

PART V

ADDITIONAL INFORMATION

PART V - ADDITIONAL INFORMATION

1. By-elections

Date of By-election (s. 11 and 12)

For all local jurisdictions including summer villages, the date of the by-election shall be on a day fixed by a resolution of the elected authority.

Proceedings for the conduct of a by-election shall be the same as for a general election except that for summer villages, nominations shall be received by the returning officer between the hours of 10 a.m. and noon on nomination day.

2. Vote on Bylaws and Questions

Proceedings (s. 7)

If the *Local Authorities Election Act* or any other act provides for the submission of a bylaw or question, then the bylaw or question shall be submitted to a vote in accordance with the act.

Ballot (s. 44)

If there is to be a vote on a bylaw or question, the elected authority by resolution must determine the wording to be used on the ballot and may determine the form of the ballot.

If the elected authority does not determine the form of the ballot, the returning officer must do so.

Scrutineers (s. 70)

When requested in writing by two or more electors, the returning officer shall appoint in writing those persons named in the request as scrutineers to attend at the voting stations on behalf of those persons in favour of the bylaw or question. The returning officer should follow the same procedure for the appointment of scrutineers

representing those in opposition. Not more than one scrutineer for each side of the bylaw or question may be in attendance at the same time at a voting station, or at a counting of the votes.

The returning officer may designate the place or places where a scrutineer may observe the election procedure.

The scrutineer is required to subscribe to a scrutineer's statement in the prescribed form (Form 10) and must be at least 18 years of age.

Results (s. 96)

In the case of a vote on a bylaw or question, when there is only one voting station, the returning officer shall declare the result of the vote immediately after completing the counting of the ballots.

Where there is more than one voting station used for a vote on a bylaw or question, the returning officer shall receive all the ballot boxes from all the voting stations. Without opening any of the sealed packets of ballots, the returning officer shall calculate the number of ballots marked for and against the bylaw or question from the ballot account of the numbers of ballots given, declare the results in accordance with s. 97(2).

The returning officer shall, on declaring the result, certify the percentage of persons who have voted in the affirmative and exclude from the total number of ballots all ballots that have not been counted.

The returning officer shall forward a signed statement showing the number of votes for and against a bylaw or question to the secretary and the relevant Minister's Deputy Minister.

3. Joint Elections (s. 2)

An elected authority, by resolution, may authorize an agreement for holding an election in conjunction with one or more elected authorities in the same area.

The elected authority that is responsible for conducting the election has all the rights, powers, and duties of those elected authorities that have entered in the agreement.

4. Ministerial Powers

Directions (s. 6)

The relevant Minister may give directions governing the conduct of any election or the vote on a bylaw or question if the Minister considers the provisions of the *Local Authorities Election Act* insufficient.

Vote on Question (s. 6)

The relevant Minister may require, in conjunction with an election, that a vote be conducted on any question specified by the Minister respecting any matter over which the elected authority has jurisdiction.

Regulations (s. 159)

The Minister of Municipal Affairs may make regulations prescribing forms and their contents for use in an election, establishing standards for ballot boxes and respecting identification indicating that a person is an enumerator, a candidate or a campaign worker.

Ward System (s. 6)

If there are wards in an area, the provisions of the act respecting a general election apply unless specifically varied in the act. If the bylaw, resolution or order establishing wards does not provide for any matter, the relevant Minister may by order, give direction as to that or any other matter or thing requisite to the proper conduct of an election.

Altering Conduct and Dates of Elections (s. 6)

The relevant Minister may decide any questions arising from the difficulty or impossibility of applying the act and in so deciding, he may by order, alter dates prescribed by the act for the doing of any matter or thing and may give other directions.

5. Powers of the Lieutenant Governor in Council (s. 159(1) and 160)

Regulations

The Lieutenant Governor in Council may make regulations providing for any matter not provided for or insufficiently provided for in the *Local Authorities Election Act* but such a regulation would cease to be effective after the last day of the next ensuing session of the Legislature.

The Lieutenant Governor in Council may make regulations to permit a municipality to modify the election procedures, for example, establishing more than one voting station in a voting subdivision. This modification, without authorization, would be contrary to s. 37 of the act.

It must be remembered that in all cases of proposed modification to the procedures, the elected authority must make application to the relevant minister for a Ministerial Order authorizing same if the elected authority has not already passed a bylaw. (Regulation 5/2007).