

Salt Spring Island Fire Protection District

POLICY MANUAL

Section	
Policy Number	
Policy Title	Election Procedures

DEFINITIONS

“*Administrator*” means the officer position as established in the District’s “*Officer Positions Establishment Bylaw No.185*”;

“*Board of Trustees*” means the Board of Trustees of the Salt Spring Island Fire Protection District;

“*candidate*” means a person who is declared by the *Returning Officer* to be a candidate for election as a trustee ;

“*candidate representative*” means an official agent or a scrutineer appointed by a *candidate*;

“*District*” means the Salt Spring Island Fire Protection District;

“*election*” means an election for the number of persons required to fill positions on the *Board of Trustees*;

“*elector*” means a person eligible to vote at an election who has met the requirements specified in the *District’s Letters Patent*; and

“*Returning Officer*” means in relation to election proceedings, the election official appointed by the *Board of Trustees* to act as presiding election official for those proceedings.

STATEMENT OF POLICY

The *Local Government Act* and the Salt Spring Island Fire Protection District’s *Letters Patent* are largely silent on how elections for trustees are to be conducted.

In the interests of transparency and consistency from one election to the next, the *Board of Trustees* consider it desirable that an elections policy be adopted to guide and inform the conduct of the election process.

GENERAL

Annual Elections

The Annual Election will be held at the Annual General Meeting of the Salt Spring Island Fire Protection District or at such other time as decided upon by the *Board of Trustees*.

By-elections

By-elections will held at the discretion of the *Board of Trustees* to fill a vacancy on the *Board of Trustees* that has occurred. A by-election will be held at a special general meeting of the Salt Spring Island Fire Protection District or at such other time as decided upon by the *Board of Trustees*.

A by-election must be held to fill all vacancies on the *Board of Trustees* if the number of remaining trustees is less than one greater than the quorum for the *Board of Trustees* as set under section 129 subsection (1) [*Quorum for Conducting Business*] of the *Community Charter* unless the vacancy occurs after January 1 and before the date of the Annual General Meeting to be held in that year.

Multiple Terms

Where there is an election to fill two or more vacancies on the *Board of Trustees* and the terms of the positions are different there will be two or more elections held. The first election will be for the position with the longest term. Separate elections will be held for each shorter term(s). A candidate can only be nominated for one election.

APPOINTMENT OF RETURNING OFFICER

The *Board of Trustees* will appoint a *Returning Officer* who is responsible for the conduct of all elections, by-elections, and referenda. The *Administrator* of the Salt Spring Island Fire Protection District may be appointed the *Returning Officer*.

The *Returning Officer* shall appoint a Deputy Returning Officer and other election official required for the administration and conduct of the election.

A candidate, candidate representative or a member of the *Board of Trustees* may not be appointed as an election official.

The *Returning Officer* and Deputy Returning Officer shall have all duties and powers necessary to conduct the election.

PUBLIC NOTICE OF ELECTION PROCEEDINGS

Notice of an election, by-election or referendum will be published in accordance with Section 690 of the *Local Government Act*, the Salt Spring Island Fire Protection District's *Letters Patent* and *Meeting Procedures Bylaw 2012*, at least 56 days in advance of the date set by the Returning Officer for general voting:

- a) on the District's website; and
- b) in at least one issue of a local newspaper.

ELECTORS

Those persons eligible to vote at an election will be all those who have met the requirements as specified in the District's *Letters Patent*.

One vote is also allowed for each board or corporation that owns land within the Fire Protection District. The Board or Corporation must designate one person in writing to act as an authorized agent to vote on its behalf.

If more than one person is registered on title as owner of land then those owners may vote providing they meet the qualifications set out above. No persons may vote more than once.

The *Administrator* will prepare a voters list indicating the name of persons qualified to vote. The voters list will be available for inspection by a candidate or candidate representative but will not be copied or released except to the *Returning Officer*.

A person may register as an elector immediately before voting by delivering an application form in accordance with Appendix A [*Application for Registration*] to the election official responsible at the place where the person is voting satisfying that official of the applicant's identity and that the qualifications to vote have been met.

QUALIFICATION TO HOLD OFFICE

A person is qualified to be nominated for office, and to be elected to and hold office if at the relevant time the person meets the requirements as specified in the District's *Letters Patent*.

NOMINATION OF CANDIDATES

The Nomination Period and Notice of Nomination procedures will be made by the *Returning Officer* with the expectation that, as far as reasonably possible, they will conform to the *Local Government Act* section 84 and section 85.

A nomination for office as a member of the *Board of Trustees* must be made on the form provided separately for each candidate by two qualified *electors*.

Challenge of nomination

The time period during which a challenge may be made is between the time of the delivery of the nomination documents and the 4th day after the end of the nomination period. A challenge may be made only by:

- a. an *elector*, or
- b. the *Returning Officer*.

A challenge may only be made on one or more of the following bases:

- a. that the person is not qualified to be nominated or elected;
- b. that the required forms and documents have not be completed as required by legislation and/or the *Letters Patent* ; or
- c. that the usual name given in the nomination documents is not in fact the usual name of the person.

The person making a challenge must immediately give notice of the challenge to the *Returning Officer* and the person whose nomination is challenged. Within 72 hours of the end of the period for commencing a challenge, the *Returning Officer* must investigate and determine the matter and must make a decision;

- a. as to confirming the person as a candidate or declaring that the person is no longer a candidate;
- b. declaring that the person is or is not entitled to have the usual name indicated in the nomination documents used on the ballot.

The decision of the *Returning Officer* may only be appealed to the Supreme Court of British Columbia.

Withdrawal

At any time up until 4:00pm on the 4th day after the end of the nomination period, a person who has been nominated may withdraw from being a candidate in the election by delivering a signed withdrawal to the *Returning Officer*, which must be accepted if the *Returning Officer* is satisfied as to its authenticity.

DECLARATION OF CANDIDATES

Immediately following the end of the nomination period, the *Returning Officer* must declare as candidates for trustee all persons who have been nominated for the office in accordance with the *Local Government Act* section 97 and make a declaration of election by voting or acclamation.

APPOINTMENT OF CANDIDATE REPRESENTATIVE

A candidate may appoint one individual to act as official agent of the candidate in accordance with the *Local Government Act* section 102.

The absence of a candidate representative from a place where election proceedings are being conducted does not invalidate anything done in relation to an election.

VOTING OPPORTUNITIES FOR ELECTORS

An *elector* who meets the applicable qualifications may vote in an election at one of the following voting opportunities: on the general voting day at a required general voting opportunity or at an additional voting opportunity, if any; and at an advance voting opportunity, if any.

Required general voting opportunities

As soon as practicable after the declaration of an election by voting, the *Returning Officer* must designate voting places for general voting day. The voting places must be open on general voting day from 8:00am to 8:00pm to all electors entitled to vote.

Required advance voting opportunity

At least one advance voting opportunity must be held for an election by voting on a date set by the *Returning Officer*. Voting hours for the advance voting opportunity are to be set by the *Returning Officer*.

At least 6 but not more than 30 days before the required advance voting opportunity, the *Returning Officer* must give notice of the date, location of the voting places and voting hours for the voting opportunity, and the documents that will be required in order for a person to register as an elector at the time of voting.

ARRANGEMENTS FOR VOTING AND CONDUCT OF VOTING PROCEEDINGS

Arrangements for voting will be made by the *Returning Officer* with the expectation that so far as reasonably possible they will conform to Division 10 – *Arrangements for Voting* and Division 11 – *Conduct of Voting Proceedings*, Division 12 – *Voting* and Division 13 – *Counting of the Vote of the Local Government Act*.

ELECTION RESULTS

The *Returning Officer* will keep a record of the total number of ballots printed, the number of ballots cast, the number of spoiled ballots, the number of unused ballots and the number of ballots cast for each candidate. In the case of a referendum, the number of ballots for and against the question will be recorded.

As soon as practical following the close of general voting, the *Returning Officer* must declare the results of the election except if a *candidate* cannot be declared elected because there is an equality of valid votes for 2 or more *candidates*, the *Returning Officer* must declare that the election is to be referred to a judicial recount.

The Report of the *Returning Officer* will be placed on the District's website and announced in the media.

DETERMINATION OF RESULTS BY LOT IF TIE VOTE AFTER JUDICIAL RECOUNT

If at the conclusion of a judicial recount the results of the election cannot be declared because there is an equality of valid votes for two or more *candidates* the result will be determined by lot in accordance with *Local Government Act* section 151 subsection (2).

ELECTION CHALLENGE

An election can only be challenged in accordance with Section 684 of the *Local Government Act* within two weeks of the election by application to the Supreme Court.

An election must not be set aside because of an innocent irregularity, unless the court is satisfied that the irregularity affected the result of the election.

DOCUMENT RETENTION

All election documents including ballots, ballot accounts, voting books and voters lists used during an election, must be retained by the Administrator for at least 6 months after the election.

DISCRETION OF THE RETURNING OFFICER

Except for requirements stipulated in Section 690 of the *Local Government Act*, the Salt Spring Island Fire Protection District's *Letters Patent* and *Meeting Procedures Bylaw 2012*, all notice requirements and procedures stipulated in this policy statement are to be considered guidelines. It is the expectation of the Board of Trustees that as far as reasonably possible, the requirements stipulated in this policy will be adhered to, but the *Returning Officer* at his or her sole and absolute discretion may vary such notice requirements and procedures to facilitate the conduct of an election.

Except for those requirements stipulated in the *Local Government Act*, the District's *Letters Patent* or *Meeting Procedures Bylaw 2012*, the varying of notice requirements and procedures by the Returning Officer will not be sufficient grounds to invalidate anything done in relation to an election.

RESIGNATION FROM OFFICE

A trustee may only resign his or her office by delivering a written resignation to the *Board of Trustees* at a trustees' meeting or to the *Administrator* at any time.

A resignation is effective from the date specified in the resignation, or if no date is specified, from the time the resignation is delivered to the *Board of Trustees* or *Administrator* as applicable. Once a resignation has been delivered it may not be revoked.

BOARD DISCRETION

The provisions set out in this policy are subject to revision from time to time at the discretion of the *Board of Trustees*.

RELATED DOCUMENTS

Community Charter [SBC 2003] Chapter 26

Letters Patent those issued on March 27, 2006 for the Salt Spring Island Fire Protection District as amended on September 16, 2011

Local Government Act [RSBC 2015] Chapter 1

Salt Spring Island Fire Protection District “*Officer Positions Establishment Bylaw No. 85*”

Salt Spring Island Fire Protection District “*Meetings Procedures Bylaw 2012*” No. 119

APPROVALS

Approval date:		Approved by:	
1. Amendment date:		Approved by:	
2. Amendment date:		Approved by:	
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