

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF

MUNICIPAL AFFAIRS

*Local Government Act*

Ministerial Order No. M181

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 Penticton, 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 City of Penticton anticipates a significant number of electors will vote by mail ballot;

AND WHEREAS the City of Penticton has limited available venues for in-person voting that are large enough to ensure the applicable COVID-19 health and safety physical distancing standards are met;

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;

April 29, 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, 76, 105, 106, 107, 109, 110, 120, 125

AND WHEREAS on June 19, 2021 there is to be a by-election to fill a vacancy in an elected local government office for the City of Penticton in accordance with section 54 of the Act (the “City of Penticton 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 76 of the Act, and despite section 5 of the “Election and Assent Voting Bylaw No. 2018-34”, or an applicable provision of any other bylaw, Council may, for the City of Penticton by-election, by resolution permit that the most current available Provincial list of voters prepared under the *Election Act* is to be the register of resident electors.
- 2) Despite sections 15.2 and 15.5 of the “Election and Assent Voting Bylaw No. 2018-34” as amended, or an applicable provision of any other bylaw, Council may, for the City of Penticton by-election, by resolution permit general voting under sections 105 and 106 and advance voting opportunities under sections 106 and 107 of the Act to be conducted without a secrecy sleeve.
- 3) As an exception to section 109 (1) of the Act, and despite section 7 of the “Election and Assent Voting Bylaw No. 2018-34”, or an applicable provision of any other bylaw, Council may, for the City of Penticton by-election, permit the City of Penticton’s Chief Election Officer to establish special voting opportunities or to determine that no special voting opportunities will be held at their sole discretion.
- 4) As an exception to section 110 of the Act, and despite section 10 of the “Election and Assent Voting Bylaw No. 2018-34” as amended, or an applicable provision of any other bylaw, Council may, for mail ballot voting in the City of Penticton 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 City of Penticton’s Chief Election Officer to establish procedures for voting, 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.
- 5) As an exception to section 120 (2) (d) of the Act, and despite section 12 of the “Election and Assent Voting Bylaw No. 2018-34” as amended, or an applicable provision of any other bylaw, Council may, for the City of Penticton by-election, by resolution permit only one scrutineer for each candidate to be present at a voting place while voting proceedings are being conducted.
- 6) As an exception to section 125 (1) (b) (c) and (2) (a) of the Act, or an applicable provision of any bylaw, Council may, for the City of Penticton 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.