

CITY OF WHITEHORSE
BYLAW 2021-16

A bylaw to establish regulations and procedures for the 2021 municipal election

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.

AND WHEREAS section 265 of the *Municipal Act* provides that, despite any other provision in the Act, a council may take any temporary measure necessary to respond to and deal with an emergency;

AND WHEREAS a public health emergency declared under the *Public Health and Safety Act* continues to be in effect due to the Coronavirus pandemic, and may still be in effect at the time of the 2021 municipal election;

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 "**Election 2021 Procedures Bylaw**".

INTERPRETATION

2. In this bylaw,

"ALTERNATE RETURNING OFFICER" means the person appointed by bylaw to assist the Returning Officer in the administration of the election.

"BOARD OF REVISION" means the group of persons appointed by council in accordance with section 63 of the *Municipal Act* to review all applications to revise the preliminary list of electors for the municipal election.

"CANDIDATE" means a person running for office at this election;

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

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

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"DEPUTY RETURNING OFFICER" means a person who has been appointed and sworn in by the Returning Officer to oversee a polling station during the municipal election and ensure that rules and procedures are followed at that polling station.

"ELECTION OFFICIALS" means the Returning Officer and Alternate Returning Officer appointed pursuant to this bylaw, and includes Senior Deputy Returning Officers, Deputy Returning Officers, Revision Officers, Poll Clerks, Poll Attendants, Tabulator Operators and Standby Election Officers appointed and sworn in by the Returning Officer to assist with the conduct of the election.

"ELECTOR" means a person qualified to vote in the 2021 municipal election pursuant to section 48 of the *Municipal Act*.

"IDENTIFICATION" means documentation that verifies that the elector is the person whose name appears on the list of electors or the person applying to be included on the list of electors. Such identification shall include the birthdate of the voter and a current residential address.

"LIST OF ELECTORS" means the list of registered electors being used at this election.

"MOBILE POLL" means a poll that has been established in order that electors may cast their votes 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 ATTENDANT" means a person who has been appointed to provide information and support to electors at a polling place.

"POLL CLERK" means a person who has been appointed and sworn in by the Returning Officer or Deputy Returning Officer to support the administration of the voting at each polling station.

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

"REVISION OFFICER" means a person who has been appointed and sworn in by the Returning Officer to support the administration of the voting at a polling place by completing registration tasks including verification of eligibility, form completion, and entry into the list of electors. Revision Officers may be employed at registration kiosks prior to normal polling dates if such kiosks are established by the Returning Officer.

"SENIOR DEPUTY RETURNING OFFICER" means a person appointed and sworn in by the Returning Officer to oversee a polling place at which more than one Deputy Returning Officer is working.

"STANDBY ELECTION OFFICER" means a person trained to provide election operations continuity in the event of no-shows, relief, or additional capacity requirements on polling days. Persons hired as standby election officers shall be sworn in by the Returning Officer and employed as required for partial or full periods when polls are open for advance polls and on polling day.

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“TABULATOR” means a device that scans marked paper ballots, interprets voter marks on the paper ballot, and safely stores and tabulates each vote from each paper ballot.

“TABULATOR OPERATOR” means a person who has been appointed and sworn in by the Returning Officer to operate the tabulator at a polling place.

3. Except as otherwise provided in this bylaw and in Automated Vote Counting System Bylaw 2018-01, the 2021 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 2021 municipal election in the City of Whitehorse.
5. The manager of Legislative Services 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 election officials in sufficient numbers to assist in the conduct of the election. Election officials so appointed will include Senior Deputy Returning Officers, Deputy Returning Officers, Revision Officers, Poll Clerks, Poll Attendants, Tabulator Operators and Standby Election Officers.
7. During their employment for the election, election officials shall refrain from any active or public support for or criticism of any candidate.
8. Senior Deputy Returning Officers will be appointed at each polling place where more than one Deputy Returning Officer is working. The additional responsibilities of Senior Deputy Returning Officers will include:
 - (1) Overseeing the setup of the polling place;
 - (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 revision officers and poll attendants assigned to work at a polling place and tasked with registration duties, 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.
9. Standby Election Officers will be hired to provide election operations continuity in the event of no-shows, relief or additional capacity requirements. Standby Officers will:
 - (1) Be trained to take over the position of a Deputy Returning Officer, Revision Officer, Poll Clerk, Tabulator Operator, or Poll Attendant as required;

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- (2) Report for duty on polling day as assigned by the Returning Officer for a minimum of three hours or until they are reassigned;
- (3) Assist with the set-up at their assigned polling place;
- (4) Be available for call back during all the hours the polls are open; and
- (5) If assigned to take over the position of an Election Official, or called back after the initial work, be paid for the day at the rate of the position assigned rather than at the standby rate.

10. The following honorariums shall be paid to persons acting as election officials:

(1) Senior Deputy Returning Officer	\$ 384.00
(2) Deputy Returning Officer	\$ 300.00
(3) Revision Officer	\$ 300.00
(4) Poll Clerk	\$ 270.00
(5) Tabulator Operator	\$ 270.00
(6) Poll Attendant	\$ 270.00
(7) Standby Election Officials	\$ 90.00

NOMINATION PLACE AND TIME

11. Thursday, September 23, 2021, 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 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 2021 municipal election shall be Thursday, October 21, 2021.

SPECIAL BALLOTS

15. Applications for special ballots shall be available from the office of the Returning Officer as of the 1st day of September, 2021.
16. Notwithstanding section 58(1) of the *Municipal Act*, due to extraordinary circumstances arising from the COVID-19 pandemic, any qualified elector may vote by special ballot.
17. A special ballot poll shall be established in City premises. This special ballot poll will be open from 8:30 a.m. to 4:30 p.m. every business day from September 28th to and including October 20th.

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18. The special ballot poll established in City premises shall be open on polling day, October 21st, from 8:30 a.m. until 2:00 p.m. to serve electors who have identified themselves as being at personal risk if their name or address is disclosed.
19. Special ballots issued to qualified electors must be returned to the Returning Officer by no later than 2:00 p.m. on polling day in order to be counted.
20. An elector who applies for and receives a special ballot is deemed to have voted when the special ballot has been issued, and the list of electors shall be marked to indicate that the elector has already voted. This includes an elector to whom a special ballot has been mailed.
21. A person who applies for and receives a special ballot **MUST** return the ballot to the Returning Officer or deposit the ballot in a designated drop box by no later than 2:00 p.m. on polling day. Under no circumstances may an elector take a special ballot to a polling station on polling day and vote in person using that special ballot.
22. Secure drop boxes shall be put in place at City administrative premises and the Canada Games Centre for the collection of special ballots. Such drop boxes will be clearly identified as collection sites for special ballots. An additional drop box may be deployed if deemed necessary at the discretion of the Returning Officer.
23. Electors who have received a special ballot may return their ballot by depositing it in one of these special drop boxes.
24. Special ballots may be mailed to qualified electors who complete a special ballot application and indicate that they require the ballot to be mailed to them. It shall be the responsibility of the elector to ensure that such ballots are returned to the Returning Officer by no later than 2:00 p.m. on polling day.

ADVANCE POLL

25. Notwithstanding section 87(3) of the *Municipal Act*, due to extraordinary circumstances arising from the COVID-19 pandemic, any qualified elector may vote at an advance poll.
26. An advance poll shall be established in City premises on Thursday, October 14, 2021 between the hours of 8:00 a.m. and 8:00 p.m.
27. Advance polls shall be established at the Canada Games Centre on Thursday, October 14, 2021 and Saturday, October 16, 2021 between the hours of 8:00 a.m. and 8:00 p.m.
28. Notwithstanding section 85(1)(b) of the *Municipal Act*, the Returning Officer may, at her discretion, establish a maximum of three additional advance poll dates for the purpose of enabling every eligible elector to vote.

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ELECTRONIC LIST OF ELECTORS

29. The City will use an electronic list of electors for the 2021 municipal election. In accordance with a Memorandum of Understanding between the City and Elections Yukon, an electoral district based on City boundaries will be created in the VoterView software used by Elections Yukon, and this software will be updated in September 2021 for use by the City in the 2021 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) 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, some polls may be temporarily closed until power is restored.
 - (5) In the event that power is unable to be restored in a timely manner, some polls may remain closed and electors will be directed to an alternate polling place. The list of electors will be manually updated to ensure that it accurately reflects the names of electors who have already voted until the power is restored or until the close of the polls.

IDENTIFICATION OF ELECTORS

30. 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.
31. 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.
32. 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.
33. 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;

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- (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 location address (for example, a City of Whitehorse utilities bill, an ATCO Electric bill or a NorthwesTel 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.
34. If an elector's birth certificate, valid passport or other such document does not reflect the elector's name as shown on the list of electors, additional documentation will be required for proof of identity. In most instances, the proof of residency documents in conjunction with the identity documents will be sufficient for this purpose.
- (1) Minor discrepancies in spelling between documents will not invalidate an elector's documentation.
 - (2) In the event that proof of identity or residency documents are deemed invalid by election officials, electors may still be issued a ballot provided that they sign a solemn declaration that they qualify as an eligible elector.
35. Eligible electors whose names do not appear on the list of electors may be sworn in at the poll.
- (1) Eligible electors who do not have the required identification and whose names do not appear on the list of electors may be issued a ballot provided that
 - (a) they sign a solemn declaration that they are an eligible elector, and
 - (b) they are accompanied by an eligible elector whose name appears on the list of electors and who
 - (i) provides the required identification; and
 - (ii) vouches for the elector by signing a solemn declaration that the said elector is eligible to vote.
 - (2) A registered elector may vouch for the eligibility of no more than one unregistered elector.

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POLLING PLACES

36. 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.
37. Polling places established in accordance with this bylaw shall be in premises of convenient access, including access for persons with disabilities.
38. A conspicuous sign identifying the polling place shall be maintained in place outside each polling place during the time that the poll is open.
39. Voting compartments shall be provided for the use of electors in marking their ballots, along with a hard smooth surface and a suitable pen.

HOURS OF THE POLLS

40. 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 Yukon government Main Administration Building shall be open between the hours of 8:00 a.m. and 5:30 p.m.
 - (2) The poll at the Whitehorse General Hospital shall be open between the hours of 7:00 a.m. and 4:30 p.m.
 - (3) Polls established at institutions such as care homes and correctional facilities shall be open for limited hours in accordance with a schedule arranged in advance by the Returning Officer in consultation with staff at such institutions.
 - (4) 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.
41. The Returning Officer is hereby delegated the authority to establish additional polls that will be open for limited hours in order to meet the needs of the community, and such polls shall operate between the hours of 8:00 a.m. and 7:30 p.m. on polling day. For example, some seniors' residences may require such a poll.
42. Election staff attending at polls established under sections 40(2), 40(3) and 40(4) of this bylaw or at additional polls established under section 41 of this bylaw will collect all ballots cast at those polls in a ballot box and deliver the sealed ballot box to the Returning Officer. Such ballot boxes will be opened following the close of the polls and the ballots will be scanned by a tabulator as the means of counting the votes. These ballots will be included in the tally of votes from mobile polls.

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MOBILE POLLS

43. Mobile polls shall be established to attend at care homes such as Copper Ridge Place and Whistle Bend Place 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 votes at such mobile polls.
 - (2) In the event that institutions such as care homes are closed to the public during the election period, the Returning Officer is delegated the authority to make arrangements with the individual institutions that will allow residents and staff to vote by special ballot. Arrangements may include training staff within the location to assist residents with their forms and voting as required.
44. Except as provided in sections 40 to 42 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.
45. Election staff attending at mobile polls will secure all ballots cast at those polls in a ballot box and deliver the sealed ballot box to the Returning Officer. Such ballot boxes will be opened following the close of the polls and the ballots will be scanned by a tabulator as the means of counting the votes cast at the mobile polls.

BOARD OF REVISION

46. Pursuant to the provisions of the *Municipal Act*, a Board of Revision consisting of five members is hereby established. The 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.
 - (2) The Returning Officer shall be the recording officer for the Board of Revision.
 - (3) The Returning Officer may act as an agent to make any application to the Board of Revision that a person who is eligible to vote could make.
47. The Board of Revision shall sit between the hours of 10:00 a.m. and 6:00 p.m. on Wednesday, September 22, 2021 in City premises.
 - (1) In the event that an in-person meeting of the Board of Revision is not possible due to restrictions imposed by the public health emergency, arrangements will be made for a virtual meeting.
48. Members of the Board of Revision shall be paid a flat rate of \$240.00 for sitting on the Board for the purpose of revising the preliminary list of electors.

USE OF CITY RESOURCES DURING AN ELECTION

49. For the purposes of promoting an election campaign, a limited number of spaces in City facilities are available to candidates for a fee as specified in the Fees and Charges Bylaw. Space is available on a first-come, first-served basis, and certain conditions may apply.

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50. During an election, campaign ads may be displayed for a fee provided that they:
- (1) Conform to the [Canadian Code of Advertising Standards](#);
 - (2) Comply with the laws, statutes, regulations and bylaws in force in the Yukon;
 - (3) Clearly state “This advertisement was paid for by (name of candidate or sponsor)”; and
 - (4) Include the statement that, “*The opinions expressed in this advertisement or by the sponsor of this advertisement do not in any way represent the opinions of, and are not endorsed by, the City of Whitehorse*”.

ADDITIONAL CONTINGENCY PLANNING

51. In the event that the Yukon Chief Medical Officer of Health imposes new restrictions on polling day, the City Manager may close the polls and establish an alternate date for the receipt of mail-in ballots.
- (1) The alternate date established pursuant to section 51 of this bylaw shall be no later than 28 calendar days from the date on which the polls were closed.

COMING INTO FORCE

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

FIRST and SECOND READING:	March 8, 2021
AMENDED by Resolution 2021-06-12	March 22, 2021
THIRD READING and ADOPTION:	March 22, 2021

Jan Stick, Deputy Mayor

Norma L. Felker, Assistant City Clerk