

Beaver Falls Waterworks District Election Procedures Policy

Policy Number 2016.03.01

This policy is intended to provide the policies and procedures necessary to conduct a trustee election for the Beaver Falls Waterworks District (BFWD). It is designed to:

- a) Ensure that all elections meet the legal requirements as set out in the Improvement District Manual
- b) Ensure that all elections are conducted in an open, fair and honest process

Legislative References

- Beaver Falls Waterworks Letter Patent (1959)
- Local Government Act (Part 23, s 7)
- Improvement District Manual

Number of Trustees

The Board consists of five (5) elected Trustees for 3 year terms.

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 said appointment shall be made prior to the commencement of nominations. Where the Trustees make no appointment the Chairperson is deemed to be the Returning Officer.

Frequency of Elections

Elections are carried out at the Annual General Meeting. By-elections if required, occur at a Special General Meeting that has been duly called. If a trustee resigns their position before the end of the 3-year term, then a By-Election must be held and the person elected to that position serves the remaining portion of that 3-year term. A By-election must be held at a Special General Meeting on a date determined by the Board, usually within 60 days of the vacancy. There is no requirement to hold a By-Election if a trustee resigns within 60 days prior the the AGM.

Notice

Notice of an election, by-election, or referendum will be published in accordance with Section 741 of the Local Government Act, the District's Letters Patent and its Meeting Procedures Bylaw at least 14 days in advance of the date set by the board of trustees for the vote:

- on the District's website
- in newsletter
- in the case of a Special meeting by first class mail

Eligibility to Vote or to be a Trustee

As provided in the Local Government Act and Letters Patent, persons entitled to vote 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.
- A resident of the province for the prior six months (as per the Election Act). A list of all property owners in the Improvement District shall be prepared prior to an election. The list may be based on the Improvement District's assessment roll, the provincial assessment roll or by a search in the Land Titles Office.
- 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.
- If more than one person is registered on title as an owner of land, each one can vote so long as they meet the other qualifications. However, no person can have two votes unless they meet the qualifications to be an elector and are also an agent authorized to vote on behalf of a board or corporation.
- Only persons attending the election and meeting eligibility requirements are entitled to vote. Persons not attending the meeting cannot vote by proxy.
- 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.

Trustee Who Ceases to be an Landowner

A trustee who ceases to be a landowner can continue to hold office until their term ends, but they are disqualified for being a candidate again.

Voters List

The list of electors will be prepared from the assessment roll of the BFWD. This list will be used to verify the eligibility of the individual requesting a ballot.

Anyone other than the presiding officer is prohibited from having a copy of the list of electors.

Landowners will have the opportunity to be added to the list of electors by completing a Statutory Declaration.

Voting

Only persons attending the election and meeting the requirements are entitled to vote.

Voting will occur at the place designated for this purpose by the board of trustees. Electors attending the voting place whose name appear on the voters list, or who have registered to vote at the voting place, will be given a ballot to make their choice for candidate or for a referendum question.

Each qualified voter shall be entitled to cast one vote for each trustee position to be filled and 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 ballots will be placed in a ballot box has been designated for this purpose and that has been witnessed as being empty before the voting starts by a person who is not a trustee, a candidate or an election official. The name of the person will be recorded.

After all the ballots have been cast at the election, the Returning Officer and election officials will count the ballots in the ballot box used at the election in such a manner as to be observed by the scrutineers. Ballots that have been marked where there were more choices than there were positions to be elected (over-voting), or in such a manner that the intent of the voter is not clear, are to be counted as spoiled.

Nomination Form

Candidates must declare their willingness to stand as a Trustee by completing a nomination form and submitting it to the Secretary Treasurer. The nomination form must be signed by two registered electors. Nominations will close 14 days prior to AGM or Special Meeting.

Where there are insufficient nominations prior to the Annual General Meeting, and when nominations are allowed from the floor, two registered electors must nominate the candidate.

Insufficient 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. A candidate elected by acclamation takes office immediately in the case of a by-election, or at the end of the annual general meeting in the case of an election.

Scrutineers

Each candidate may appoint one person as their scrutineer to ensure that proper process is followed. The person appointed must not be a trustee or candidate. The scrutineer can be present while the ballots are distributed and at the final count but they should not participate directly in the election.

Tie Votes

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.

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 one election held. The candidate with the highest number of votes will take the longest term. The candidate with the next highest number of votes will take the next highest term, and so on.

Election Results

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.

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.

Results of the election will be posted on the BFWD website.

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. All election documents including ballots, voting lists used during an election, must be retained by the Secretary Treasurer until after thirty days have passed.

I HEREBY CERTIFY THAT the foregoing is a true copy of Policy No. 2016.03.01, as adopted by the District, and sealed with the District seal on the _____ day of _____ 2016.

Chair of Trustees

Secretary Treasurer