

CITY OF BURNABY

BYLAW NO. 14435

A bylaw to amend Voting Opportunities Bylaw
to establish procedures for mail ballot voting

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY VOTING OPPORTUNITIES BYLAW 2020, AMENDMENT BYLAW NO. 1, 2022.**
2. Burnaby Voting Opportunities Bylaw 2020 is amended:

(a) at section 2.1, by adding the following in alphabetical order:

“acceptable mark” has the meaning set out in the *Burnaby Automated Vote Counting System Bylaw*

(b) by adding the following as Part 4:

“PART 4: MAIL BALLOT VOTING

4.1 Authorizations

4.1.1 Voting by mail ballot and elector registration by mail in conjunction with mail ballot voting are hereby authorized for an election under the *Local Government Act*.

4.1.2 The **Chief Election Officer** is authorized to establish the application form and time limits for requesting a mail ballot.

4.1.3 For the purpose of section 4.3.2(d) of this bylaw, the **Chief Election Officer** is authorized to designate the locations for the receipt of completed mail ballot packages from electors.

4.2 Application Procedure

4.2.1 An elector who wishes to vote by mail ballot must submit a request to the **Chief Election Officer** using the application form and within the time limits established pursuant to section 4.1.2 of this bylaw.

4.2.2 Upon receipt of a completed application form and commencing as soon as practical after the final printed ballots are available, the **Chief Election Officer**

must:

- (a) make available to the applicant, a mail ballot package that complies with sections 110(7) and (8) of the *Local Government Act*;
- (b) immediately record, and upon request in person by a candidate representative or elector, make available for inspection by any such person, the name and address of the person to whom the **Chief Election Officer** issued the mail ballot package.

4.3 Voting Procedure

4.3.1 In order to vote using a mail ballot, the elector must mark the ballot in accordance with this bylaw and all instructions contained in the mail ballot package provided by the **Chief Election Officer**.

4.3.2 After marking the mail ballot with an **acceptable mark**, the elector must:

- (a) place the ballot in the secrecy envelope provided and then seal the secrecy envelope;
- (b) place the secrecy envelope in the certification envelope, complete and sign the certification printed on the certification envelope, and then seal the certification envelope;
- (c) place the certification envelope, together with a completed elector registration application and any other elector documentation if required, in the outer envelope and then seal the outer envelope; and
- (d) mail or deliver the outer envelope and its contents to a location designated by the **Chief Election Officer** pursuant to section 4.1.3 of this bylaw, such that the **Chief Election Officer** receives it no later than the close of voting on general voting day.

4.4 Replacement of Mail Ballots

4.4.1 If an elector unintentionally spoils a mail ballot before returning it to the **Chief Election Officer**, the elector may:

- (a) request a replacement mail ballot package by surrendering the spoiled mail ballot package in its entirety to an election official at a location designated by the **Chief Election Officer**, and the election official must record receipt of the spoiled mail ballot package and proceed in accordance with section 4.2.2 of this bylaw in issuing a replacement mail ballot package; or
- (b) surrender the mail ballot package in its entirety to a presiding election official at a voting place and proceed in accordance with section 4.4.2 of this bylaw.

4.4.2 If an elector, after receiving a mail ballot package, decides to vote at a voting place instead of by mail ballot voting:

- (a) the elector must surrender the mail ballot package in its entirety to the presiding election official at a voting place during an **advance voting opportunity** or on general voting day; and
- (b) upon receipt of the surrendered mail ballot package, the presiding official must mark the package as “returned and unused” and place it with other spoiled ballots; and
- (c) the elector may then vote at the voting place in accordance with the provisions of the *Burnaby Automated Vote Counting System Bylaw*.

4.5 Mail Ballot Acceptance or Rejection

4.5.1 The **Chief Election Officer** or election official designated by the **Chief Election Officer** must process all mail ballot packages returned by the close of voting on general voting day in accordance with section 4.5.2 and 4.5.3 of this bylaw.

4.5.2 Upon receipt of a returned outer envelope, the **Chief Election Officer** or election official designated by the **Chief Election Officer** must:

- (a) immediately record the date of such receipt; and
- (b) open the outer envelope and remove and examine the certification envelope and completed elector registration application, if applicable, and if satisfied as to:
 - (i) the identity and entitlement to vote of the elector named in the certification,
 - (ii) the completeness of the certification, and
 - (iii) if the person is registering as a new elector, fulfilment of the requirements of section 65 or 66 of the *Local Government Act*,

mark the certification envelope as “accepted”.

4.5.3 If the **Chief Election Officer** or election official designated by the **Chief Election Officer**:

- (a) is not satisfied as to the identity and entitlement to vote of the elector named in the certification, or the completeness of the certification; or
- (b) is not satisfied that a person registering as a new elector has fulfilled the requirements of section 65 or 66 of the *Local Government Act*; or
- (c) receives the outer envelope after the close of voting on general voting day,

the **Chief Election Officer** or election official designated by the **Chief Election Officer** must not open the certification envelope and must mark the certification envelope as “rejected”, note the reason for rejection, and not count the mail ballot contained in the certification envelope in the election.

- 4.5.4 A certification envelope rejected in accordance with section 4.5.3 of this bylaw must remain unopened and is subject to the provisions of the *Local Government Act* in regard to their destruction.
- 4.5.5 Each certification envelope accepted under section 4.5.2 of this bylaw must be securely maintained in the custody of the **Chief Election Officer** and processed in accordance with the *Burnaby Automated Vote Counting System Bylaw*.
- 4.5.6 Each certification envelope returned with a mail ballot package must be securely stored by the **Chief Election Officer** in the event of any challenge made in accordance with section 4.6 of this bylaw.

4.6 Challenge of Elector or Elector’s Name Already Used

- 4.6.1 A person exercising the right to vote by mail ballot may be challenged in accordance with the intent of section 126 of the *Local Government Act* and if a person’s right to vote by mail ballot is challenged, the **Chief Election Officer** will proceed, to the extent applicable, in accordance with section 126 of the *Local Government Act*.
- 4.6.2 Where, upon receiving a request for a mail ballot, the **Chief Election Officer** determines that another person has already voted or been issued a mail ballot in that person’s name, section 127 of the *Local Government Act* applies to the extent applicable.”

Read a first time this 7th day of March, 2022

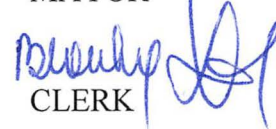
Read a second time this 7th day of March, 2022

Read a third time this 7th day of March, 2022

Reconsidered and adopted this 21st day of March, 2022



MAYOR



CLERK