adjournment of a recount, the person who has lawful custody of the ballots and other documents relating to the election shall keep them under their seal and the seals of any other parties who desire to affix their seals, and shall take necessary precautions for the security of the ballots and documents in accordance with the directions, if any, of the Supreme Court.

(2) During a recount and during a recess of a recount, the Supreme Court shall take and cause to be taken every precaution necessary to ensure that the mode in which an elector has voted or dealt with a ballot paper shall not become known to any person other than the persons lawfully present during the recount.

Procedure and proclamation of results

135.(1) The Supreme Court shall count the votes in the same manner as prescribed by section 122, insofar as is practicable, and shall verify or correct the ballot account.

(2) Upon the completion of the recount, the Supreme Court shall seal all the ballots in separate packets, and certify the result to the returning officer, who shall then proclaim the result of the recount by the Supreme Court, and shall, if necessary, amend the statement they issued under section 128.

(3) If there was an equality of votes between two or more candidates before the judicial recount and the judicial recount confirms an equality of votes for the same candidates, the returning officer shall proclaim elected the candidate for whom the returning officer cast a vote under section 127.

(4) If the equality of votes is established for the first time by the judicial recount, the returning officer shall then determine in accordance with section 127 which candidate is elected.

Division 14 - Controverted Elections

Jurisdiction of the Supreme Court

136. The election of a member of the council remains valid unless it is ruled invalid by the Supreme Court, and the decision of the Court is final and may not be appealed to or judicially reviewed by another court.

Petition to the court

137. A candidate in the election or any 4 or more qualified electors may present a petition, verified by affidavit, to the Supreme Court requesting that the election of a member of the council be declared invalid because the election was not conducted according to law or because the person proclaimed to be elected was not lawfully elected.

Procedure

138.(1) Every petition to have an election declared invalid shall be filed within ten days from the date upon which the member of the council was finally proclaimed elected.

(2) If the Supreme Court is satisfied upon the facts alleged in the petition that there is reasonable ground for supposing that the declaration should be made, it may require the petitioners to deposit \$500 with the Supreme Court as security for the costs of the member of council petitioned against.

(3) The Supreme Court shall hear and determine the matters raised in the petition in a summary manner without formal pleadings.

(4) Subject to this Act, the Rules of Court apply.

(5) The Supreme Court may, in its discretion,

(a) designate the time and place for hearing the petition,

(b) designate the method of taking evidence, either by affidavit or oral testimony, or both, but an allegation of bribery or corrupt practice shall be proved by oral testimony,

(c) designate the persons who are to be notified of the hearing and how they may be served, and

(d) give directions for dealing with any matter not otherwise provided for.

Testimony

139. No witness shall be required to divulge for whom they voted at the election.

Decision of the court

140.(1) The Supreme Court may make a declaration that the election is valid or invalid, that a person has been elected instead of another, or that a person has not been elected and the office remains vacant.

(2) Where it is declared that the election is invalid, or that the election of any person be set aside, the Supreme Court shall order that a person found not to have been duly elected be removed from office, and where it is declared that some other person was duly elected, the Supreme Court shall order that the elected person be admitted to the office immediately after taking the prescribed oaths of office and allegiance within 30 days of the order.

Defects not affecting election results

141. The election of a member of council shall not be declared invalid by reason only of an irregularity or failure to comply with a provision of this Act if it appears to the Supreme Court that the election was conducted in good faith and in accordance with the principles laid down by this Act, and that the irregularity or failure did not materially affect the result of the election.

Costs

142.(1) The costs of and incidental to a petition are in the discretion of the Supreme Court, which may

(a) order by whom and to whom, and in what manner, they shall be paid, and

(b) fix the amount or direct them to be assessed.

(2) Costs are recoverable in the same manner as a judgement of the Supreme Court.

Penalty

143. If the Supreme Court declares that the election of a person as a member of council be set aside, the Court may order the person to pay to the municipality a sum of money, not exceeding \$1,000, as the Court thinks proper.

Withdrawal of petition

144. A person may file a resignation under section 175 renouncing all claim to an office despite the filing of a petition and the Supreme Court may permit the petition to be withdrawn, except where it contains an allegation of bribery or corrupt practice by the person filing the resignation.

Member's status pending court decision

145. Where it is alleged that a person elected as a member of council was not validly elected, their office shall not be vacated, and they shall not be prevented from voting or acting as a member of council unless

(a) the Supreme Court declares that the person was not validly elected, or

(b) that person files a written resignation with the designated municipal officer renouncing all claim to the office.

Division 15 - By-Elections

Election to fill vacancy

146.(1) Subject to subsection 209(7), a nomination to fill a vacancy on council shall be held at a time fixed by council, but no earlier than 30 days or later than 45 days after the vacancy occurs or when the written resignation is submitted to the designated municipal officer.

(2) If at least two-thirds of members of council approve, the nominations to fill a vacancy may begin earlier than the time set by subsection (1).

(3) The election shall be held under this Part and any bylaws and resolutions of the municipality relating to municipal elections, but if there is a poll, the poll shall take place on the third Thursday after the nomination.

(4) Where a vacancy occurs after February 1st in the last year of the term of a member of council, the council may hold the vacancy open until the next general election, but this subsection ceases to apply if council is unable

to maintain a quorum.

Failure to fill vacancy

147.(1) Where the general or other municipal election is not held or no proceedings have been taken within the time required to fill a vacancy, the Minister may issue a warrant to the designated municipal officer or if there is no designated municipal officer, to another person, requiring him or her, ten days after the date of the warrant, to fix the day for the nomination and election of a new mayor or councillor, as the case may be.

(2) Where no bylaws or resolutions regulating elections are in force in the municipality, the Minister may make procedures for holding the election.

Term of office after vacancy

148. A person elected or appointed to fill a vacancy holds the office only for the unexpired term of the member in whose place he has been elected or appointed.

Disasters and emergencies

149. If there is a peace time disaster or emergency within the meaning of those terms as used in the *Civil Emergency Measures Act* that prevents the operation of this Act for the declaring or filling of a vacancy on the council, the Commissioner in Executive Council may make regulations governing the declaring of such vacancies and the time, conduct of, and procedure relating to the election.

Division 16 - Public Votes

Plebiscite bylaws

150.(1) The council may by bylaw provide for a plebiscite to obtain the public's opinion on any matter over which the municipality has jurisdiction.

(2) A plebiscite under subsection (1) does not bind the council.

Referendum bylaws

151.(1) A council may submit any proposed bylaw to a referendum before it is given third reading.

(2) If a referendum approves the proposed bylaw, the council must proceed to pass the bylaw.

(3) If a referendum does not approve the proposed bylaw, the council must not give the bylaw any further readings and any previous readings are rescinded.

(4) When a council submits a proposed bylaw to a referendum under subsection (1), the council is bound by the result of the vote for a period of one year from the date of the vote, except to the extent council's subsequent intervention is required to deal with an imminent danger to health or safety of the residents of the municipality.

(5) The results of a referendum are not binding on another government.

Content of referendum and plebiscite bylaws

152.(1) A plebiscite or referendum bylaw shall be for a distinct purpose and shall only be valid to the extent that it falls entirely within the jurisdiction of the municipality.

(2) A plebiscite or referendum bylaw shall not group together two or more purposes, but may include purposes

incidental to the main purpose.

(3) Where two or more plebiscite or referendum bylaws are submitted at the same time, each shall be voted on separately.

Petition for referendum

153.(1) Eligible petitioners may petition council for a referendum

(a) to initiate a new bylaw or resolution, or

(b) on a new bylaw or resolution or the amending or repealing of an existing bylaw or resolution, or

(c) on any matter within the jurisdiction of the council including capital projects, but

(d) not on the operating budget bylaw, the capital budget bylaw or the general property taxation bylaw.

(2) A notice that a petition will be filed for a referendum must be submitted to the designated municipal officer.

(3) A petition for a referendum must be initiated, completed, and submitted to council within a period of ninety days from the date the notice of the petition is submitted to the designated municipal officer.

Petition procedure bylaw for referendum

154.(1) A council may by bylaw adopt rules concerning

(a) the format of petitions,

(b) determining the sufficiency of petitions,

(c) counting petitions, and

(d) any other matter necessary for a petition for a referendum.

(2) Every eligible elector who is qualified to vote in a municipal election under this Part is an eligible petitioner.

(3) Every petition for a referendum shall prominently display a statement that the result of the referendum vote will be binding on council.

Referendum

155.(1) If a petition for a referendum is received from a number of eligible petitioners equivalent to at least 25% of the total number of electors of a municipality or 2000 eligible electors, whichever is less, or, if no list of electors has been prepared in the last three years, 15% of the total population of the municipality under section 6 of this Act, the council shall introduce a bylaw in accordance with the request of the petitioners within eight weeks after the presentation of the petition, and shall then submit the bylaw to a referendum within ninety days.

(Amended by SY 2003)

(2) Despite subsection (1), no council is required to submit the same matter to a referendum more than once in any period of 12 months.

(3) A council is not required to submit a bylaw requested by a petition to a referendum if the council passes a bylaw that accords with the bylaw requested in the petition before the referendum would otherwise have to be

conducted.

(4) If a proposed bylaw is approved by referendum by a majority of the persons voting whose ballots are not rejected, the bylaw shall immediately come into force or shall come into force at a time specified in the bylaw, without the requirement for the council to give third reading to the bylaw.

Eligible voters for referendums

156.(1) Except as provided under subsection (2), only persons who are eligible as electors in a municipal election under this Part are eligible to vote in a referendum.

(2) A taxpayer may vote on any referendum

(a) required by the Minister under subsection 252(2),

(b) on a bylaw for the imposition or alteration of a tax or local improvement charge,

(c) for the undertaking or cessation of a local improvement, regardless of whether a local improvement charge has been imposed or is proposed for it.

(3) A corporation that is a taxpayer is entitled to vote on each referendum.

(4) A council may by bylaw establish the procedure to be followed for a corporation to vote on a referendum.

(5) No person may vote on behalf of more than one corporation in the same referendum.

(6) A taxpayer may vote only once in each referendum, regardless of how many properties they own or the value of their property.

(7) In this section “taxpayer” means a person who, on the day the vote on the referendum is the owner of taxable property in the municipality within the meaning of the *Assessment and Taxation Act*.

(8) A person who qualifies as both an elector and a taxpayer may vote only once in the same referendum.

(9) In this section, “corporation” includes a sole proprietorship and a partnership licensed, if an Act or bylaw requires it, to carry on business or a profession in the municipality.

Eligible voters for plebiscites

157.(1) A council may by bylaw establish the qualifications of eligible voters for voting in plebiscites including the geographic area of the municipality where a plebiscite may be applicable.

(2) If a council has not adopted a bylaw under subsection (1), only persons who are eligible as electors in a municipal election under this Part are eligible to vote in a plebiscite.

Procedure for plebiscites and referendums

158.(1) A council may by bylaw establish rules of procedure for the conduct of plebiscites and referendums, but if no such bylaw is passed, the procedures established by this Part for a municipal election establishing polling places, giving notice of polling times, conduct of polls and counting and recounting votes, shall be followed so far as practicable.

(2) At least 21 days before the first day for voting on the resolution or bylaw, the council must publish and post the proposed resolution or bylaw on which the vote in the plebiscite or referendum is to be taken and it must be

published and posted in the same way as section 62 requires for publishing notice and posting copies of the preliminary list of electors.

Plebiscite and referendum results

159. The returning officer shall

(a) proclaim the results of any plebiscite or referendum to the electors immediately after examining the ballot accounts or, if a recount was done, after recounting the votes, and

(b) within 24 hours of the close of polls on polling day, give to the designated municipal officer a statement in the prescribed form showing the number of votes cast for and against each plebiscite or referendum, and post a copy of the statement in the municipal office.

Division 17 - Election offences

Voting Offences

160. It is an offence for a person

(a) who has already cast their vote at a municipal election to attempt to cast their vote again at the same election,

(b) to vote at an election when not entitled to do so,

(c) to make a false statement of identification or a false declaration in the presence of an election officer for the purpose of being permitted to vote,

(d) to impersonate a voter,

(e) to interfere or attempt to interfere with a voter marking his or her ballot, or

(f) without due authority, to disclose whom another person has voted for.

Intimidation and bribery

161. It is an offence for a person, directly or indirectly,

(a) to use or threaten force or intimidation against a person in order to influence that person's or any other person's vote under this Part, or

(b) to grant or promise to any individual person a reward, office, employment, money, or property to any person in order to influence that person's or any other person's vote under this Part.

False nomination paper

162. It is an offence for a person to file a false or fraudulent nomination paper knowing they do not qualify under section 50.

Ballot and ballot box offences

163.(1) It is an offence for a person

- (a) to forge, counterfeit, fraudulently alter, deface or destroy a ballot paper,
 - (b) without authority, to possess a ballot paper or supply a ballot paper to another person,
 - (c) to fraudulently put into the ballot box any item other than a ballot paper that they are authorized to put in the box,
 - (d) to fraudulently remove a ballot paper from a ballot box or polling place,
 - (e) without authority, to destroy, take, open, or otherwise interfere with a ballot box or packet of ballots, or
 - (f) without authority, to print a ballot paper or to print more ballot papers than authorized to print.
- (2) It is an offence for an election official to
- (a) fraudulently put his or her initials, other than as authorized by this Act, on the back of any paper purporting to be a ballot paper,
 - (b) place on any ballot paper, except as authorized by this Act, any writing, number or mark, or
 - (c) to neglect or refuse to discharge any duty under this Part.

Division 18 – Penalties

Fine, imprisonment, and disqualification

164.(1) Every person who commits an offence under this Part is liable on summary conviction to a fine of up to \$1000 or imprisonment for up to six months, or both.

(2) Every member of council who is convicted of an offence under section 160, 161, 162, or 163 forfeits their seat on the council and is disqualified from being a candidate or elector at any municipal election held in the four years after the commission of the offence.

(Amended by SY 1999, c. 19, s. 5)

(3) Every person who is convicted of an offence under section 160, 161, 162, or 163 is disqualified from voting and from being a candidate for nomination or election as a mayor or councillor at any municipal election held in the four years after the commission of the offence.

(Amended by SY 1999, c. 19, s. 5)

(4) Every person who is convicted of an offence under subsection 51(7)

(a) forfeits their seat on the council, if they were elected, and

(b) regardless of whether they were elected, is disqualified from being an elector or a candidate for nomination or election at any municipal election held in the four years after the commission of the offence.

(Added by SY 1999, c. 19, s. 5)

Limitation period for conviction

165.(1) All proceedings, other than a petition to the Supreme Court to contest a municipal election, against any person for the commission of an offence shall be commenced within two months after the municipal election was held,

at which the offence was committed.

(2) If a court finds any person guilty of corrupt practices under sections 160, 161, 162 or 163, the court shall report the same forthwith to the designated municipal officer.

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Oaths of office and allegiance

see Forms at pages 22 & 23, Tab #5
"Oath of Office" and "Oath of Allegiance"

171.(1) Before or at the first meeting of council, a person who is elected or appointed as mayor or councillor shall take the oaths of office and allegiance in the prescribed form before a judge of the Supreme Court or Territorial Court, a justice of the peace, a notary public, or a designated municipal officer, and shall file them with the designated municipal officer.

(2) Instead of swearing the oaths of office and allegiance, the person may affirm the prescribed affirmations of office and allegiance.

Failure to take oaths of office and allegiance

172. If a person elected to council fails to take the prescribed oaths or affirmations of office and allegiance within 40 days after they are proclaimed elected, their election shall be considered null and void and their office vacant.

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Time and frequency

206. Except as may be otherwise provided for under this Act, the first meeting of a council following any general election shall be held no later than two weeks after election day of the election year at a time and place designated by the chief administrative officer, and thereafter the council shall have regularly scheduled public meetings as it may determine. *S.Y. 1998, c.19, s.206.*

**TOWN OF TEENAH LAKE
BYLAW #2012-13**

A Bylaw to provide for a system of enumeration for the Town of Teenah Lake

WHEREAS Section 61 of the Municipal Act, being Chapter 154 of the Statutes of the Yukon (2002) and amendments thereto, provides that Council may by bylaw provide for a system of enumeration of persons entitled to vote at an election;

AND WHEREAS a General Municipal Election will be held in the fall of 2012;

NOW THEREFORE pursuant to the provisions of the Municipal Act of the Yukon Territory, the Council of the Town of Teenah Lake, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "Municipal Enumeration Bylaw".

ENUMERATION OFFICIALS

2. The Returning Officer appointed pursuant to Section 56 of the Municipal Act shall administer this bylaw.
3. The Returning Officer shall appoint one supervisory enumerator, who shall be known as the Enumeration Manager, and two enumerators, for the purpose of enumerating the electors in the town of Teenah Lake.
4. The Enumeration Manager shall be paid at a rate of \$18.00 (Eighteen Dollars) per hour.
5. Each Enumerator shall be paid at the rate of \$15.00 (Fifteen Dollars) per hour.
6. The Returning Officer may at any time replace any enumerator appointed by him/her by appointing another enumerator to act in the place of the person already appointed.
7. Any enumerator replaced pursuant to Section 6 shall deliver or give up to the Returning Officer any election documents, papers, and written information that he/she has obtained for the purpose of the performance of his/her duties.

ENUMERATION

8. The enumeration shall take place during the period June 1, 2012 to July 31, 2012.
9. The hours of enumeration shall be between the hours of nine o'clock in the forenoon and ten o'clock in the afternoon daily.
10. The enumerators shall, by means of a house-to-house visit, obtain the information required to establish the eligibility of each elector.
11. The enumerators shall leave at the residence of every person whose name and particulars are to be included in the preliminary list of electors, a notice in the form attached hereto as Schedule "A" and forming part of this bylaw, and shall advise such persons that a Municipal Election is to be held in the fall of 2012, at which time there will be an advance poll, and that the polling dates will be publicly advertised in the Town of Teenah Lake.
12. The enumerators shall, unless they are satisfied that no eligible elector residing in a residence remains unregistered, visit every residence at least twice, once between the hours of nine o'clock in the forenoon

and five o'clock in the afternoon, and once between the hours of five o'clock in the afternoon and ten o'clock in the evening.

13. Where, on the visits referred to in Section 12, enumerators are unable to communicate with any person from whom they can obtain the information required in Section 10, the enumerators shall leave at the residence a notice in the form attached hereto as Schedule "B" and forming part of this bylaw, on which shall be stated:
 - (a) the location of the residence; and,
 - (b) the day and hours between which a subsequent visit will be made, and which notice shall be signed by the enumerators.
14. When making visits referred to in Sections 10 and 12, the enumerators shall wear and prominently display an enumerator's badge provided by the Returning Officer as evidence of their authority to register the names of the electors.
15. The Enumeration Manager shall prepare a schedule showing the days and times at which the enumerators shall make the visits referred to in Sections 10 and 12, and the residences to be visited each day.
16. The enumerators shall each day, deliver or give up to the Enumeration Manager, the forms referred to in Sections 11 and 13, on which they have entered the information required.

PRELIMINARY LIST OF ELECTORS

17. Upon completion of the enumeration, and no later than the 1st day of August, 2012, the Enumeration Manager shall deliver or give up to the Returning Officer all election documents, papers and written information obtained by him/her during the course of the enumeration.
18. The Returning Officer shall forthwith deliver such enumeration information to the Designated Municipal Officer of the municipality, who shall prepare the Preliminary List of Electors as prescribed by Section 59 of the Municipal Act of the Yukon Territory.
19. Bylaw #2009-13 "Enumeration Bylaw" is hereby repealed.
20. This bylaw shall come into full force and effect upon the final passing thereof.

READ A FIRST TIME THIS _____ DAY OF _____, 2012.

READ A SECOND TIME THIS _____ DAY OF _____, 2012.

READ A THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2012.

MAYOR

DESIGNATED MUNICIPAL OFFICER

NOTICE OF ELECTION

The electors of the Town of Teenah Lake are hereby advised that a general election for the offices of mayor and councillors of the Town of Teenah Lake will be held on:

Date: Thursday, October 18, 2012
Times: between the hours of 8:00 am and 8:00 pm
Polling Place: Community Hall

An Advance Poll will be held on Thursday, October 11, 2012 between the hours of 8:00 am and 8:00 pm at the Community Hall.

Designated Municipal Officer

NOTICE OF ENUMERATION

To the residents of _____
(address or dwelling location)
Teenah Lake, Yukon

Enumerators for the Town of Teenah Lake have been unable to contact you.

A return visit will be made to this residence on:

_____ at _____ am / pm
(day and date) (time)

to enumerate any electors residing at this address.

If no-one will be at the residence at that time, you can still be eligible to vote at the forthcoming municipal election by registering to vote on election day at your polling station.

Enumerator Date Enumerator

MUNICIPAL ACT
PART 3: Elections

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**TOWN OF TEENAH LAKE
BYLAW #2012-14**

A Bylaw to provide for a system of registration for the Municipal Election

WHEREAS Section 60(1)(a) of the Municipal Act, being Chapter 154 of the Statutes of the Yukon (2002) and amendments thereto, provides that Council may by bylaw dispense with the requirement of a list of electors for an election; and

WHEREAS Section 60(1)(b) of the Municipal Act provides that Council may by bylaw prescribe procedures and forms governing the conduct of elections otherwise consistent with the Act; and

WHEREAS Section 61(1)(b) provides that Council may by bylaw provide for a system of registration of persons entitled to vote at an election;

NOW THEREFORE pursuant to the provisions of the Municipal Act of the Yukon Territory, the Council of the Town of Teenah Lake, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "Municipal Election Registration Bylaw".

LIST OF ELECTORS

2. The Town of Teenah Lake shall dispense with the requirement for a list of electors for the municipal election.

REGISTRATION OFFICIALS

3. The Returning Officer and Deputy Returning Officers appointed pursuant to Section 56 of the Municipal Act shall have the authority to administer the system of registration provided for in this bylaw, pursuant to Section 57 of the Municipal Act.

REGISTRATION OF ELECTORS

4. All persons entitled to register to vote in the municipal election shall be eligible voters as defined by Section 48 of the Municipal Act.
5. Prior to obtaining a ballot, all eligible voters will be required to register on the approved registration form, attached hereto as Schedule "A" and forming part of this bylaw, by swearing or affirming their eligibility to vote, and by recording their name, address and signature thereto.

REPEAL

6. Bylaw #2009-14 is hereby repealed.

ENACTMENT

7. This Bylaw shall come into full force and effect upon the passing thereof.

READ A FIRST TIME THIS _____ DAY OF _____, 2012.

READ A SECOND TIME THIS _____ DAY OF _____, 2012.

READ A THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2012.

MAYOR

DESIGNATED MUNICIPAL OFFICER



ACT TO AMEND THE MUNICIPAL ACT

LOI MODIFIANT LA LOI SUR LES MUNICIPALITÉS

(Assented to December 09, 2008)

(sanctionnée le 09 décembre 2008)

The Commissioner of the Yukon, by and with the advice and consent of the Legislative Assembly, enacts as follows

Le commissaire du Yukon, sur l'avis et avec le consentement de l'Assemblée législative, édicte ce qui suit :

1 This Act amends the *Municipal Act*.

1 La présente loi modifie la *Loi sur les municipalités*.

2 Section 1 is amended by adding the following

2 L'article 1 de la même loi est modifié par adjonction de la définition suivante :

“director” means the person appointed under the *Public Service Act* to the position of director of community affairs in the department of the Minister;”.

« directeur » S'entend d'une personne nommée en vertu de la *Loi sur la fonction publique*, à titre de directeur des services aux agglomérations, dans le ministère qui relève du ministre; ».

3 The title of section 37 is repealed and replaced with the title “Content of orders”.

3 La version anglaise du titre de l'article 37 de la même loi est abrogée et remplacée par l'expression « Content of orders ».

4 Sections 38, 41, and 46, subsection 211(4), section 222, paragraph 255(2)(e), and subsections 255(4), 256(3) and 258(5) are amended by repealing the expression “the inspector” and replacing it with the expression “the director”.

4 Les articles 38, 41 et 46, le paragraphe 211(4), l'article 222, l'alinéa 255(2)e et les paragraphes 255(4), 256(3) et 258(5) de la même loi sont modifiés par abrogation des expressions « à l'inspecteur, l'inspecteur, de l'inspecteur » lesquelles sont remplacées, partout où elles apparaissent et selon le contexte, par les expressions « au directeur, le directeur, du directeur ».

5 The title of section 41 is repealed and replaced with the title “Duties of the director”.

5 Le titre de l'article 41 de la même loi est abrogé et remplacé par l'expression « Fonctions du directeur ».

6 Subparagraph 50(1)(b)(iii) is amended by repealing the expression “\$500 other than a debt for current taxes” and replacing it with the expression “\$500, other than a debt for current taxes or a debt for provision of a basic service under a program that meets the requirements set out in subsection 252(2.1)”.

6 Le sous-alinéa 50(1)b(iii) de la même loi est modifié par abrogation de l'expression « 500 \$, exception faite des taxes courantes, » laquelle est remplacée par l'expression « 500 \$, exception faite des taxes courantes ou d'une dette pour la prestation de services de base dans le cadre d'un programme qui rencontre les critères établis au paragraphe 252(2.1) ».

7 Subsection 97(3) is repealed.

7 Le paragraphe 97(3) de la même loi est abrogé.

8(1) The title of section 127 is repealed and replaced with the title "Breaking of tie vote".

8(1) Le titre de l'article 127 de la même loi est abrogé et remplacé par l'expression « Rompre l'égalité des voix ».

(2) Section 127 is repealed and replaced with the following

(2) L'article 127 de la même loi est abrogé et remplacé par ce qui suit :

"127 If the votes cast in respect of two or more candidates are equal in number, the returning officer shall draw lots to break a tie in the presence of at least one other election official and any candidate or agent present at the time."

« 127 Lorsqu'il y a partage des bulletins de vote en faveur de plus d'un candidat, le directeur du scrutin procède à un tirage au sort pour départager les candidats, le tout en présence d'au moins un autre membre du personnel électoral ainsi que des candidats ou de leurs représentants qui sont présents. ».

9 Subsection 135(3) is amended by repealing the expression "the candidate for whom the returning officer cast a vote under section 127" and replacing it with the expression "the candidate whose name was selected in the drawing of lots under section 127".

9 Le paragraphe 135(3) est modifié par abrogation de l'expression « du candidat pour qui il a voté en vertu de l'article 127 » laquelle est remplacée par l'expression « pour le candidat dont le nom a été choisi suite à un tirage au sort en vertu de l'article 127 ».

10 Subsection 155(2) is repealed and replaced with the following

10 Le paragraphe 155(2) est abrogé et remplacé par ce qui suit :

"(2) Despite subsection (1),

« (2) Malgré le paragraphe (1)

(a) no council is required to submit the same matter to a referendum more than once in any period of 12 months;

a) le conseil n'est pas tenu de soumettre la même question à un référendum à moins de 12 mois d'intervalle;

(b) a council that is required to submit a bylaw to a referendum may submit the bylaw to a referendum at the same time as

b) le conseil qui doit soumettre un arrêté à un référendum peut le faire en même temps :

(i) a general election that is required to be held within six months of the date that the council introduced the bylaw, or

(i) qu'une élection générale qui doit être tenue dans les six mois de la date à laquelle le conseil a présenté l'arrêté,

(ii) an election to fill a vacancy that is set by the council to be held within six months of the date that the council introduced the bylaw."

(ii) qu'une élection pour combler une vacance qui est fixée par le conseil à une date qui se situe dans les six mois de la date à laquelle le conseil a présenté l'arrêté. ».

11 The following section is added

11 La même loi est modifiée par adjonction de l'article suivant :

"Rescission of previous bylaw readings

« Annulation des lectures précédentes d'un

220.1 The previous readings of a proposed

bylaw are rescinded if the proposed bylaw

arrêté

(a) does not receive third reading within two years after first reading; or

220.1 Les lectures précédentes d'un projet d'arrêté sont annulées lorsque ce projet :

(b) is defeated on second or third reading."

a) soit qu'il ne fasse pas l'objet d'une troisième lecture dans les deux ans qui suivent la première lecture;

b) soit qu'il soit rejeté lors de sa deuxième ou troisième lecture. ».

12 Subsection 242(2) is repealed and replaced with the following

12 Le paragraphe 242(2) est abrogé et remplacé par ce qui suit :

“(2) A municipality shall prepare financial information in accordance with generally accepted accounting principles for local governments as recommended, from time to time, by the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants.”.

« (2) Une municipalité doit préparer ses renseignements financiers conformément aux principes comptables généralement reconnus pour les administrations locales, tels qu'ils sont recommandés par le Conseil sur la comptabilité dans le secteur public de l'Institut canadien des comptables agréés. ».

13(1) Subsection 252(1) is amended by repealing the expression “The” and replacing it with the expression “Subject to subsection (2), the”.

13(1) Le paragraphe 252(1) est modifié par abrogation de l'expression « Sous réserve du paragraphe (2) » immédiatement avant l'expression « Le capital ».

(2) Section 252 is amended by adding the following

(2) L'article 252 de la même loi est modifié par adjonction de ce qui suit :

“(2.1) In addition to the total principal amount of debt of a municipality authorized under subsection (1), a municipality may owe, at any time, up to an additional one per cent of the current assessed value of all real property in the municipality that is subject to property taxes or grants instead of taxes if the amount owed is borrowed by the municipality to offer a program for the purpose of providing a basic service to the property in the municipality of one or more taxpayers in accordance with the following eligibility criteria

« (2.1) En plus du capital de toutes dettes d'une municipalité autorisé en vertu du paragraphe (1), une municipalité peut devoir, en tout temps, une dette additionnelle représentant jusqu'à un pour cent de la valeur imposable courante de tous les biens réels situés sur le territoire de la municipalité et à l'égard desquels des taxes foncières ou des subventions tenant lieu de taxes foncières sont payables si la dette ainsi encourue représente un montant emprunté afin d'offrir un programme offrant un service de base à un bien réel possédé par un ou plusieurs contribuables, conformément aux critères suivants :

(a) only a residential property owned by a taxpayer is eligible;

a) seulement une propriété résidentielle possédée par un contribuable est admissible;

(b) the amount borrowed by a taxpayer in respect of each property must not exceed twenty-five per cent of the assessed value of the property as determined under the

b) le montant emprunté par un contribuable pour chaque propriété ne doit pas dépasser

Assessment and Taxation Act, less any local improvement charge payable by the taxpayer in respect of the property;

(c) criteria established by the municipality; and

(d) criteria, if any, established by regulation.

(2.2) In this section, “basic services” means domestic water, electricity, and telecommunications. “

14 Subsection 254(3) is amended by repealing the expression “four years” and replacing it with the expression “five years”.

15 Subsection 255(4) is amended by adding the expression “and any management letters or other reports made and submitted by the auditor to the council or a designated municipal officer of the municipality during the immediately preceding year ending December 31.”.

16 Subsection 258(4) is amended by repealing the expression “the inspector or the council” and replacing it with the expression “the director, the inspector or the council”.

17 Subsections 280(1) and 294(1) are amended by repealing the expression “at least once a week for two successive weeks” and replacing it with the expression “at least once a week for two successive weeks, on days that are four days or more apart”.

18 Paragraph 329(4)(b) is amended by repealing the expression “Department of Community and Transportation Services of the Government of the Yukon” and replacing it with the expression “department of the Minister”.

vingt-cinq pour cent de la valeur imposable de la propriété calculée en vertu de la *Loi sur l'évaluation et la taxation*, moins toute taxe d'amélioration locale payable par le contribuable sur cette propriété;

c) les critères établis par la municipalité;

d) les critères, s'il y a lieu, établis par règlement.

(2.2) Aux fins du présent article, « services de base » s'entend des services d'alimentation en eau potable, en électricité et des services dans le domaine des télécommunications. ».

14 Le paragraphe 254(3) de la même loi est modifié par abrogation de l'expression « quatre ans » laquelle est remplacée par l'expression « cinq ans ».

15 Le paragraphe 255(4) est modifié par adjonction de l'expression « ainsi que les lettres de recommandations ou tout autre rapport rédigés et soumis par le vérificateur au conseil ou à un fonctionnaire municipal désigné au cours de l'année s'étant terminée le 31 décembre précédent. » immédiatement après l'expression « rapport du vérificateur ».

16 Le paragraphe 258(4) de la même loi est modifié par adjonction de l'expression « le directeur, » immédiatement avant l'expression « l'inspecteur ».

17 Les paragraphes 280(1) et 294(1) de la même loi sont modifiés par adjonction de l'expression « , quatre jours ou plus devant séparer chaque publication. » immédiatement après l'expression « deux semaines consécutives ».

18 L'alinéa 329(4)(b) de la même loi est modifié par abrogation de l'expression « du ministère des Services aux agglomérations et du Transport du gouvernement du Yukon » laquelle est remplacée par l'expression « du ministère relevant du ministre ».

WHAT'S NEW?

In this Manual:

Thanks to those who used this manual in the 2009 municipal elections; we look forward to receiving suggestions for improvements! Aside from the regular updating of all sections, the following items should be noted.

For the Election:

1. The version of the *Municipal Act* under Tab 6 is an unofficial consolidation of 2003 amendments to the act. The 2008 amendments to the act have not yet been added to the unofficial consolidation, but are included at the front of Tab 6. The 2008 amendments on general municipal elections are noted below.
 - ⇒ Qualifications for election: the amendment enables people in debt for provision of a basic service under a program (like a well water program) to be able to be nominated.
 - ⇒ Vote by returning officer: the amendment outlines that returning officers shall draw lots in the event of a tie.

Municipal Act Part 3 general municipal elections amendments:

Subparagraph 50(1)(b)(iii) is amended by repealing the expression “\$500 other than a debt for current taxes” and replacing it with the expression “\$500, other than a debt for current taxes or a debt for provision of a basic service under a program that meets the requirements set out in subsection 252(2.1)”.

Subsection 97(3) is repealed.

The title of section 127 is repealed and replaced with the title “Breaking of tie vote”.

Section 127 is repealed and replaced with the following “127 If the votes cast in respect of two or more candidates are equal in number, the returning officer shall draw lots to break a tie in the presence of at least one other election official and any candidate or agent present at the time”.

Subsection 135(3) is amended by repealing the expression “the candidate for whom the returning officer cast a vote under section 127” and replacing it with the expression “the candidate whose name was selected in the drawing of lots under section 127.”

2. Under the *Public Service Employment Act* which came into force December 31, 2005, federal public servants have a legal obligation to request and obtain permission from the Public Service Commission of Canada (PSC) before seeking to be a candidate in a federal, provincial, territorial or municipal election.