

Mayne Island Improvement District

Trustee Election Procedures Policy

DEFINITIONS

RETURNING OFFICER

1. Is the role of the Corporate Administrative Officer who is responsible for the conduct of all elections, by-elections, and assent votes (formerly referendums);
2. Has the authority to determine whether or not an individual meets the voter eligibility requirements and may require such individual to make and file with him or her a solemn declaration showing that the declarant is eligible to vote;
3. May conduct the roll of Poll Clerk or delegate it to other staff;
4. Is responsible for training the Poll Clerk and any additional election officials required to conduct elections, by-elections and assent votes; and,
5. Is responsible for the appointment of an Election Official.

ELECTION OFFICIAL

1. Is appointed by the Returning Officer and is responsible for the physical election process and oversight at the AGM.
2. Assists with counting ballots.

POLL CLERK

1. Assists the Returning Officer and Election Official to set up and open the voting place and ensure that voting proceeds in an orderly and safe fashion;
2. Confirms an individual's identity and residential address and therefore their eligibility to vote; and,
3. Assists with counting ballots.

SCRUTINEER OR CANDIDATE REPRESENTATIVE

1. May be appointed by a candidate to observe the election process to ensure that proper process is followed;
2. May be present while the ballots are distributed and at the final ballot count; and,
3. May not interfere with the election proceedings.

VOTER ELIGIBILITY

1. A Canadian citizen;
2. 18 years of age or older;
3. A resident of British Columbia for at least 6 months before voting day;
4. Be an owner (or spouse or legal representative of the owner) of land within the boundaries of the **Mayne Island Improvement District** or the authorized agent, designated in writing, of a board or corporation of such land;
5. Not otherwise be disqualified by any Regulation or Act from voting in the election or be otherwise disqualified by law; and,
6. Have not voted before in the same election.

Each corporation or society that owns land within the improvement district has one vote and must designate, in writing, a person to vote on its behalf. That person can also be an owner of other property in the improvement

district. If so, that person could vote twice, once on their own behalf as a landowner and as the agent authorized on behalf of the landowning corporation or society.

TRUSTEE ELIGIBILITY

The eligibility requirements to be a trustee on an improvement district Board are the same as the eligibility requirements to vote in an improvement district election. The Mayne Island Improvement District Letters Patent (1964) states that the spouse or common-law partner of an eligible elector is qualified to be a candidate for trustee.

There are no specific provisions in the *Local Government Act* that prohibit either a volunteer fire-fighter or a paid fire-fighter from also being a trustee of an improvement district. However, there are several reasons why this situation should be avoided, including but not limited to:

- Potential for a perceived conflict of interest for a person who holds dual roles as an employer and employee;
- Perception of bias; and/or,
- Potential for degradation of employee/employer relationship.

For more information refer to Section B - Improvement District Administration of the *Improvement District Manual (2006)*, Ministry of Community Services.

NUMBER OF TRUSTEES

The Board consists of 5 elected trustees each elected for 3-year terms. Each year vacancies are identified by the Election Official on a rotational basis. The Election Official will, for example, state the following:

- *2 Trustees are to serve a further 1 year, namely: _____ and _____;*
 - *1 Trustee is to serve a further 2 years, namely: _____;*
 - *2 Trustees must resign, and they are: _____ and _____.*
1. *There are usually at least 12 board meetings annually and each Trustee is encouraged to attend them all. Members of the public are welcome to attend.*
 2. *A quorum at any board meeting comprises at least 3 Trustees. If there are not 3 Trustees present, the meeting must be postponed.*
 3. *The following nominations have been received: _____*

ANNUAL ELECTIONS

A general election occurs at the annual general meetings (AGM).

BY-ELECTIONS

By-elections may occur at a special meeting.

NOMINATIONS

1. Eligible individuals must declare their willingness to run for the elected position of trustee by completing a nomination form and submitting it to the Corporate Administrative Officer by the deadline specified.
2. The nomination form must be signed by two nominators.
3. Nominations close no later than 28 days prior to the election.

NOTICES

1. Notice of an AGM and/or election will be posted at least 14 days in advance of the election,
2. Notice will be posted at five conspicuous places within the district and published in a newspaper circulating therein and on the Mayne Island Improvement District website, www.miidonline.com.

VOTERS LIST

1. A list of eligible electors based on the assessment role.
2. If an individual confirms their name and address on the list, they are not required to show ID.

ELECTION PROCEDURES FOR VOTING

1. Poll Clerk and/or Returning Officer checks the name and address of individual on the voters list.
2. If the individual is listed on the voters list – the Poll Clerk:
 - a) asks the elector to make an oral declaration:
DECLARING they meet the eligibility criteria:
 - *I am a Canadian citizen;*
 - *I am 18 years of age or older;*
 - *I have resided in British Columbia for at least six months immediately preceding voting day;*
 - *I am a registered owner of real property in Mayne Island Improvement District immediately preceding voting day or the authorized agent or legal representative;*
 - *I am not disqualified by any Regulation or Act from voting in the election or be otherwise disqualified by law;*
 - *I have not previously voted in this election.*
 - b) initials beside the elector's information on the qualified voters sign in list confirming that an oral declaration was given;
 - c) provides the elector with a ballot; and,
 - d) reminds the elector they have an opportunity to mark, with an X, one to three choices, depending on the number of trustee vacancies there are to fill.
3. If the individual is not on the voters list, the Poll Clerk asks for identification that confirms the individual's identity and residential address and therefore their eligibility to vote;
4. If the individual does not have identification, the Poll Clerk:
 - a) asks the individual to fill out and sign the Property Owner Elector Solemn Declaration as to their identity and property ownership or the authorized agent or legal representative;
 - b) asks the individual to give an oral declaration;
 - c) initials beside the elector's information confirming that an oral declaration was given;
 - d) provides the elector with a ballot; and,
 - e) reminds the elector they have an opportunity to mark, with an X, one to three choices, depending on the number of trustee vacancies there are to fill.
5. If the individual presents themselves as an agent of a board or corporation or authorized agent or legal representative, the individual must also present formal documentation supporting that they have been assigned authority as agent for that board or corporation's interest or legal representative in property owned within the Mayne Island Improvement District jurisdiction. Only one agent per board or corporation will be permitted to vote. The Poll Clerk:
 - a) asks the individual to fill out and sign the Property Owner Elector Solemn Declaration as to their identity and property ownership, attaching a copy of the board or corporation's authorization as agent or legal representative documentation;
 - b) asks the individual to give an oral declaration;
 - c) initials beside the elector's information on the voters list confirming that an oral declaration was given;
 - d) provides the elector with a ballot; and,

- e) reminds the elector they have an opportunity to mark, with an X, one to three choices, depending on the number of trustee vacancies there are to fill.
6. The elector then marks their ballot and deposits the folded ballot into the ballot box.

BALLOT COUNT

1. Ensure only the Returning Officer, Election Official, Poll Clerk and candidates or appointed scrutineers are present at the count:
 - a) a candidate or their scrutineer (not both) may observe the ballot count proceedings to ensure a transparent and consistent process is followed and that any potentially spoiled ballots are ruled on by the Returning Officer in a fair and consistent manner.
2. Determine the number of eligible electors that voted;
3. Open the sealed ballot box;
4. The Election Official will count the ballots using tally sheets:
 - a) a ballot will be counted when it clearly identifies not more than one to three choices with an X;
 - b) a tick mark will be accepted if the intent of the elector is clearly indicated; and,
 - c) any writing, drawings or distinguishable markings will spoil the ballot and the ballot will not be counted towards the total votes.
5. Record the total ballots cast, the ballots counted, and the ballots rejected/spoiled;
6. Declaration of voting results by the Election Official:
 - a) The candidate(s) with the greatest number of votes cast will be elected to the vacant trustee position(s); and,
 - b) If there is a vacancy for different length terms, the candidate with the greatest number of votes cast will hold office for the longest term (generally a three-year term). The candidate with the second greatest number of votes cast holds office for the next longest term.
 - c) If only sufficient candidates have been nominated for each position to be filled the new Trustee(s) will be declared as elected by acclamation.

TIE

In accordance with Mayne Island Improvement District Bylaw 178, in the event of an equality of valid votes for two or more candidates at the conclusion of a recount, the results will be determined by lot between those candidates in accordance with the following:

- a) the name of each candidate is to be written on a separate piece of paper, as similar as possible to all other pieces prepared for the determination;
- b) the pieces of paper are to be folded in a uniform manner in such a way that the names of the candidates are not visible;
- c) the pieces of paper are to be placed in a container that is sufficiently large to allow them to be shaken for the purpose of making their distribution random, and the container is to be shaken for this purpose;
- d) the Returning Officer is to direct a person who is not a candidate or candidate representative to withdraw one paper;
- e) the Returning Officer is to declare elected the candidate whose name is on the paper that was drawn.

ELECTION CHALLENGE

1. A person who is qualified to vote at an improvement district election and who voted or applied to vote in the election may appeal to the Supreme Court against the order of the Returning Officer accepting or rejecting a vote or ballot or the result of the election.
2. The appeal must be made in writing within two weeks after the election.

RETENTION AND DESTRUCTION OF ELECTION DOCUMENTS

1. Until the end of the appeal period (two weeks after the election) the Returning Officer:
 - a) must keep the sealed ballot packages in their custody;
 - b) is responsible for retaining the nomination documents for the election; and,
 - c) is responsible for retaining the remainder of the election materials.
2. The following materials must be destroyed as soon as practicable within 30 days after the appeal period expires:
 - a) the ballots used in the election;
 - b) any copies of the list of electors used for the purposes of voting proceedings;
 - c) the voting books used in the election; and,
 - d) any solemn declarations and any written statements or declarations in relation to voting proceedings.