

CITY OF WHITEHORSE
BYLAW 2024-11

A bylaw to establish regulations and procedures for the 2024 municipal election.

WHEREAS section 53 of the *Municipal Act* provides that Council may by bylaw regulate the conduct of an election;

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

- (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.

AND WHEREAS in accordance with sections 53 and 56 of the *Municipal Act*, the City will in each election year bring forward an elections procedures bylaw to otherwise regulate the conduct of the municipal election with procedures and precautions to ensure that each elector votes only once in the Election;

AND WHEREAS voter information obtained from Elections Yukon pursuant to sections 60(1) and (2) of the *Municipal Act* is sufficient to meet the needs of the 2024 municipal election in the City of Whitehorse, and negates the need for a Board of Revision;

AND WHEREAS section 58 of the *Municipal Act* provides that Council may by bylaw provide for special ballots and provide the method by which a person may request a special ballot;

AND WHEREAS section 104(1) of the *Municipal Act* provides that Council may by bylaw provide for the taking of votes of the electors by voting machines, vote recorders or automated voting systems, or other devices;

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 Procedures Bylaw**".

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INTERPRETATION

2. In this bylaw,

"CANDIDATE" means a person running for office in an Election.

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

"COUNCIL" means the elected Council of the City.

"ELECTION" means the 2024 municipal election.

"ELECTION OFFICIALS" means the Returning Officer and Alternate Returning Officer appointed pursuant to this bylaw, and also includes Senior Deputy Returning Officers, Deputy Returning Officers, Poll Clerks, Poll Attendants, Revision Officers, Tabulator Operators and Standby Election Officers appointed and sworn in by the Returning Officer to assist with the conduct of the election, all as further described under section 8 of this bylaw.

"ELECTOR" means a person qualified to vote in the 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 Elector and a current residential address.

"LIST OF ELECTORS" means the list of registered Electors being used by the City in the Election.

"MOBILE INSTITUTIONAL POLL" means a poll that has been established under this bylaw in order that Electors may cast their votes while residing in a hospital or extended care facility.

"MOBILE SPECIAL BALLOT POLL" means a poll that has been established under this bylaw in order that Electors may cast their votes by special ballot if they are incapable of attending at a poll by reason of physical incapacity or their attendance at Whitehorse Correctional Centre.

"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.

3. Except as otherwise provided in this bylaw the Election shall be conducted in accordance with the provisions of Part 3 of the *Municipal Act*.

AUTHORIZATION

4. The City Manager, Returning Officer, or designate is hereby authorized to enter into agreements with various agencies or service providers for assistance in the conduct of the Election.

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ELECTION OFFICIALS

5. The City Manager is hereby delegated the responsibility for appointing a Returning Officer for the 2024 municipal election.
6. The City Manager is hereby delegated the responsibility to appoint an Alternate Returning Officer who is authorized to act in the absence of the Returning Officer or as otherwise required by the Returning Officer in their sole discretion.
7. 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, without limitation, Senior Deputy Returning Officers, Deputy Returning Officers, Revision Officers, Poll Clerks, Poll Attendants, Tabulator Operators and Standby Election Officers.
8. The role of the following election officials are defined as follows:
 - (1) "ALTERNATE RETURNING OFFICER" means the person appointed under this bylaw to assist the Returning Officer in the administration of the Election.
 - (2) "DEPUTY RETURNING OFFICER" means a person who has been appointed and sworn in by the Returning Officer to oversee a polling station during the Election and ensure that rules and procedures are followed at that polling station. The Deputy Returning Officer will also ensure that registration tasks including verification of eligibility, form completion, and entry into the List of Electors are completed.
 - (3) "POLL ATTENDANT" means a person who has been appointed to provide information and support at a polling place.
 - (4) "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.
 - (5) "RETURNING OFFICER" means the person appointed under this bylaw to be responsible for the administration of the Election. The Returning Officer will be delegated the responsibility to modify voting procedures, as long as the integrity of the vote is maintained.
 - (6) "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.
 - (7) "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.
 - (8) "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

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- 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.
- (9) "TABULATOR OPERATOR" means a person who has been appointed and sworn in by the Returning Officer to operate the tabulator at a polling place.
9. During their employment for the Election, Election Officials shall refrain from any active or public support for, or criticism of, any candidate running in the Election.
10. Senior Deputy Returning Officers will be appointed for 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;
 - (6) Overseeing the closing of the polling place and the secure return of the ballot box, results card and Tabulator to the Returning Officer; and
 - (7) Such further and other duties as may be assigned to them by the Returning Officer or their designate.
11. Standby Election Officers will be hired to provide continuity in the event of no-shows, relief or additional capacity requirements. Standby Election 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;
 - (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;
 - (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; and
 - (6) Such further and other duties as may be assigned to them by the Returning Officer or their designate.
12. The following honorariums shall be paid to persons acting as Election Officials on polling day and advance polls:

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Position	Per day	Notes
Senior Deputy Returning Officer (SDRO)	\$400.00	
Deputy Returning Officer (DRO)	\$315.00	
Poll Clerk (PC)	\$275.00	
Revision Officer (RevO)	\$275.00	
Tabulator Operator (TA)	\$275.00	
Poll Attendant (PA)	\$260.00	
DRO (Institution Poll)	\$23.00 per hour	Paid for a minimum of 4 hours
PC (Institution Poll)	\$21.00 per hour	Paid for a minimum of 4 hours
Standby Election Officers (SEO)	\$75.00	Based on 3 hours at the polling place; if the SEO covers another position, pay is adjusted to reflect that position's pay.

13. In addition to the honorarium above, Election Officials will receive a \$70.00 honorarium for time spent in training based on a maximum of four hours.
14. Election Officials appointed pursuant to section 6 of this bylaw may be employed on more than one polling day, and therefore are eligible to work at advance polls as well as at a regular poll on polling day.

NOMINATION PLACE AND TIME

15. Tuesday, 10th of September 2024 is hereby established as the designated date when nominations will open to prospective candidates for the 2024 municipal election. Candidate packages will be available at City Hall.
16. Thursday, 26th of September 2024, 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 for the 2024 municipal election.
17. Council Chambers in City Hall, located at 2121 Second Avenue, or alternate location as determined by the Returning Officer is hereby designated as the place where the Returning Officer shall receive the candidates' nomination papers.
18. Notwithstanding sections 15 and 16 of this bylaw, candidates may arrange an appointment with the Returning Officer to file nomination papers between the date of the nomination notice issued under the *Municipal Act* and 10:00 a.m. on the nomination day designated under this bylaw.

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POLLING DAY

19. Polling day for the 2024 municipal election shall be Thursday, October 17, 2024.

ELECTRONIC LIST OF ELECTORS

20. The City will use an electronic List of Electors for the 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 2024 for use by the City in the 2024 municipal election.

- (1) The electronic List of Electors 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; and
- (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.

21. Pursuant to the provisions of section 60(2) of the *Municipal Act*, and section 21 above, the requirement for a Board of Revision is dispensed of.

IDENTIFICATION OF ELECTORS

22. Electors will be required to produce identification at the poll and when applying for a special ballot to verify that they are the person whose name appears on the List of Electors.

23. If the elector does not have photo ID such as a driver's license or general identification card, 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 residency in the City.

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24. 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.
- (1) In the event that an Elector does not have documentation to show that they have a residential address in the City, an Elector may still be issued a ballot provided that they sign a solemn declaration of their residential address and their qualification as an Elector in accordance with the *Municipal Act*.
25. For the purposes of this bylaw,
- (1) For proof of identity and/or date of birth, the following documents will be deemed acceptable if it is valid and not expired:
 - (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 shows the full residential address of the Elector:
 - (a) A banking statement or a stamped banking profile from a bank with a physical branch located within the City;
 - (b) A bill showing a service location address (for example, a City utilities bill, an ATCO Electric bill or a Northwestel bill);
 - (c) A City 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 from the Canada Revenue Services (for the current year or within 2 years);
 - (g) Mortgage documentation;
 - (h) A signed residential tenancy agreement; or
 - (i) Social assistance benefit confirmation.
26. If an Elector's birth certificate, valid passport or other such identification 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, and subject to the discretion of the Election Officials, the proof of residency documents permitted under this bylaw in conjunction with one or more of the identity documents permitted under this bylaw will be sufficient to establish identification under the Bylaw. For greater certainty:

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- (1) Minor discrepancies in spelling, as determined by Election Officials in their sole discretion, 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 Elector.
27. Electors whose names do not appear on the List of Electors may be sworn in at the poll, as follows:
- (1) Electors who do not have the required identification and whose name does not appear on the List of Electors may be issued a ballot provided that:
 - (a) they sign a solemn declaration that they are an Elector, and
 - (b) they are accompanied by an 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 in accordance with this bylaw and the *Municipal Act*.
 - (2) A registered Elector may vouch for the eligibility of no more than one unregistered Elector in each Election.

MEANS OF VOTING

28. Electors will be able to vote through paper ballots subject to procedures established by the Returning Officer for the municipal.
29. Paper and Special Ballots shall include a designated voting space next to each Candidate's name.

POLLING PLACES

30. The Returning Officer shall establish, in their sole discretion, polling places in various areas of the City suitable for public assembly.
31. Polling places established in accordance with this bylaw shall be in premises of convenient access, including access for persons with disabilities.
32. A sign identifying the polling place shall be maintained in place outside each polling place during the time that the poll is open.
33. Private voting compartments shall be provided for the use of Electors in marking their ballots, along with a writing surface and a pen.

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HOURS OF THE POLLS

34. Except as otherwise provided in this bylaw, regular polls shall be open on polling day between the hours of eight o'clock in the morning and eight o'clock in the afternoon (8:00 a.m. to 8:00 p.m.). However, for greater certainty hours of other polls may vary:
 - (1) If a poll is established under this bylaw at the Whitehorse General Hospital, it shall be open for some period between the hours of 8:30 a.m. and 5:30 p.m.
 - (2) Polls established at care homes, and other similar institutions, shall be open for limited hours in accordance with a schedule arranged in advance by the Returning Officer, in their sole discretion, in consultation with staff at such institutions.
35. Election staff attending at polls established under sections 36(1) and 36(2) 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.

SPECIAL BALLOTS

36. Electors may apply for a special ballot, which shall be available from the office of the Returning Officer as of the 27th day of September 2024. The Returning Officer has sole discretion to determine whether an Elector meets the eligibility requirements for a special ballot in accordance with section 58 of the *Municipal Act*.
37. A special ballot poll shall be established by the Returning Officer and located on City controlled premises. This special ballot poll will be open from 8:30 a.m. to 4:30 p.m. every business day from September 27th to and including October 16th, 2024.
38. The special ballot poll established under this section of the Bylaw shall be open on polling day, October 17th, 2024, 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.
39. Special ballots issued by the Returning Officer to Electors must be returned to the Returning Officer by no later than 2:00 p.m. on polling day in order to be counted.
40. 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.
41. An Elector who applies for and receives a special ballot shall 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 the polling day for the Election. Under no circumstances may an Elector take a special ballot to a polling station on polling day and vote in person using that special

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ballot, and the Returning Officer retains the discretion not to count any special ballot so used.

42. Secure drop boxes shall be put in place at designated City controlled premises 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.
43. Electors who have received a special ballot may return their ballot by depositing it in one of these designated special drop boxes.
44. Special ballots may be mailed to Electors who 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 the polling day for the Election.
45. Mobile Special Ballot Polls, as determined by the Returning Officer in their sole discretion, will be available to Electors incapable of attending a poll by reason of physical incapacity or to those in correctional facilities. Mobile Special Ballot Polls will not be available on the polling day for the Election.
46. Electors applying for Mobile Special Ballot Polls because of physical incapacity will be subject to approval by the Returning Officer in their sole discretion.

ADVANCE POLL

47. Any Elector may vote at an advance poll.
48. Advance polls shall be established by the Returning Officer at City controlled premises on Thursday, October 10th, 2024, between the hours of 8:00 a.m. and 8:00 p.m.

MOBILE INSTITUTIONAL POLLS

49. Mobile Institutional Polls may be established to attend at care homes, including without limitation Copper Ridge Place and Whistle Bend Place, at which electors who reside in the said institutions may cast their vote.
 - (1) 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) If care homes are closed to the public during the election period, the Returning Officer is delegated the authority to arrange with the individual care homes to 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.
50. Except as provided in section 62 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.

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51. 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.

VOTING SECRECY AND INTERFERENCE

52. The Returning Officer will be responsible for maintaining the secrecy of paper ballots and special ballots.
53. No person shall interfere or attempt to interfere in a municipal election by obtaining or attempting to obtain:
 - (1) a paper or special ballot that belongs to another Elector.
54. No person shall interfere or attempt to interfere with an Elector while in the process of voting unless expressly requested and authorized by the Elector.
55. No person shall obtain or attempt to obtain information about how an Elector intends to vote or has voted.
56. Any Election Official requested by an Elector to assist them with voting is required to maintain the secrecy of the vote cast by the Elector and shall vote according to the instructions and wishes of the Elector.

TABULATOR SYSTEM

57. The City will use a poll-based ballot scanning and tabulation system for the 2024 municipal Election.
58. A paper ballot will be marked by the Elector and then scanned by a Tabulator.
59. One ballot will be used for the Election of one Mayor and up to six Councillors. In the event that Council opts to include referendum or plebiscite questions at the time of the Election, such questions may be included on that same ballot.
60. At each poll, Electors will mark their selections on a paper ballot by filling in the voting targets next to their choices.
61. The Elector will insert the completed paper ballot into a secrecy folder and return the folder with the ballot inside to the Tabulator Operator.
 - (1) In the presence of the Elector (if desired) the Tabulator Operator will insert the ballot into the Tabulator. The secrecy folder ensures the security of the ballot. The Tabulator will:
 - (a) Scan the ballot;
 - (b) Indicate that the ballot was read correctly, and may, if desired, also indicate if the ballot is valid;
 - (c) Redundantly store and tally the results; and
 - (d) After the polls have closed, print cumulative totals of all votes cast.

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COUNTING PROCEDURES

62. A results tally and reporting module will be installed on computer at City Hall. This module will integrate Election results, including:
- (1) Results for each contest at each poll; and
 - (2) Contest overview results.
63. Reports from the results tally and reporting module will be generated based on filter fields including:
- (1) Contest (Mayor, Councillor, plebiscite, etc.);
 - (2) Tabulator identifier;
 - (3) Polling location; and
 - (4) Counting group (the number of polls at the polling location).
64. Following the close of the polls, the Senior Deputy Returning Officer at each polling location will direct the Tabulator Operator to print a paper tape from the Tabulator showing the preliminary results. The paper tape will be printed in the presence of, and immediately delivered to, the Senior Deputy Returning Officer.
65. Following the close of the polls, each Tabulator's memory card will be physically delivered to City Hall. Thereafter each memory card will be inserted into a memory card reader attached to the results tally computer.
- (1) The results files will be loaded into the results tally module and consolidated results will be verified, tabulated and published; and
 - (2) Consolidated results will be published for public review via results reports in PDF format or an internet-based real-time graphical report display.

RECOUNT PROCEDURES

66. In the event of a recount, the Tabulators will be used to speed up the process, but the paper ballots will be available to be counted and examined.

USE OF CITY ADVERTISING SPACE DURING AN ELECTION

67. During an election, a limited number of advertising spaces may be available in City facilities and on City transit buses for fees as established in the Fees & Charges Bylaw. Space for advertisements may be purchased on a first-come, first-served basis 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 and visibly state "This advertisement was paid for by (name of candidate or sponsor)"; and

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- (4) Clearly and visibly state, "*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*".

BYLAW REPEAL

68. Bylaw 2018-01, including all amendments thereto, is hereby repealed.

COMING INTO FORCE

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

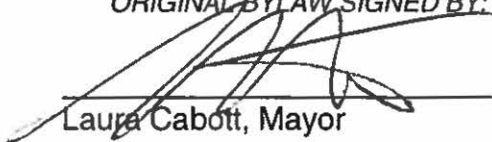
FIRST and SECOND READING:

April 22, 2024

THIRD READING and ADOPTION:

June 24, 2024

ORIGINAL BYLAW SIGNED BY:



Laura Cabott, Mayor



Corporate Services

