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# LOCAL GOVERNMENT ACT

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## LOCAL GOVERNMENT ACT

### CHAPTER 1 [RSBC 2015]

[includes 2018 Bill 23 c. 26 & Bill 24, c. 23 amendments (effective May 31, 2018)]

## Part 3: Division 4 – Electors and Registration of Electors

### Who may vote at an election

- 64.** (1) In order to vote at an election for a municipality or electoral area, a person
- (a) must meet the requirements of section 65 (1) (a) to (e) [*resident electors*] or 66 (1) (a) to (g) [*non-resident property electors*] at the time of voting,
  - (b) must not be disqualified by this Act or any other enactment from voting in the election or be otherwise disqualified by law, and
  - (c) must be registered as an elector of the municipality or electoral area.
- (2) The following persons are disqualified from voting at an election:
- (a) a person who has not completed the sentence for an indictable offence, unless the person is released on probation or parole and is not in custody;
  - (b) a person who is involuntarily confined to a psychiatric or other institution as a result of being acquitted of or found not criminally responsible for an offence under the *Criminal Code* on account of mental disorder;
  - (c) a person who has contravened section 161 (3) [*accepting inducements to vote*] in relation to the election.
- (3) For clarification, no corporation is entitled to be registered as an elector or have a representative registered as an elector and no corporation is entitled to vote.
- (4) A person must not vote at an election unless entitled to do so.

RS2015-1-64 (B.C. Reg. 257/2015).

### Resident electors

- 65.** (1) In order to be registered as a resident elector of a municipality or electoral area, a person must meet all the following requirements on the day of registration:
- (a) the person must be
    - (i) an individual who is 18 years of age or older on the day of registration, or
    - (ii) if an election is in progress for the municipality or electoral area, an individual who will be 18 years of age or older on general voting day for the election;
  - (b) the person must be a Canadian citizen;
  - (c) the person must have been a resident of British Columbia, as determined in accordance with section 67 [*rules for determining residence*], for at least 6 months immediately before the day of registration;
  - (d) the person must have been a resident of the municipality or electoral area, as determined in accordance with section 67, for at least 30 days

- immediately before the day of registration;
  - (e) the person must not be disqualified under this or any other enactment from voting in an election or be otherwise disqualified by law.
- (2) If the boundaries of a municipality or electoral area are extended or a new municipality is incorporated, a person is deemed to have satisfied the requirement of subsection (1) (d) if, for at least 30 days before the person applies for registration as an elector, the person has been a resident, as determined in accordance with section 67, of the area that is included in the municipality or electoral area or that becomes the new municipality.

RS2015-1-65 (B.C. Reg. 257/2015).

### **Non-resident property electors**

66. (1) In order to be registered as a non-resident property elector of a municipality or electoral area, a person must meet all the following requirements on the day of registration:
- (a) the person must not be entitled to register as a resident elector of the municipality or electoral area;
  - (b) the person must be
    - (i) an individual who is 18 years of age or older on the day of registration, or
    - (ii) if an election is in progress for the municipality or electoral area, an individual who will be 18 years of age or older on general voting day for the election;
  - (c) the person must be a Canadian citizen;
  - (d) the person must have been a resident of British Columbia, as determined in accordance with section 67, for at least 6 months immediately before the day of registration;
  - (e) the person must have been a registered owner of real property in the municipality or electoral area for at least 30 days immediately before the day of registration;
  - (f) the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust;
  - (g) the person must not be disqualified under this Act or any other enactment from voting in an election or be otherwise disqualified by law.
- (2) A person may register as a non-resident property elector only in relation to one parcel of real property in a municipality or electoral area.
- (3) If the boundaries of a municipality or electoral area are extended or if a new municipality is incorporated, a person is deemed to have satisfied the requirement of subsection (1) (e) if, for at least 30 days before the person applies for registration as a non-resident property elector, the person has been a registered owner of property within the area that is included in the municipality or electoral area or that becomes the new municipality.
- (4) For the purposes of this section, the registered owner of real property means whichever of the following is applicable:
- (a) the owner of a registered estate in fee simple of the property, unless another person holds an interest in the property referred to in paragraph (b), (c) or (d);
  - (b) the holder of the last registered agreement for sale, unless another person holds an interest in the property referred to in paragraph (c) or (d);
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- the tenant for life under a registered life interest in the property, unless another person holds an interest in the property referred to in paragraph (d);
- (d) the holder of a registered lease of the property for a term of at least 99 years.
- (5) If there is more than one individual who is the registered owner of real property, either as joint tenants or tenants in common, only one of those individuals may register as a non-resident property elector under this section in relation to the real property.
- (6) If the land title registration of the real property in relation to which a person is registering under this section indicates that there is more than one individual who is the registered owner of the real property, the person registering must do so with the written consent of the number of those individuals who, together with the person registering, are a majority of those individuals.
- (7) A registered owner who has consented to the registration of another registered owner of the property may withdraw the consent by delivering a written withdrawal to the municipality or regional district.
- (8) Once a withdrawal of consent has been delivered in accordance with subsection (7), the person registered as the non-resident property elector in relation to the property ceases to be entitled to be registered and vote as such if the number of individuals referred to in subsection (6) falls below a majority of the registered owners, with this effective
- (a) for the next election, in the case of a withdrawal delivered at least 52 days before general voting day for the election, and
- (b) following the next election, in the case of a withdrawal delivered less than 52 days before general voting day for the election.

RS2015-1-66 (B.C. Reg. 257/2015); 2017-10-28.

### Rules for determining residence

- 67.** (1) The following rules apply to determine the area in which a person is a resident:
- (a) a person is a resident of the area where the person lives and to which, whenever absent, the person intends to return;
- (b) a person may be the resident of only one area at a time for the purposes of this Part;
- (c) a person does not change the area in which the person is a resident until the person has a new area in which the person is a resident;
- (d) a person does not cease being a resident of an area by leaving the area for temporary purposes only.
- (2) As an exception to subsection (1), if
- (a) a person establishes for the purposes of attending an educational institution a new area in which the person is a resident, and
- (b) the new area is away from the usual area in which the person is a resident,
- the person may choose for the purposes of this Part either the usual area or the new area as the area in which the person is a resident.

RS2015-1-67 (B.C. Reg. 257/2015).

### When a person may register as an elector

- 68.** (1) A person may register as an elector

- (a) at the time of voting in accordance with section 72 [*resident elector registration*] or 73 [*non-resident property elector registration*], or
  - (b) by advance registration in accordance with section 71, if this is available.
- (2) If a bylaw under section 76 [*Provincial list of voters as register of resident electors*] is in effect for a municipality or electoral area, a person entitled to register as a resident elector of the municipality or electoral area may effectively register as such by registering as a voter under the *Election Act* in sufficient time to have the person's name appear on the Provincial list of voters that becomes, under the bylaw, the register of resident electors for the municipality or electoral area.

RS2015-1-68 (B.C. Reg. 257/2015).

### Voting day registration only

- 69.** A local government may, by bylaw, limit registration of electors to registration at the time of voting.

RS2015-1-69 (B.C. Reg. 257/2015).

### Application for registration

- 70.** (1) An application for registration as an elector must include the following information:
- (a) in the case of registration as a resident elector,
    - (i) the full name of the applicant,
    - (ii) the residential address of the applicant, and the mailing address if this is different, and
    - (iii) either the birth date or the last 6 digits of the social insurance number of the applicant;
  - (b) in the case of registration as a non-resident property elector,
    - (i) the full name of the applicant,
    - (ii) the address or legal description of the real property in relation to which the person is registering and the mailing address of the applicant, and
    - (iii) either the birth date or the last 6 digits of the social insurance number of the applicant;
  - (c) a declaration that the applicant meets the requirements of section 64 (1) (a) and (b) [*qualifications for voting*] to be registered as an elector;
  - (d) any other information required by regulation under section 168 [*election regulations*] to be included.
- (2) An application must
- (a) be signed by the applicant and by a witness to the signature of the applicant, and
  - (b) include the residential address of the witness, if this is not a person authorized by the chief election officer or by the designated local government officer.
- (3) For the purpose of subsection (1), an address of an applicant that indicates the area in which the applicant is resident within the meaning of section 67 is sufficient if, in the opinion of the person authorized to receive the application, it

indicates the location for the purpose of determining whether the applicant is resident in the municipality or electoral area.

- (4) In the case of an application for registration as a non-resident property elector, the application must be accompanied by
- (a) proof satisfactory to the person receiving the application that the applicant is entitled to register in relation to the real property referred to in subsection (1) (b), and
  - (b) if applicable, the written consent from the other registered owners of the real property required by section 66 (6).

RS2015-1-70 (B.C. Reg. 257/2015).

### How to register in advance

- 71.** (1) If a bylaw under section 69 [*voting day registration only*] does not apply, advance registration must be available in accordance with this section.
- (2) Subject to the closed period under subsection (4), if advance registration is available for a municipality or electoral area, a person may register as an elector by delivering an application and accompanying documents in accordance with section 70
- (a) at the local government offices during its regular office hours,
  - (b) at a special registration opportunity under subsection (6), or
  - (c) at other times and places authorized by the designated local government officer.
- (3) Advance registration required under subsection (1) must be available to both resident electors and non-resident property electors unless deemed registration of resident electors under section 76 [*Provincial list of voters as register of resident electors*] is in effect.
- (4) Advance registration closes 53 days before general voting day and does not reopen until the Monday after the close of general voting, subject to any extension of this closed period in relation to an election under section 152 [*runoff election if tie vote after judicial recount*].
- (5) At least 6 days but not more than 30 days before the start of the closed period under subsection (4), the designated local government officer must give public notice of the close of advance registration in accordance with section 50 [*newspaper publication*].
- (6) For the purpose of encouraging persons to register as electors,
- (a) a local government may direct the designated local government officer to arrange an enumeration of the municipality or regional district, and
  - (b) that officer may arrange other special opportunities for persons to apply to register as electors.
- (7) The designated local government officer must ensure that application forms are available from the local government offices during its regular office hours at any time when advance registration as an elector is permitted.

RS2015-1-71 (B.C. Reg. 257/2015).

### How to register as a resident elector at the time of voting

- 72.** (1) A person may register as a resident elector immediately before voting by
- (a) either

- (i) delivering an application in accordance with section 70 [*application for registration*] to the election official responsible at the place where the person is voting, or
- (ii) providing to that official the information required under that section in the manner established by the chief election officer, and
- (b) satisfying that official of the applicant's identity and place of residence in accordance with subsection (2).
- (2) For the purposes of subsection (1) (b), an individual may either
  - (a) produce to the election official at least 2 documents that provide evidence of the applicant's identity and place of residence, at least one of which must contain the applicant's signature, or
  - (b) produce to the election official at least 2 documents that provide evidence of the applicant's identity, at least one of which must contain the applicant's signature, and make a solemn declaration as to the applicant's place of residence within the meaning of section 67 [*rules for determining residence*].
- (3) Documents accepted under subsection (2) must either be documents prescribed as acceptable under section 168 [*election regulations*] or provide evidence satisfactory to the election official respecting the matter.
- (4) The election official registering an elector under this section must note on the application the nature of the documents produced for the purposes of subsection (1) (b).
- (5) The election official responsible for receiving applications under subsection (1) is the presiding election official or another election official designated by the presiding election official.

RS2015-1-72 (B.C. Reg. 257/2015).

### How to register as a non-resident property elector at the time of voting

- 73.** (1) A person may register as a non-resident property elector immediately before voting by
- (a) either
    - (i) delivering an application in accordance with section 70 [*application for registration*] to the election official responsible at the place where the person is voting, or
    - (ii) providing to that official the information required under that section in the manner established by the chief election officer,
  - (b) satisfying that official of the applicant's identity in accordance with subsection (2), and
  - (c) providing to that official the materials described in section 70 (4).
- (2) For the purposes of subsection (1) (b), an individual must produce to the election official at least 2 documents that provide evidence of the applicant's identity, at least one of which must contain the applicant's signature.
- (3) Section 72 (3) to (5) [*requirements in relation to registration of resident electors*] applies for the purposes of this section.

RS2015-1-73 (B.C. Reg. 257/2015).

### Effect of registration

- 74.** (1) Unless

- (a) a bylaw under section 69 *[voting day registration only]* applies, or
  - (b) all or the applicable part of the register of electors is cancelled,
- a person registered as an elector continues to be an elector of the municipality or electoral area as long as the person meets the requirements for registration.
- (2) If a bylaw under section 69 applies, registration as an elector is effective only for the elections for which the voting is being conducted at that time.

RS2015-1-74 (B.C. Reg. 257/2015).

## Register of electors

- 75.** (1) Subject to section 76 *[Provincial list of voters as register of resident electors]*, if advance registration is available for a municipality or electoral area, a register of electors for the municipality or electoral area must be maintained.
- (2) The designated local government officer is responsible for maintaining the register of electors.
  - (3) The register of electors must separately record resident electors and non-resident property electors of the municipality or electoral area and, for each elector, must record the name of the elector and the address or addresses of the elector required to be included on an application under section 70 *[application for registration]*.
  - (4) For the purposes of recording the address or addresses of a resident elector under subsection (3), the register of electors may record only the residential address of the elector as required to be included on an application under section 70.
  - (5) For the purposes of maintaining the register of electors, the designated local government officer
    - (a) must add to the register persons who have registered in accordance with
      - (i) section 71 *[advance registration]*,
      - (ii) section 72 *[registration as resident elector at time of voting]*, or
      - (iii) section 73 *[registration as non-resident property elector at time of voting]*,
    - (b) may add to the register persons who meet the requirements of section 65 (1) *[resident elector qualifications]* to be registered as resident electors of the municipality or electoral area, as evidenced by a current Provincial list of voters under the *Election Act*,
    - (c) may add to the register persons who meet the requirements of section 65 (1) to be registered as resident electors of the municipality or electoral area, as evidenced by registration under section 172 *[who may vote at assent voting]*,
    - (d) despite section 74 (2) *[time limited registration]*, for a new register established after a bylaw under section 69 *[voting day registration only]* ceases to be in force, may add to the register
      - (i) persons whose names were included in the previous register, and
      - (ii) persons who registered for elections conducted in the municipality or electoral area while the bylaw was in force,
    - (e) if all or part of a register is cancelled under subsection (8) or section 76, may add to the new register persons whose names were included in the cancelled register,
    - (f)



on evidence satisfactory to that official, may delete from the register the names of persons who have died or who are no longer qualified as electors, and

- (g) on evidence satisfactory to that official, may amend the register to show correctly the information to be included in the register.
- (6) A person whose name is added to the register under subsection (5) (b), (c), (d) or (e) is deemed to have registered as an elector, as recorded in the register, and section 74 (1) applies to the registration.
- (7) The designated local government officer may authorize a person to assist in that officer's duties under this section and may authorize the person to exercise the officer's powers under this section.
- (8) The local government or the minister may order the cancellation of an existing register of electors, or a portion of it, and direct the preparation of a new register.

RS2015-1-75 (B.C. Reg. 257/2015).

### **Provincial list of voters as register of resident electors**

- 76.** (1) Instead of maintaining an ongoing register of resident electors, a local government may, by bylaw, provide that the most current available Provincial list of voters prepared under the *Election Act* is to be the register of resident electors.
- (2) A bylaw under subsection (1) must require that the Provincial list of voters becomes the register of resident electors no later than 52 days before general voting day for any election to which the bylaw applies.
- (3) If a bylaw under subsection (1) applies,
- (a) any previous register of resident electors of the municipality or electoral area is cancelled, effective at the time the Provincial list of voters becomes the register,
  - (b) a person who, on the basis of the Provincial list of voters, appears to meet the qualifications to be registered as a resident elector of the municipality or electoral area is deemed to be registered as such an elector, and
  - (c) the local government may have, but is not required to have, advance registration under section 71 for resident electors.

RS2015-1-76 (B.C. Reg. 257/2015).

### **List of registered electors**

- 77.** (1) If a register of electors is required under section 75, the designated local government officer must prepare a list of registered electors for the municipality or electoral area, to be used for the purposes of administering an election.
- (2) The list of registered electors must give the names and addresses of all persons included on the register of electors at the time the list is prepared and must indicate whether a person is a resident elector or a non-resident property elector.
- (3) From the 46th day before general voting day until the close of general voting, a copy of the list of registered electors as it stands at the beginning of that period must be available for public inspection at the local government offices during its regular office hours.
- (4) Before inspecting the list of registered electors, a person other than a local government officer or employee acting in the course of duties must sign a statement that the person will not inspect the list or use the information included in the list except for the purposes of this Part.
- (5)

The designated local government officer must ensure that the statements referred to in subsection (4) are kept until after general voting day for the next general local election.

- (6) At least 6 days but not more than 30 days before the first day on which the list of registered electors is required to be available under subsection (3), notice must be given in accordance with section 50 *[newspaper publication]* that
  - (a) a copy of the list of registered electors will be available for public inspection at the local government offices during its regular office hours from the date specified in the notice until the close of general voting for the election,
  - (b) an elector may request that personal information respecting the elector be omitted from or obscured on the list in accordance with section 78 *[protection of privacy]*, and
  - (c) an objection to the registration of a person as an elector may be made in accordance with section 79 *[objection to elector registration]* before 4 p.m. on the 36th day before general voting day.
- (7) The list of registered electors must be updated to reflect the changes to the register of electors made after any objections under section 79 have been dealt with.
- (8) Each person who has been nominated in accordance with section 89 *[nomination by delivery of nomination documents]* is entitled, for use by the person for the purposes of the election, to
  - (a) one copy of the list of registered electors without charge, and
  - (b) on payment to the municipality or regional district of the reasonable costs of reproduction, other copies as requested by the person.
- (9) Before receiving a list of registered electors, a person referred to in subsection (8) must sign a statement that the person will not inspect the document or use the information in it except for the purposes of this Part.
- (10) Despite section 95 (3) of the *Community Charter* and section 27 (7) of the *Interpretation Act*, a person who is entitled to inspect a copy of the list of registered electors under subsection (3) of this section is not entitled to obtain a copy of the list.

RS2015-1-77 (B.C. Reg. 257/2015).

### Protection of privacy

- 78.** If requested by an elector in order to protect the privacy or security of the elector, the chief election officer must amend a list of registered electors that is to be available for public inspection, or that is to be provided under section 77 (8) *[list provided to candidates]*, by omitting or obscuring the address of the elector or other information about the elector.

RS2015-1-78 (B.C. Reg. 257/2015).

### Objection to elector registration

- 79.**
- (1) The registration of a person whose name appears on the list of registered electors under section 77 (3) may be objected to in accordance with this section.
  - (2) An objection must be received by the designated local government officer, or a person authorized for this purpose by that officer, before 4 p.m. on the 36th day before general voting day.
  - (3)

- An objection may be made only by a person entitled to be registered as an elector of the municipality or electoral area for which the registration is questioned.
- (4) An objection may be made only on the basis
    - (a) that the person whose name appears has died, or
    - (b) that, at the time of the objection, the person is not qualified to be registered as an elector of the municipality or electoral area.
  - (5) An objection must be made in writing, signed by the person making it and include the following:
    - (a) the name and address, as shown in the list of registered electors, of the person against whose registration the objection is made;
    - (b) the basis of the objection, including a statement of the facts that the objector believes support this;
    - (c) the name and address of the person making the objection.
  - (6) On receiving an objection, the designated local government officer must make a reasonable effort to notify the person against whom the objection is made of
    - (a) the objection,
    - (b) the name of the person who made the objection, and
    - (c) the basis on which the objection is made.

RS2015-1-79 (B.C. Reg. 257/2015).

### Resolving objections to registration

- 80.** (1) An objection under section 79 on the basis of death must be resolved by the designated local government officer in accordance with the following:
- (a) that official must have a search made of the records under the *Vital Statistics Act*;
  - (b) if a record of death is found and that official is satisfied that it applies to the person whose registration is being objected to, that official must remove the person's name from the register of electors;
  - (c) if a record of death is not found and that official is unable to contact the person, the official must proceed in accordance with subsection (2) (c) and (d).
- (2) An objection on the basis that a person is not entitled to be registered as an elector must be resolved by the designated local government officer in accordance with the following:
- (a) if, after receiving notice of the objection, the person provides proof satisfactory to that official of the person's entitlement to be registered or makes a solemn declaration as to that entitlement, the person's name is to stay on the register of electors;
  - (b) if, after receiving notice of the objection, the person does not provide proof of entitlement or make a solemn declaration as to entitlement, that official must remove the person's name from the register of electors;
  - (c) if that official is unable to contact the person, that official must require the person who made the objection to provide proof satisfactory to that official of the basis of the objection and, if this is done, must remove the name from the register of electors;
  - (d) if the person who made the objection does not provide satisfactory proof as required by paragraph (c), the name is to stay on the register of electors.

