

# CITY OF WHITEHORSE

## BYLAW 2018-32

A bylaw to establish regulations and procedures for the 2018 municipal election

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WHEREAS section 53 of the *Municipal Act* provides that council may by bylaw establish polling places and mobile polls, and otherwise regulate the conduct of an election, subject to that *Act*; and

WHEREAS section 63 of the *Municipal Act* requires that council establish a Board of Revision and prescribe the fees to be paid to the members of such Board; and

WHEREAS section 56 of the *Municipal Act* provides that council shall by bylaw:

- (1) Establish the date, time and place for making nominations;
- (2) Establish places at which polls will be held if a poll is required;
- (3) Set hours during which special polls shall be open; and
- (4) Delegate to the Returning Officer the power to appoint Deputy Returning Officers.

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

### SHORT TITLE

1. This bylaw may be cited as the "**2018 Election Procedures Bylaw**".

### INTERPRETATION

2. In this bylaw,

"BOARD OF REVISION" means the group of persons appointed by council to review all applications to revise the preliminary list of electors for the 2018 municipal election.

"CITY" means the corporation of the City of Whitehorse.

"COUNCIL" means the elected council of the City of Whitehorse.

"DEPUTY RETURNING OFFICER" means a person who has been appointed and sworn in by the Returning Officer to assist in the running of a municipal election and to perform the duties of the Returning Officer in his/her absence.

"ELECTION OFFICIALS" means the Returning Officer, Deputy Returning Officers, Poll Clerks and Tabulator Operators.

"ELECTOR" means a person qualified to vote in a municipal election pursuant to section 48 of the *Municipal Act*.

"IDENTIFICATION" means documentation that includes the birth date of the holder and a current residential address.

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"MOBILE POLL" means a poll that has been established in order that an elector may cast his or her vote while residing in a hospital, extended care facility, senior citizens' home or correctional institute. In addition, a mobile poll may attend at the residence of an elector incapable of attending at a poll by reason of physical incapacity.

"POLL CLERK" means a person who has been sworn in by the Returning Officer and/or Deputy Returning Officer to monitor and control proper procedures of the election at each and every polling place.

"RETURNING OFFICER" means the person appointed by bylaw to be responsible for the administration of the election.

3. Except as otherwise provided in this bylaw and in Automated Vote Counting System Bylaw 2018-01, the 2018 municipal election in the City of Whitehorse shall be conducted in accordance with the provisions of Part 3 of the *Municipal Act*.

### ELECTION OFFICIALS

4. Norma Felker is hereby appointed Returning Officer for the 2018 municipal election in the City of Whitehorse.
5. Freda Smith is hereby appointed Alternate Returning Officer and is authorized to act in the absence of Norma Felker.
6. The Returning Officer is hereby delegated the authority to appoint Deputy Returning Officers, Poll Clerks and Tabulator Operators in sufficient number to assist in the conduct of the election.
7. The Returning Officer may at her sole discretion delegate special responsibilities to a Senior Deputy Returning Officer at each polling place where more than one Deputy Returning Officer is working. Such responsibilities may include
  - (1) Staffing;
  - (2) Setup and activation of the tabulator at the opening of the poll;
  - (3) Shutdown of the tabulator at the close of the poll, ensuring the security of the results card, and reporting the results of the poll to the Returning Officer;
  - (4) Supervision of the tabulator operator while the poll is open;
  - (5) Supervision of any poll clerks not specifically assigned to work with one Deputy Returning Officer but tasked with door-keeping, crowd control and other miscellaneous responsibilities; and
  - (6) Overseeing the closing of the polling place and the secure return of the ballot box, results card and tabulator to the Returning Officer.
8. In the event that a Senior Deputy Returning Officer is appointed at a polling place, such Senior Deputy Returning Officer shall be paid a premium of not less than \$42.00 or not more than \$168.00 as determined by the Returning Officer with respect to any extra duties and responsibilities that may have been assigned.
9. During their employment for the election, election officials shall refrain from any active or public support for or criticism of any candidate.

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10. The following honorariums shall be paid to persons acting as election officials, other than full time employees of the City of Whitehorse:

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|------------------------------|-----------|
| (1) Deputy Returning Officer | \$ 294.00 |
| (2) Poll Clerk               | \$ 252.00 |
| (3) Tabulator Operators      | \$ 252.00 |

### NOMINATION PLACE AND TIME

11. Thursday, September 27, 2018 between the hours of 10:00 a.m. and 12:00 noon is hereby established as the designated date and time where the Returning Officer shall receive the candidates' nomination papers.
12. Council Chambers in City Hall, located at 2121 Second Avenue, is hereby designated as the place where the Returning Officer shall receive the candidates' nomination papers.
13. Notwithstanding sections 11 and 12 of this bylaw, candidates may arrange an appointment with the Returning Officer or alternate returning officer to file nomination papers between the date of the nomination notice and 10:00 a.m. on nomination day.

### POLLING DAY

14. Polling day for the 2018 municipal election shall be Thursday, October 18, 2018.

### ADVANCE POLL

15. An advance poll shall be established at City Hall on Thursday, October 11, 2018 between the hours of 8:00 a.m. and 8:00 p.m.
16. Advance polls shall be established at the Canada Games Centre on Thursday, October 11, 2018 and Saturday, October 13, 2018 between the hours of 8:00 a.m. and 8:00 p.m.

### SPECIAL BALLOTS

17. Pursuant to the *Municipal Act*, a person may be entitled to vote by special ballot if they are qualified to do so, have applied for and received a special ballot from the Returning Officer, and have returned the special ballot to the Returning Officer before 2:00 p.m. on polling day.
18. Applications for special ballots shall be available from the office of the Returning Officer as of the 1<sup>st</sup> day of August, 2018.
19. A special ballot poll shall be established at City Hall. The special ballot poll will be open from 1:00 p.m. to 4:30 p.m. on Wednesday, October 3<sup>rd</sup>, and thereafter the special ballot poll shall be open from 8:30 a.m. to 4:30 p.m. every business day from October 4<sup>th</sup> to and including October 17<sup>th</sup>.
20. The special ballot poll shall be open at City Hall on polling day, October 18<sup>th</sup>, until 2:00 p.m. to serve electors who hold a proxy certificate as well as electors who have identified themselves as being at personal risk if their name or address is disclosed.

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21. In addition to the qualifications for a special ballot prescribed in the *Municipal Act*, electors who hold a proxy certificate shall qualify for a special ballot.

### PROXY VOTING

22. A qualified elector who knows in advance that he or she is going to be absent from the City of Whitehorse during the 2018 municipal election may appoint another elector as a proxy to vote in his or her place at the election.
- (1) An elector who holds a proxy for another elector may only vote for specific candidates as directed by the elector that assigned the proxy, and shall not use his or her own discretion where no specific direction has been given.
23. An elector who wishes to appoint a proxy must be included in the list of electors and have reason to believe that voting may not be possible because he or she may be absent from the City of Whitehorse during the period between the receipt of ballots at the elections office and the close of the polls on polling day.
24. To appoint a proxy, an elector shall apply to the Returning Officer for a proxy application.
25. Upon receipt of a request to appoint a proxy, the Returning Officer shall issue a proxy application to qualified electors. The elector shall complete and sign the application and have his or her appointed proxy consent to the appointment by completing and signing the appropriate section of the application form.
26. An elector may serve as a proxy only once during an election.
27. Upon receipt of the properly completed proxy application, the Returning Officer shall verify that:
- (1) The elector is entitled to appoint a proxy voter because he or she is going to be absent from the City of Whitehorse during the election period; and
- (2) The names of the elector and the proxy voter both appear on the list of electors for the 2018 municipal election.
28. If the proxy application meets the requirements of section 27 of this bylaw, the Returning Officer shall issue a proxy certificate.
29. The proxy voter (that is, the holder of the proxy certificate) shall be **required** to vote the proxy by special ballot at the elections office at City Hall rather than at a regular or advance poll. Proxy certificates will NOT be accepted at any regular or advance polling place.
30. When a proxy voter delivers the proxy certificate to the Returning Officer or a Deputy Returning Officer at City Hall, he or she shall verify by statutory declaration made before the Returning Officer or Deputy Returning Officer that:
- (1) He or she has not already voted in the election as a proxy voter,
- (2) He or she will vote only as specifically directed by the elector who issued the proxy and will not use his or her own discretion where no specific direction has been given; and

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- (3) To the best of his or her knowledge, the elector is absent from the City of Whitehorse.

### Withdrawal of Proxy Certificate

31. An elector may withdraw a proxy certificate by delivering a "Withdrawal of Proxy Certificate" notice in the prescribed form to the Returning Officer. However, the withdrawal is of no effect if the proxy has already been exercised.

### ELECTRONIC LIST OF ELECTORS

32. The City will use an electronic list of electors for the 2018 municipal election.
  - (1) The electronic list will be an alphabetical list for the entire City.
  - (2) When an elector is duly identified at any polling station and is subsequently provided with a ballot, said elector shall be marked on the list of electors as having voted, and the electronic list will be updated at all polling places to show that the said elector has already voted.
  - (3) In order to facilitate the use of an electronic list of electors, all polling places will be established in places with Wi-Fi or internet-based connectivity.
  - (4) In the event of a power failure or an interruption of connectivity, polls will be temporarily closed until power or connectivity is restored.
  - (5) In the event that power or connectivity is unable to be restored in a timely manner, certain polls will remain closed and electors will be advised that they will have to vote at an alternate polling place. In that case, a limited number of polling places will be manually updated to ensure that the list of electors accurately reflects who has already voted. These designated polling places will continue to be manually updated until the power or connectivity is restored or until the close of the polls.

### IDENTIFICATION OF ELECTORS

33. Electors will be required to produce identification at the poll to verify that they are the voter whose name appears on the list of electors.
34. If the elector does not have photo ID such as a driver's license, general identification card or passport, two other pieces of identification showing the elector's name and address shall be deemed acceptable provided that at least one of the alternate pieces of identification:
  - (1) shows the elector's date of birth; and
  - (2) provides proof of Whitehorse residency.
35. If an elector's official identification shows only a post office address, the elector will be required to produce additional documentation to show that they have a residential address in the City of Whitehorse.

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36. For the purposes of this bylaw,
- (1) For proof of identity and/or date of birth, the following documents will be deemed acceptable:
    - (a) Canadian birth certificate;
    - (b) Canadian passport;
    - (c) Citizenship and Immigration Canada documents;
    - (d) Secure Certificate of Indian Status card;
    - (e) Yukon driver's license; or
    - (f) Yukon general identification card.
  - (2) For proof of Whitehorse residency, any one of the following **current** documents will be deemed acceptable as long as it reflects the residential address of the elector:
    - (a) A banking statement or a stamped banking profile from a local bank;
    - (b) A bill showing a service address, such as bills from ATCO Electric, NorthwesTel or a City of Whitehorse utilities bill;
    - (c) A City of Whitehorse property tax notice;
    - (d) A credit card statement;
    - (e) Employment confirmation, signed and on company letterhead;
    - (f) An income tax return or notice of assessment (recent or current year);
    - (g) Mortgage documentation;
    - (h) A signed residential tenancy agreement; or
    - (i) Social assistance benefit confirmation
37. If an elector's birth certificate, valid passport or other documentation does not reflect his or her current full legal name, the elector will also be required to provide a marriage certificate or legal name change document as part of their proof of identity papers.
38. Eligible electors whose names do not appear on the list of electors used for this election may be sworn in at the poll.

### POLLING PLACES

39. The Returning Officer shall establish polling places in various sectors of the municipality for the convenience of electors residing therein
- (1) The Returning Office may establish polling places in places of public assembly or other locations where electors may reasonably be presumed to gather or visit during the course of their normal activities on polling day.
40. Polling places established in accordance with this bylaw shall be in premises of convenient access, including access for persons with disabilities.

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41. A conspicuous sign identifying the polling place shall be maintained in place outside each polling place during the time that the poll is open.
42. Voting compartments shall be provided for the use of electors in marking their ballots, along with a hard smooth surface and a suitable pen.
43. Except as specifically provided under the proxy provisions of this bylaw, an elector shall vote at only one polling place.

### HOURS OF THE POLLS

44. Except as otherwise provided in this bylaw, regular polls shall be open on polling day between the hours of eight o'clock in the forenoon and eight o'clock in the afternoon (8:00 a.m. to 8:00 p.m.).
  - (1) The poll at the YG Main Administration Building shall be open between the hours of 8:00 a.m. and 5:30 p.m.
  - (2) Mobile polls at various institutions shall be open for limited hours in accordance with a schedule arranged in advance by the Returning Officer in consultation with staff at these institutions.
  - (3) A mobile poll shall be established to attend upon request at the residences of electors incapable of attending at a poll by reason of physical incapacity. Such mobile poll shall operate between the hours of 8:30 a.m. and 7:30 p.m. on polling day.
45. The Returning Officer is hereby delegated the authority to establish additional polls that will be open for limited hours. Such polls may be established as required to meet the needs of the community, and shall operate between the hours of 7:00 a.m. and 7:30 p.m. on polling day.

### MOBILE POLLS

46. Mobile polls shall be established to attend at the Whitehorse General Hospital, Norman D. Macaulay Lodge, Thomson Centre, Copper Ridge Place, and the Whitehorse Correctional Institute at which electors who reside in the said institutions on polling day may cast their vote.
  - (1) Eligible electors who work at or may be visiting at an institution where a mobile poll has been established may cast their vote at such mobile poll.
47. Except as provided in sections 44(2) and 44(3) of this bylaw and in relevant provisions of the *Municipal Act*, mobile polls shall be conducted in the manner provided by the *Municipal Act* for the conduct of other polls in an election.

### BOARD OF REVISION

48. Pursuant to the provisions of the *Municipal Act*, a Board of Revision consisting of seven members is hereby established. The seven members of the said Board shall be appointed by resolution of council.
  - (1) A member of council or an employee of the municipality shall not be a member of the Board of Revision.

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49. The Board of Revision shall sit between the hours of 10:00 a.m. and 6:00 p.m. on Wednesday, September 26, 2018 in the Pioneer Heritage Room at City Hall.
50. Members of the Board of Revision shall be paid a flat rate of Two Hundred Forty Dollars (\$240.00) for sitting on the Board for the purpose of revising the preliminary list of electors.

### COMING INTO FORCE

51. This bylaw shall come into full force and effect on and from the final passing thereof.

<b>FIRST READING:</b>	May 22, 2018
<b>AMENDMENT</b>	June 11, 2018
<b>SECOND READING</b>	June 11, 2018
<b>THIRD READING and ADOPTION:</b>	June 11, 2018

*ORIGINAL BYLAW SIGNED BY:*

"Dan Curtis"

Dan Curtis, Mayor

"N. L. Felker"

Norma L. Felker, Assistant City Clerk