

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF

MUNICIPAL AFFAIRS

Local Government Act

Ministerial Order No. M108

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 City of Castlegar, have pending by-elections that must take place during the COVID-19 pandemic;

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 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;

AND WHEREAS on April 24, 2021 there is to be a by-election to fill vacant council member offices for the City of Castlegar in accordance with section 54 of the Act (the “City of Castlegar 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;

March 8, 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, 109, 110, 125

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

- 1) As an exception to section 110 of the Act, and despite any applicable provision of any bylaw of the City of Castlegar, Council may, for the City of Castlegar 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 125 (1) (b) and (c) of the Act, and despite any applicable provision of any bylaw of the City of Castlegar, Council may, for the City of Castlegar 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.
- 3) As an exception to section 109 (1) of the Act, and despite section 4 of the “Local Government Election and Assent Voting Bylaw No. 1263”, or an applicable provision of any other bylaw, Council may, for the City of Castlegar by-election, permit the City of Castlegar’s Chief Election Officer to remove one or more special voting opportunities at their sole discretion.