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| Instrument Title: | A Bylaw to regulate the conduct of the 2021 Municipal Election |
| Instrument No.: | 2021-05 |
| Council Motion No.: | 21-296 |
| Date Approved: | July 27, 2021 |
| Instrument Type: | Bylaw |
| Legislative Authority: | Municipal Act |
| Enactment: | This Bylaw shall come into force and effect on the final passage thereof. Further, Bylaw #2018-10 is hereby repealed. |
| Revision/Amendment | |
| History: | |
| SUMMARY | |

Read a first time on the 6 day of July 2021.

Read a second time on the 27 day of July 2021.

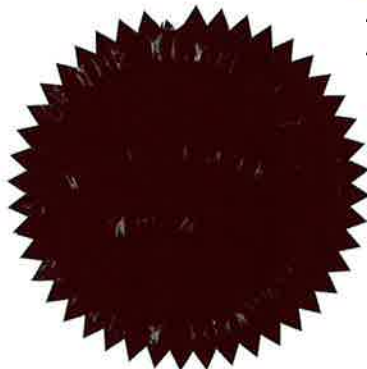
Read a third time and adopted on the 27 day of July 2021.



Leonard Faber
Mayor



Annie Beauregard
Acting Chief Administrative Officer



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PREAMBLE

WHEREAS Section 53 of the Municipal Act, RSY 2002, c. 154 and amendments thereto, provides that Council may by bylaw regulate the conduct of an election; and

AND WHEREAS section 60 (1)(a) of the *Municipal Act*, RSY 2002, c. 154, and amendments thereto, provides that council may dispense with the requirement of a list of electors for an election; and

AND WHEREAS section 61 (1)(b) of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that council may by bylaw provide for a system of registration of persons entitled to vote at an election which shall include the prescribed oath required to be signed by each person applying to vote;

AND WHEREAS section 56 of the *Municipal Act* provides that council shall by bylaw:

- (1) Establish the date, time and place for making nominations;
- (2) Establish places at which polls will be held if a poll is required;
- (3) Set hours during which special polls shall be open; and
- (4) Delegate to the Returning Officer the power to appoint Deputy Returning Officers.

AND WHEREAS section 265 of the Municipal Act provides that, despite any other provision in the Act, a council may take any temporary measure necessary to respond to and deal with an emergency;

AND WHEREAS a public health emergency declared under the *Public Health and Safety Act* continues to be in effect due to the Coronavirus pandemic, and may still be in effect at the time of the 2021 municipal election;

NOW THEREFORE pursuant to the provisions of the Municipal Act of the Yukon Territory the Council of the Town of Faro, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the "2021 Municipal Election Bylaw".

INTERPRETATION

2. In this Bylaw,

"CANDIDATE" means a person running for office at this election.

"CAO" means the Chief Administrative Officer for the Town of Faro.

"COUNCIL" means the elected Council of the Town of Faro.

"DEPUTY RETURNING OFFICER" means a person who has been appointed and sworn in by the Returning Officer to oversee a polling station during the municipal election and ensure that rules and procedures are followed at that polling station.

"ELECTION OFFICIALS" means the Returning Officer and Alternate Returning Officer appointed pursuant to this bylaw, and includes Senior Deputy Returning Officers, Deputy Returning Officers, Revision Officers, Poll Clerks, Poll Attendants, Tabulator Operators and Standby Election Officers appointed and sworn in by the Returning

Officer to assist with the conduct of the election.

"ELECTOR" means a person qualified to vote in a municipal election pursuant to section 48 of the Municipal Act.

"LIST OF ELECTORS" means the list of registered electors being used at this election.

"RETURNING OFFICER" means the person appointed by bylaw to be responsible for the administration of the election

"TOWN" means the Town of Faro.

ELECTION OFFICIALS

3. Sally Baker is hereby appointed Returning Officer for the 2021 municipal election in the Town of Faro.
4. The Returning Officer is hereby delegated the authority to appoint election officials in sufficient numbers to assist in the conduct of the election. Election officials so appointed will include Deputy Returning Officers and Poll Clerks as necessary.
5. For the purposes of fulfilling the requirements of the Part 3 of the *Municipal Act*, the CAO or their designate shall serve as the Designated Municipal Officer.
6. Election officials shall, during their employment, refrain from any active or public support or criticism of any candidate.
7. The following honorariums shall be paid to persons acting as election officials, other than full time officers or employees of the Town of Faro:
 - a. Returning Officer \$25.00 per hour
 - b. Deputy Returning Officer \$20.00 per hour
 - c. Poll Clerk \$18.00 per hour

NOMINATIONS

8. Council chambers located in the Town office at 200, Campbell Street, is hereby designated as the place for nomination proceedings.
9. Notice of Nomination shall be posted by September 2, 2021.
10. Nominations will be received by the Returning Officer no later than 12 o'clock noon on Thursday, September 23, 2021.

POLLING DAY

11. The regular poll shall be held Thursday, October 21, 2021, and the hours of the poll shall be from 8:00 a.m. to 8:00 p.m.

SPECIAL BALLOTS

12. Applications for special ballots shall be available from the office of the Returning Officer as of the 1st day of September 2021.
13. Notwithstanding section 58(1) of the *Municipal Act*, due to extraordinary circumstances arising from the COVID-19 pandemic, any qualified elector may vote by special ballot.

14. Pursuant to the requirements of Section 58 of the Act, the Returning Officer may issue a special ballot to an eligible elector any time after the close of nominations and before the date of the advance poll.
15. Special Ballots submitted by mail or courier must be sealed within a mailing envelope, on which the name and return address of the elector are clearly written, sent directly to, and received by, the Returning Officer before 2:00pm on the date of the regular poll.

ADVANCE POLL

16. Notwithstanding section 87(3) of the *Municipal Act*, due to extraordinary circumstances arising from the COVID-19 pandemic, any qualified elector may vote at an advance poll.
17. The advance polling place and the regular polling place shall be established in the council chambers located in the Town office at 200, Campbell Street.
18. The advance poll shall be held Thursday, October 14, 2021, and the hours of the poll shall be from 8:00 a.m. to 8:00 p.m.

REGISTRATION OF ELECTORS

19. Pursuant to section 60(1) of the *Municipal Act*, the Town hereby dispenses with the requirement to produce a list of electors for the 2021 municipal election.
20. Pursuant to section 60(1)(b) and 61(1)(b) of the *Municipal Act*, the Town does hereby establish the following procedures and forms to govern the conduct of the 2021 municipal election:
 - a. All individuals meeting the eligibility criteria contained in section 48 of the *Municipal Act* and wishing to cast a ballot shall be required to register by swearing or affirming the Oath of Elector Eligibility, contained in Appendix A of this bylaw, in the presence of a Deputy Returning Officer.
 - b. Once the Voting Register has been completed, the Deputy Returning Officer shall present the elector with ballot(s).
21. No individual shall be permitted to register or vote on the behalf of another individual.

NOTICE TO ELECTORS

22. The Designated Municipal Officer shall supply to the Returning Officer signage to be displayed at all polling stations which shall inform electors of the following:
 - a. The offences contained in section 160 of the *Municipal Act*; and
 - b. The penalties associated with the offences contained in section 160 of the *Municipal Act*; and
 - c. A statement that, pursuant to this bylaw, the name of any individual challenged by a Deputy Returning Officer, a candidate or candidate's agent, or by an elector, who swears an oath of eligibility and votes in the election shall be forwarded to the appropriate authorities for investigation and possible prosecution.

CHALLENGED ELECTORS

23. Within 7 days of receipt of election records from the Returning Officer, the Designated Municipal Officer shall examine the Voting Register for the purpose of identifying any elector who was challenged at the poll.
24. The Designated Municipal Officer shall, within 5 days of examining the Voting Register, forward copies of the Voting Registrations of all challenged electors to the appropriate authorities for investigation and prosecution

SEVERABILITY

25. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

REPEAL

26. Bylaw 2018-10 is hereby repealed

ENACTMENT

27. This Bylaw shall come into full force and effect upon the passing thereof.