

NORTH CEDAR IMPROVEMENT DISTRICT POLICY MANUAL

ELECTIONS POLICY & PROCEDURES

Approved by: Board of Trustees

Code: 92-10

Repeal: Policy #5-99

Date: December 9, 2010

Amended: March 10, 2016

PURPOSE: To outline eligibility requirements and procedures for the election of one or more persons to the Board of Trustees of the North Cedar Improvement District.

REFERENCES: Local Government Act
Improvement District Trustee Handbook
Letters Patent
Improvement District Manual

POLICY: ELIGIBILITY TO VOTE OR BE A TRUSTEE

As provided in the Local Government Act and Letters Patent, persons entitled to vote or run for a trustee at an election must meet the following requirements:

- a Canadian citizen;
- eighteen years of age or older;
- an owner of land in the improvement district, and
- a resident of the province for the prior six months; or
- a person designated in writing to act as an authorized agent by a board or corporation that owns land in the District. The corporation must be registered in British Columbia and the agent must be qualified to vote in BC. Proof of such must be in the form of a letter from a lawyer or the corporation's BC business registration number; or
- a legal representative of an owner of land in the improvement district who has died, become insolvent or insane.

An elector cannot vote twice unless they are eligible to vote as an elector and they are also acting as an agent for a board or corporation or they are also legal representative or an owner of land in the improvement district who has died, become insolvent or insane.

Only persons attending the election and meeting eligibility requirements are entitled to vote or run as a candidate for trustee. Persons not attending the meeting cannot vote by proxy or run as a candidate for trustee.

VOTERS LIST

A list of all property owners in the Improvement District shall be prepared prior to an election. Said list may be based on the Improvement District's assessment roll, the provincial assessment roll or by a search in the Land Titles Office. The voters list is not available to candidates.

REGISTRATION

A person may register as an elector at the time of voting by providing information acceptable to the Returning Officer, or by signing a statutory declaration stating that they are qualified to vote.

RETURNING OFFICER

The Board of Trustees will appoint a Returning Officer who is responsible for the conduct of all elections, by-elections, and referendums. The Returning Officer appointed for the election has the authority to determine whether or not a voter meets the eligibility requirements and may require such person to make and file with him or her a statutory declaration showing that the declarant is eligible to vote. (A sample form is attached to this policy).

SCRUTINEERS

Candidates named on the ballot can each appoint one scrutineer to attend the ballot counting process. A scrutineer must not be a candidate or a trustee. A scrutineer may observe the voting process but may not handle any election document or ballot, or interfere with the conduct of the vote.

NOMINATIONS

Candidates must declare their willingness to stand as a trustee by completing a Nomination Form and Declaration of Candidate Form and submitting it to the administrator. The nomination form must be signed by two registered electors. Nominations will be open for 30 days and will close 21 days prior to the Annual General Meeting or By-Election.

INSUFFICIENT NOMINATIONS

If there are insufficient or no nominations for the number of vacancies at the end of the nomination period a subsequent nomination period is opened for a 3 day period. If reasonably

possible, the administrator gives notice to the public of an extended time for receiving nominations.

If, on the day of voting, there are fewer candidates for the number of vacancies on the board of trustees, or there is an exact number of candidates for the number of vacancies on the board of trustees, the candidates are declared elected by acclamation. Where a vacancy still exists on the day of voting after the acclamations, a subsequent voting day will be established by the board of trustees to occur within 60 days. An advance poll will not be held.

DETERMINATION OF RESULTS

Each qualified voter shall be entitled to cast one vote for each trustee position to be filled. Each qualified voter may vote for as many candidates as there are trustees to elect, but no person may receive more than one vote on a ballot. Ballots will be rejected if the same name is registered more than once.

The candidate receiving the greatest number of votes will be appointed to the position with the longest term available. Candidates receiving the second and third (or subsequent place) greatest number of votes will be appointed to the positions with the second, third, or subsequent placing, longest term available.

In the event that an equal number of votes are validly counted for one or more candidates, the names of the candidates will be placed on separate pieces of paper by the Returning Officer. The papers will be folded and placed in receptacle so the names are not visible and a person who is not a trustee, candidate or the Returning Officer will retrieve a piece of paper from the receptacle and the candidate whose name appears on the paper will be declared elected.

Where the number of persons nominated and agreed to stand as candidates for the Board of Trustees is equal to or less than the number of trustee positions to be elected, that (or those) person(s) shall be acclaimed to the position. Where more than one position is available and all persons nominated and agreed to stand as candidates are deemed to be acclaimed and there are varying terms of office to be filled, the Returning Officer shall cause that balloting take place determine which terms of office will be filled by each candidate. An exception to the balloting requirement may be supported by agreement of the candidates to allocate said terms according to their preferences, so long as stated preferences do not conflict.

BALLOTING

Each and every person eligible to vote shall receive a ballot when they register to vote upon admission to the meeting.

The Returning Officer shall appoint two individuals to count ballots from among the persons present.

Where balloting is required, the Returning Officer will declare registration of voters closed and will proceed with balloting. The Returning Officer shall declare the length of time balloting will be permitted.

Voters will be asked to cast secret ballots for as many positions as are available. Voters will be instructed to vote only once for each preferred candidate.

Voters may deposit their ballots into the ballot box. Once all ballots are cast or the appointed time limit is reached, balloting will close and ballots will be counted. Each candidate may appoint one scrutineer to observe the counting of ballot.

The Returning Officer will announce the results of the election and declare the appropriate nominees elected.

ELECTION CHALLENGE

An election can only be challenged in accordance with Section 737 of the Local Government Act within two weeks of the election by application to the Supreme Court of BC.

I HEREBY CERTIFY THAT the foregoing is a true copy of Policy No. 92-10, as adopted by the District , and sealed with the District seal on March 10, 2016.

Heather Sarchuk
Administrator

STATUTORY DECLARATION

In the matter of the *Local Government Act* and the election of trustees for the North Cedar Improvement District: I, _____ a resident of _____, British Columbia, Canada, DO SOLEMNLY DECLARE that I meet the eligibility requirements for voting in the above stated improvement district by virtue of **one** of the two following sets of criteria:

1. I am a Canadian citizen; eighteen years of age or older; I have resided in the Province of British Columbia for the previous six months; and I am the lawful owner of the following lands by virtue that under the terms of the said agreement for sale, deed, or lease, I am liable for all taxes levied against the said lands and that I have not disposed of, or assigned my interest in the said lands namely,

2. I am legal representative of an owner of land in the improvement district namely _____ who has died, become insolvent or insane and whose last address was, or whose current address is,

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

Signature of Declarant

I am satisfied the information given above is correct and the person stated appears qualified to vote.

Declared before me this ____ day of _____, 20__.

Returning Officer or Chairperson