

*Salt Spring Island Fire Protection District*

**POLICY MANUAL**

Section	
Policy Number	
Policy Title	Election Procedures

**DEFINITIONS**

“*Administrator*” means the officer position as established in the District’s “*Officer Positions Establishment Bylaw No.185*”;

“*Board of Trustees*” means the Board of Trustees of the Salt Spring Island Fire Protection District;

“*candidate*” means a person who is declared by the *Returning Officer* to be a candidate for election as a trustee ;

“*candidate representative*” means an official agent or a scrutineer appointed by a candidate;

“*District*” means the Salt Spring Island Fire Protection District;

“*election*” means an election for the number of persons required to fill positions on the Board of Trustees; and

“*Returning Officer*” means in relation to election proceedings, the election official appointed by the Board of Trustees to act as presiding election official for those proceedings.

**STATEMENT OF POLICY**

The Local Government Act and the Salt Spring Island Fire Protection District’s *Letters Patent* are largely silent on how elections for trustees are to be conducted. In the interests of transparency and consistency from one election to the next, the Board of Trustees considerate it desirable that an elections policy be adopted to guide and inform the conduct of the elections process.

## **GENERAL**

### **Annual Elections**

The Annual Election will be held at the Annual General Meeting of the Salt Spring Island Fire Protection District or at such other time as decided upon by the Board of Trustees.

### **By-elections**

By-elections will held at the discretion of the Board of Trustees to fill a vacancy on the Board of Trustees that has occurred. A by-election will be held at a special general meeting of the Salt Spring Island Fire Protection District or at such other time as decided upon by the Board of Trustees.

A by-election must be held to fill all vacancies on the Board of Trustees if the number of remaining trustees is less than one greater than the quorum for the Board of Trustees as set under section 129 subsection (1) [*Quorum for Conducting Business*] of the *Community Charter* unless the vacancy occurs after January 1 and before the date of the Annual General Meeting to be held in that year.

### **Multiple Terms**

Where there is an election to fill two or more vacancies on the Board of Trustees and the terms of the positions are different there will be two or more elections held. The first election will be for the position with the longest term. Separate elections will be held for each shorter term(s). A candidate can only be nominated for one election.

## **APPOINTMENT OF RETURNING OFFICER**

The Board of Trustees will appoint a Returning Officer who is responsible for the conduct of all elections, by-elections, and referenda. The Administrator of the Salt Spring Island Fire Protection District may be appointed the Returning Officer. The Returning Officer shall appoint a Deputy Returning Officer and other election official required for the administration and conduct of the election.

A candidate, candidate representative or a member of the Board of Trustees may not be appointed as an election official.

The Returning Officer and Deputy Returning Officer shall have all duties and powers necessary to conduct the election.

## **PUBLIC NOTICE OF ELECTION PROCEEDINGS**

Notice of an election, by-election or referendum will be published in accordance with Section 690 of the *Local Government Act*, the Salt Spring Island Fire Protection District's *Letters Patent* and *Meeting Procedures Bylaw 2012*, at least 56 days in advance of the date set by the Returning Officer for general voting:

- a) on the District's website; and
- b) in at least one issue of a local newspaper.

## **ELECTORS**

Those persons eligible to vote at an election will be all those who have met the requirements as specified in the District's *Letters Patent*.

One vote is also allowed for each board or corporation that owns land within the Fire Protection District. The Board or Corporation must designate one person in writing to act as an authorized agent to vote on its behalf.

If more than one person is registered on title as owner of land then those owners may vote providing they meet the qualifications set out above. No persons may vote more than once.

The Administrator will prepare a voters list indicating the name of persons qualified to vote. The voters list will be available for inspection by a candidate or candidate representative but will not be copied or released except to the Returning Officer.

A person may register as an elector immediately before voting by delivering an application form in accordance with Appendix A [*Application for Registration*] to the election official responsible at the place where the person is voting satisfying that official of the applicant's identity and that the qualification to vote have been met.

## **QUALIFICATION TO HOLD OFFICE**

A person is qualified to be nominated for office, and to elected to and hold office if at the relevant time the person meeting the requirements to be an elector.

## **NOMINATION OF CANDIDATES**

The Nomination Period and Notice of Nomination procedures will be made by the Returning Officer with the expectation that as far as reasonable possible they will conform to the *Local Government Act* section 84 and section 85.

A nomination for office as a member of the Board of Trustees must be made on the form provided separately for each candidate by two qualified nominators. In order to be a qualified nominator, a person must be an elector of the Salt Spring Island Fire Protection District.

#### Challenge of nomination

The time period during which a challenge may be made is between the time of the delivery of the nomination documents and the 4<sup>th</sup> day after the end of the nomination period. A challenge may be made only by:

- a. a person who is an elector of the Salt Spring Island Fire Protection District,  
or
- b. the Returning Officer.

A challenge may only be made on one or more of the following bases:

- a. that the person is not qualified to be nominated or elected;
- b. that the required forms and documents have not be completed as required by legislation and/or the *Letters Patent* ; or
- c. that the usual name given in the nomination documents is not in fact the usual name of the person.

The person making a challenge must immediately give notice of the challenge to the Returning Officer and the person whose nomination is challenged. Within 72 hours of the end of the period for commencing a challenge, the Returning Officer must investigate and determine the matter and must make a decision;

- a. as to confirming the person as a candidate or declaring that the person is no longer a candidate;
- b. declaring that the person is or is not entitled to have the usual name indicated in the nomination documents used on the ballot.

The decision of the Returning Officer may only be appealed to the Supreme Court of British Columbia.

#### Withdrawal

At any time up until 4:00pm on the 4<sup>th</sup> day after the end of the nomination period, a person who has been nominated may withdraw from being a candidate in the election by delivering a signed withdrawal to the Returning Officer, which must be accepted if the Returning Officer is satisfied as to its authenticity.

## **DECLARATION OF CANDIDATES**

Immediately following the end of the nomination period, the Returning Officer must declare as candidates for an trustee all persons who have been nominated for the office in accordance with the *Local Government Act* section 97 and make a declaration of election by voting or acclamation.

## **APPOINTMENT OF CANDIDATE REPRESENTATIVE**

A candidate may appoint one individual to act as official agent of the candidate in accordance with the *Local Government Act* section 102.

The absence of a candidate representative from a place where election proceedings are being conducted does not invalidate anything done in relation to an election.

## **VOTING OPPORTUNITIES FOR ELECTORS**

An elector who meets the applicable qualifications may vote in an election at one of the following voting opportunities: on the general voting day at a required general voting opportunity or at an additional voting opportunity, if any; and at an advance voting opportunity, if any.

### **Required general voting opportunities**

As soon as practicable after the declaration of an election by voting, the Returning Officer must designate voting places for general voting day. The voting places must be open on general voting day from 8:00am to 8:00pm to all electors entitled to vote.

### **Required advance voting opportunity**

At least one advance voting opportunity must be held for an election by voting on a date set by the Returning Officer. Voting hours for the advance voting opportunity are to be set by the Returning Officer.

At least 6 but not more than 30 days before the required advance voting opportunity, the Returning Officer must give notice of the date, location of the voting places and voting hours for the voting opportunity, and the documents that will be required in order for a person to registered as an elector at the time of voting.

## **ARRANGEMENTS FOR VOTING AND CONDUCT OF VOTING PROCEEDINGS**

Arrangements for voting will be made by the Returning Officer with the expectation that so far as reasonably possible they will conform to Division 10 – *Arrangements for Voting* and Division 11 – *Conduct of Voting Proceedings*, Division 12 – *Voting* and Division 13 – *Counting of the Vote of the Local Government Act*.

## **ELECTION RESULTS**

The Returning Officer will keep a record of the total number of ballots printed, the number of ballots cast, the number of spoiled ballots, the number of unused ballots and the number of ballots cast for each candidate. In the case of a referendum, the number of ballots for and against the question will be recorded.

As soon as practical following the close of general voting, the Returning Officer must declare the results of the election except if a candidate cannot be declared elected because there is an equality of valid votes for 2 or more candidates, the Returning Officer must declare that the election is to be referred to a judicial recount.

The Report of the Returning Officer will be placed on the District's website and announced in the media.

## **DETERMINATION OF RESULTS BY LOT IF TIE VOTE AFTER JUDICIAL RECOUNT**

If at the conclusion of a judicial recount the results of the election cannot be declared because there is an equality of valid votes for two or more candidates the result will be determined by lot in accordance with *Local Government Act* section 151 subsection (2).

## **ELECTION CHALLENGE**

An election can only be challenged in accordance with Section 684 of the *Local Government Act* within two weeks of the election by application to the Supreme Court.

An election must not be set aside because of an innocent irregularity, unless the court is satisfied that the irregularity affected the result of the election.

## **DOCUMENT RETENTION**

All election documents including ballots, ballot accounts, voting books and voters lists used during an election, must be retained by the Administrator for at least 6 months after the election.

## **DISCRETION OF THE RETURNING OFFICER**

Except for requirements stipulated in Section 690 of the *Local Government Act*, the Salt Spring Island Fire Protection District's *Letters Patent* and *Meeting Procedures Bylaw 2012*, all notice requirements and procedures stipulated in this policy statement are to be considered guidelines. It is the expectation of the Board of Trustees that as far as reasonably possible, the requirements stipulated in this policy will be adhered to, but the Returning Officer at his or her sole and absolute discretion may vary such notice requirements and procedures to facilitate the conduct of an election.

Except for those requirements stipulated in the *Local Government Act*, the District's *Letters Patent* or *Meeting Procedures Bylaw 2012*, the varying of notice requirements and procedures by the Returning Officer will not be sufficient grounds to invalidate anything done in relation to an election.

## **BOARD DISCRETION**

The provisions set out in this policy are subject to revision from time to time at the discretion of the Board of Trustees.

## **RELATED DOCUMENTS**

*Community Charter* [SBC 2003] Chapter 26

*Letters Patent* those issued on March 27, 2006 for the Salt Spring Island Fire Protection District as amended on September 16, 2011

*Local Government Act* [RSBC 2015] Chapter 1

Salt Spring Island Fire Protection District "*Officer Positions Establishment Bylaw No. 85*"

Salt Spring Island Fire Protection District "*Meetings Procedures Bylaw 2012*" No. 119

## APPROVALS

Approval date:		Approved by:	
1. Amendment date:		Approved by:	
2. Amendment date:		Approved by:	
3. Amendment date:		Approved by:	