

## Elections

### General

The Letters Patent for every improvement district contain provisions for the election of trustees. The majority of Letters Patent state the election is to take place at the annual general meeting, but some of the larger improvement districts have provisions allowing them to hold the election on a separate date. A list of all property owners qualified to vote in the improvement district should be prepared for the election. This voters list may be based on the district's assessment roll, from the provincial assessment roll, or other means.

### Voter Eligibility

Persons entitled to vote at an election must meet all of the following requirements:

- A Canadian citizen.
- Eighteen years of age, or older.
- An owner of land in the improvement district.
- A resident of the province for the prior six months, or legal representative of an owner of land in the improvement district who has died, become insolvent or insane.

One vote is also allowed for each board or corporation that owns land within the improvement district. The board or corporation must designate one person to act as an authorized agent to vote on its behalf. This should be done in writing so the returning officer can verify the vote.

If more than one person is registered on title as a landowner, each one can vote as long as they also meet the other qualifications. However, no person can have two votes unless they meet the qualifications to be an elector and are also an agent authorized to vote on behalf of a board or corporation.

### Voting Procedures

One of the underlying principles of a democratic society is the right to choose community representatives in an open, fair and honest process. For the majority of improvement districts, the only election rules that are outlined in legislation are the eligibility requirements, notice provisions, the ability to use statutory declarations, the time when the election is to be held and the method for challenging an election. The board of trustees has discretion to decide all other election procedures.

If improvement districts do not adopt election procedures, there are likely to be inconsistencies from one election to another and there may be allegations of impropriety. Therefore, it is strongly recommended that every improvement district adopt basic election procedures. At a minimum, the procedures should cover the following points.

**Officer Presiding at Elections**

The board must to appoint a returning officer to preside at the election. A chair or other trustee should not preside at the election because there may be a perception of bias. A list of duties and responsibilities for the position should be established as well as the amount of any remuneration. Where a large voter turnout is expected, provision may also be made for a deputy returning officer and/or poll clerks.

**Nominations**

Procedures should be established for whether the nomination must be in writing and when nominations close. There are no requirements that a nominator must be an eligible elector. There is also no requirement that the person who is being nominated be present at the time of the election, but it would be prudent to have evidence that the nominee has accepted the nomination. The officer presiding at the election must be able to determine whether a candidate meets the eligibility requirements.

**Scrutineers**

Scrutineers observe the election process to ensure that proper process is followed. Usually a candidate appoints one person to be their scrutineer. The person appointed must not be a trustee or a candidate. The scrutineer can be present while the ballots are distributed and at the final count but they should not participate directly in the election.

**Voters List**

A list of electors is not required but it may speed the voting process. It also ensures that the number of ballots cast in an election equals the number of electors who were given a ballot. The list may also serve as evidence of who voted if the results of the election were to be challenged. Since it is difficult to produce a completely accurate voters list, landowners should have the opportunity to be added to the list of electors while registering to vote.

The list of electors can be based on the assessment roll, billing records, or other source of information. If there is any question as to whether a person is eligible to be added to the voters list, the officer presiding at the election can ask that person to complete a statutory declaration.

Election procedures should outline whether electors are required to sign the voters list. Since the list contains personal information such as names and addresses, care should be taken about providing copies to individuals.

In the case of municipalities and regional districts, the legislation provides that one copy of the list of electors may be made available to each candidate. The candidates must sign a statement that they will not inspect the document or use the information in it except for the purposes of the election. If they use it for other reasons, the penalties include fines, imprisonment and a prohibition from voting or holding an election local government office for up to six years.

There are no similar penalties for improvement district elections. Therefore, if an improvement district adopted a policy in favour of providing candidates with a list of electors, there are no legislated penalties if a candidate used the list of electors inappropriately. Therefore, it may be advisable for improvement districts to adopt election procedures prohibiting anyone other than the officer presiding at the election from having a copy of the list of electors. However, the list should be available for viewing.

If an improvement district chooses not to prepare a list of electors prior to an election, an alternative is to use a poll book. The officer presiding at the election records the names and addresses of eligible electors when they request a ballot.

### **Voting**

Election procedures should require that voting be conducted using a secret ballot. Ballots are the critical evidence of the election results and should be protected from potential mishandling or tampering by placing them in a sealed ballot box.

Election procedures adopted by the board should cover such things as the form of the ballot, how it must be marked, how and when they are to be counted and how they are to be kept safe until the statutory period for challenging elections has passed (two weeks).

It should be noted that only persons attending the election, and meeting the eligibility requirements, are entitled to vote. Persons not attending the election in person cannot vote by proxy.

### **Elections for Vacancies with Different Terms**

Where a trustee position becomes vacant before the end of the term, an election is required to fill the vacancy. If the vacancy occurs less than two months before the regular election, it creates a situation where there is an election for two trustee positions with different terms. Provision should be made in the election procedures for determining the process that will be followed in this circumstance.

It is recommended that a separate election be held for each trustee position. In other words, an election is first held for the position with the longest term. After the vote is decided another election is held for the position with the shorter term.