

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF

MUNICIPAL AFFAIRS

Local Government Act

Ministerial Order No. M010

WHEREAS pursuant to section 167 of the *Local Government Act* (the “Act”), if the minister considers that special circumstances exist regarding an election, the minister may make any order the minister considers appropriate to achieve the purposes of Part 3 [*Electors and Elections*] of the Act;

AND WHEREAS on March 11, 2020 the World Health Organization declared the spread of the coronavirus communicable disease (“COVID-19”) to be a pandemic;

AND WHEREAS on March 18, 2020 the Minister of Public Safety and Solicitor General declared that a state of emergency exists throughout the whole of the Province of British Columbia;

AND WHEREAS numerous regional districts and municipalities including the Regional District of Kootenay Boundary, have pending by-elections that must take place during COVID-19 response and recovery;

AND WHEREAS the nature of by-elections requires in-person interactions that can increase the transmission risks of COVID-19 and put electors and election officials at increased levels of risk;

AND WHEREAS the Regional District of Kootenay Boundary has a limited number of available venues that are both accessible to persons who have a physical disability or whose mobility is impaired and also include square footage sufficient for physical distancing for in-person voting that meet the applicable COVID-19 health and safety standards;

AND WHEREAS local governments are required to move forward with by-elections, as soon as practicable, after a vacancy occurs and to serve the democratic interests of their communities;

January 7, 2021

Date



Minister of Municipal Affairs

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Local Government Act, section 167

Other: Local Government Act, sections 54, 110, 120, 125

AND WHEREAS on February 13, 2021 there is to be a by-election to fill a vacancy in an elected local government office for the Regional District of Kootenay Boundary in accordance with section 54 of the Act (the “Regional District of Kootenay Boundary by-election”);

AND WHEREAS, I believe that the COVID-19 pandemic constitutes a ‘special circumstance’ for the purposes of s.167 of the Act, and that in order to achieve the purposes of Part 3 [*Electors and Elections*] of the Act, it is appropriate for me to make the following order;

NOW THEREFORE I HEREBY ORDER, pursuant to section 167 of the Act, that:

- 1) As an exception to section 110 (3) of the Act, and despite paragraphs 6 (a) of the Regional District of Kootenay Boundary “Regional District of Kootenay Boundary Elections and Other Voting Conduct Bylaw No. 1745, 2020”, or an applicable provision of any other bylaw, the Board may, for the Regional District of Kootenay Boundary by-election, by resolution, permit voting by all eligible electors under the Act to be done by mail ballot and, in relation to this, may permit elector registration to be done in conjunction with this voting.
- 2) As an exception to section 120 (2) (d) of the Act, and despite an applicable provision of any other bylaw, the Board may, for the Regional District of Kootenay Boundary by-election, by resolution, allow only one scrutineer for each candidate to be present at a voting place while voting proceedings are being conducted.
- 3) As an exception to section 125 (1) (b) and (c) of the Act, and despite an applicable provision of any other bylaw, the Board may, for the Regional District of Kootenay Boundary by-election, by resolution permit the elector, as directed by the election official responsible, to make an oral declaration that the elector is entitled to vote in the by-election when obtaining a ballot for voting, in which case the election official responsible must make a record that the elector made an oral declaration.