

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

Local Government Act

Ministerial Order No.

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 on March 18, 2020 the Minister of Municipal Affairs and Housing issued Ministerial Order No. M074 to rescind the appointment of the Chief Election Officers and cancel the by-election in the City of Victoria;

AND WHEREAS numerous regional districts and municipalities, including the City of Victoria, have pending by-elections that have been delayed due to public health concerns relating to COVID-19;

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 Victoria 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 December 12, 2020 there is to be a by-election to fill a vacancy in an elected local government office for the City of Victoria in accordance with section 54 of the Act (“the City of Victoria by-election”);

October 29, 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, 105, 106, 107, 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 paragraphs 14, 15, 16 and 17 of the “City of Victoria Election Procedure Bylaw No. 02-013” as amended, or an applicable provision of any other bylaw, Council may, for mail ballot voting in the City of Victoria by-election:
 - a. 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;
 - b. permit a secrecy sleeve to be used instead of a secrecy envelope in accordance with this Order and if a secrecy sleeve is permitted any requirement under the Act and the “City of Victoria Election Procedure Bylaw No. 02-13”, as amended, pertaining to a secrecy envelope must be read as pertaining to a secrecy sleeve for the purposes of this Order;
 - c. permit the City of Victoria’s Chief Election Officer to establish time limits in relation to voting by mail ballot at their sole discretion; and
 - d. permit the City of Victoria’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 the vote tabulating machine, and securing the memory card of the vote tabulating machine.
- 2) Despite paragraphs 11 (1), (3)(a)(ii) and (b), and (4) (c) of the “City of Victoria Election Procedure Bylaw No. 02-013” as amended, or an applicable provision of any other bylaw, Council may, for the City of Victoria by-election, permit advance voting opportunities under sections 106 and 107 of the Act and general voting under sections 105 and 106 to be conducted without a secrecy sleeve.
- 3) As an exception to section 125 (1) (b) and (c) of the Act, and despite paragraph 11 (3) (ii) of the “City of Victoria Election Procedure Bylaw No. 02-013” as amended, or an applicable provision of any other bylaw, Council may, for the City of Victoria 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.
- 4) As an exception to section 109 (1) of the Act, and despite paragraph 9 (1) of the “City of Victoria Election Procedure Bylaw No. 02-013” as amended, or an applicable provision of any other bylaw, Council may, for the City of Victoria by-election, permit the City of Victoria’s Chief Election Officer to establish special voting opportunities or to determine that no special voting opportunities will be held at their sole discretion.