

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF

MUNICIPAL AFFAIRS

*Local Government Act*

Ministerial Order No. M129

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 Town of Qualicum Beach, 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;

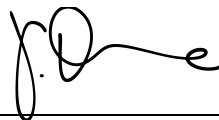
AND WHEREAS mail ballot voting reduces in-person interactions and the Town of Qualicum Beach anticipates that a significant number of electors will vote by mail ballot;

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 May 15, 2021 there is to be a by-election to fill a vacancy in an elected local government office for the Town of Qualicum Beach in accordance with section 54 of the Act (the “Town of Qualicum Beach by-election”);

March 22, 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

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 of the Act, and despite any applicable provision of any bylaw of the Town of Qualicum Beach, Council may, for mail ballot voting in the Town of Qualicum Beach by-election, by resolution permit:
  - a. 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; and
  - b. the Town of Qualicum Beach’s Chief Election Officer to establish procedures for processing and securing mail ballots at their sole discretion including, but not limited to, establishing times for opening certification envelopes, placing mail ballots in vote tabulating machine, and securing the memory card of the vote tabulating machine.
- 2) As an exception to section 125 (1) (b), (c) and (2) (a) of the Act, and despite any applicable provision of any bylaw of the Town of Qualicum Beach, Council may, for the Town of Qualicum Beach 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 5 of the Town of Qualicum Beach “Election Procedures Bylaw No.621, 2008”, or an applicable provision of any other bylaw, Council may, for the Town of Qualicum Beach by-election, by resolution permit the Town of Qualicum Beach’s Chief Election Officer to establish or remove one or more special voting opportunities at their sole discretion.