

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF
MUNICIPAL AFFAIRS AND HOUSING

Local Government Act

Ministerial Order No. M420

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 Village of Burns Lake, 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 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 January 23, 2021 there is to be a by-election to fill one or more vacancies in an elected local government office for the Village of Burns Lake in accordance with section 54 of the Act (“the Village of Burns Lake by-election”);

November 19, 2020

Date



*Kaye Krishna, Deputy Minister on behalf of Minister,
Municipal Affairs and Housing*

(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, 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 paragraph 6 of the “Corporation of the Village of Burns Lake Local Government Election Bylaw No. 925, 2011”, or an applicable provision of any other bylaw, Council may, for mail ballot voting in the Village of Burns Lake by-election 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) Despite paragraphs 7(a) and (b) of the “Corporation of the Village of Burns Lake Local Government Election Bylaw No. 925, 2011”, or an applicable provision of any other bylaw, Council may, for mail ballot voting in the Village of Burns Lake by-election permit the Village of Burns Lake’s Chief Election Officer to establish procedures and timelines by which an elector may request a mail ballot, at their sole discretion.
- 3) Despite paragraphs 8(b) d. of the “Corporation of the Village of Burns Lake Local Government Election Bylaw No. 925, 2011”, or an applicable provision of any other bylaw, Council may, for mail ballot voting in the Village of Burns Lake by-election permit the Village of Burns Lake’s Chief Election Officer to allow mail ballots to be received before the close of voting on general voting day in accordance with section 110 (9) of the Act.
- 4) Despite paragraph 12(c) of the the “Corporation of the Village of Burns Lake Local Government Election Bylaw No. 925, 2011”, or an applicable provision of any other bylaw, Council may, for mail ballot voting in the Village of Burns Lake by-election permit the Village of Burns Lake’s Chief Election Officer to establish timelines in accordance with which electors may request the replacement of a spoiled mail ballot, at their sole discretion.
- 5) As an exception to section 125 (1) (b) and (c) of the Act, or any applicable provision of a bylaw, Council may, for the Village of Burns Lake by-election, 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.