

Assent Voting: Processes & Considerations for Local Governments in British Columbia

Ministry of Municipal Affairs and Housing



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Table of Contents

Key Contacts	iv
Ministry of Municipal Affairs and Housing	iv
Elections BC	iv
Enquiry BC	iv
Municipal and Regional District Information	iv
Other Resources	v
BC Laws	v
Legislation	v
Disclaimer	v
Introduction	1
What is Assent Voting?	1
Elector Approval: Assent Voting & the Alternative Approval Process (AAP)	2
Public Engagement: Citizens, Community, & a Consultation Plan	3
Introduction – Frequently Asked Questions	4
Planning & Conducting Assent Voting	8
Considerations	8
Initial Considerations	9
Appointing Officials	9
Setting a General Voting Date	9
Additional Voting Opportunities: Advance, Special and Mail Ballot	10
Adopting the Election Bylaw	11
Preparing the Assent Voting Question for the Ballot	11
Voting Over Multiple Local Government Jurisdictions	12
Planning & Conducting Assent Voting – Frequently Asked Questions	
– Initial Considerations	13
Timing Considerations	15
Provincial Approval Process	15
Notifying the Ministry & Elections BC	16
Timing & Content of the Public Notices	16
Planning & Conducting Assent Voting – Frequently Asked Questions	
– Timing Considerations	17
Voting Considerations	18
Voter Eligibility	18
Voter Registration	19
Scrutineers	20
Inspecting Voting Materials	21
Planning & Conducting Assent Voting – Frequently Asked Questions	
– Voting Considerations	21

Assent Voting Advertising	23
Additional information – 100 metre rule	23
Assent Voting Advertising – Frequently Asked Questions	23
Final Considerations	25
Ballot Counting & Declaration of Results	25
Challenging the Validity of Assent Voting	25
Reporting of Results	25
Managing Records	25
Moving Forward with the Decision	26
Final Considerations – Frequently Asked Questions	26
Appendices	29
Appendix 1: Legislative Checklist – Introduction	30
Appendix 2: Legislative Checklist – Planning & Conducting Assent Voting	32
Appendix 3: Legislative Checklist – Assent Voting Advertising	38
Appendix 4: Legislative Checklist – Final Considerations	39
Appendix 5: Election Assent Voting vs. Non-election Assent Voting	42
Appendix 6: Local Government Decisions Requiring Elector Approval	44
Appendix 7: Key Considerations for Local Governments – Public Consultation	47
Appendix 8: CEO Roles in Assent Voting	48

Key Contacts

Ministry of Municipal Affairs and Housing

Contact the Ministry of Municipal Affairs and Housing for answers to questions about the material contained in this guide or other aspects of the assent voting process in British Columbia.

Ministry of Municipal Affairs and Housing

Governance and Structure Branch

Governance Services

PO Box 9839 Stn. Prov. Govt.

Victoria B.C. V8W 9T1

Phone: 250 387-4020

Email address: lggovernance@gov.bc.ca

Website: <https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/municipal-affairs-housing>

Elections BC

Contact Elections BC for answers to questions about assent voting advertising, third party sponsors and campaign financing (including campaign contribution and expense limits).

Elections BC

Phone: 250 387-5305

Toll-free: 1 855 952-0280 / TTY 1 888 456-5448

Fax: 250 387-3578

Toll-free Fax: 1 866 466-0665

Email: lecf@elections.bc.ca

Website: www.elections.bc.ca/lecf

To obtain the most recent copy of the provincial voters list:

Phone: 1 250 356-9325

Email address: voterservices@elections.bc.ca

Website: www.elections.bc.ca

Enquiry BC

Contact Enquiry BC for answers to questions about Provincial Government programs and services.

Enquiry BC

In Victoria call: 250 387-6121

In Vancouver call: 604 660-2421

Elsewhere in B.C. call: 1 800 663-7867

Outside B.C. call: 604 660-2421

Email address: EnquiryBC@gov.bc.ca

Hours of Operation: 7:30 a.m. to 5:00 p.m., Monday to Friday

Municipal and Regional District Information

Contact CivicInfoBC for local government election statistics and results and local government mailing addresses, telephone numbers, email addresses and websites.

CivicInfoBC

Phone: 250 383-4898

Email address: info@civicinfo.bc.ca

Website: www.civicinfo.bc.ca/directories

Other Resources

BC Laws

BC Laws provides free public online access to the current laws of British Columbia. This unofficial current consolidation of B.C. Statutes and Regulations is updated continually as new and amended laws come into force.

Electronic versions of the *Community Charter*, the *Local Government Act*, the *Vancouver Charter* and the *School Act* are available on the BC Laws website at: www.bclaws.ca/

NOTE: The Province of British Columbia does not warrant the accuracy or the completeness of the electronic version of the [Statutes and Regulations](#) available online at BC Laws.

Legislation

Printed versions of local government elections legislation including the *Community Charter*, the *Local Elections Campaign Financing Act*, *Local Government Act*, the *Offence Act*, the *School Act* and the *Vancouver Charter* are available at public libraries in communities throughout British Columbia. Printed versions of the Acts are also available from Crown Publications, Queens Printer for British Columbia at:

Crown Publications: Queen's Printer for British Columbia

563 Superior Street

Victoria, BC V8V 1T7

Phone: 250 387-6409

Fax: 250 387-1120

Toll Free: 1 800 663-6105

E-mail address: crownpub@gov.bc.ca

Website: www.crownpub.bc.ca/

Disclaimer

The information contained in the *Assent Voting: Processes and Considerations for Local Governments in British Columbia* is provided as general reference and while all attempts have been made to ensure the accuracy of the material – the guide is not a substitute for provincial legislation. Please refer directly to the latest consolidation of provincial statutes at BC Laws (www.bclaws.ca) for specific election-related provisions and requirements within the *Community Charter*, the *Local Elections Campaign Financing Act*, the *Local Government Act* and the *Vancouver Charter*.

Introduction

In British Columbia local governments (municipalities and regional districts) serve as a political forum through which citizens and the local community can express their collective vision; and, provide desired local services and programs to citizens.

The Ministry responsible for local governments (Ministry) has developed the *Assent Voting: Processes and Considerations for Local Governments in British Columbia*, as a resource for local government staff and elected officials when making decisions about or holding an assent voting (formerly referenda) event. The information may also be of interest to others who wish to better understand the process and the factors local governments consider when they choose to undertake assent voting.

Information contained in the guide is generally focused on concepts and processes, provincial legislation as well as assent voting best practices. Specifically, the guide includes key legislative requirements found in the *Community Charter* (Charter) and the *Local Government Act* (LGA) and it also describes the role of Elections BC in the assent voting.

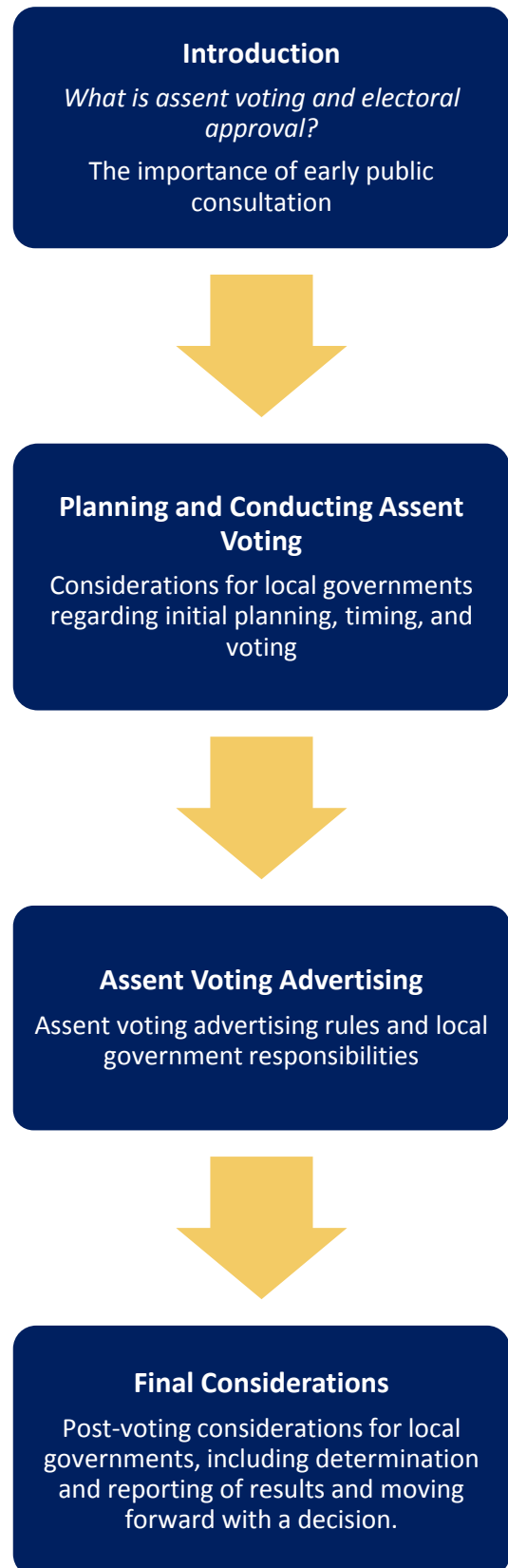
This guide contains four sections:

- Introduction (e.g. consultation);
- Planning and conducting assent voting;
- Assent voting advertising; and,
- Final considerations.

Frequently asked questions have also been included in the guide to provide answers to common questions and provide advice beyond the legislative requirements. Appendices have also been provided to summarize key pieces of legislation and to highlight key differences between election assent voting and non-election assent voting.

What is Assent Voting?

Assent voting is used to obtain the approval of the electors of a municipality or regional district so the municipal council (council) or regional district board (board) may proceed with proposed bylaws, agreements or other matters required or authorized under the Charter, LGA or *Vancouver Charter*.



For example, a council or board may use assent voting to secure elector approval for long-term borrowing, establish new services, enter into partnering agreements, dispose of parkland, or seek a boundary extension. The assent voting process is outlined in the s. 85 of the Charter, and Part 3, Part 4 and s. 269 of the LGA.

Previous terms for “Assent Voting”

Assent voting has been called a plebiscite, other voting, or a referendum.

Referendum

The term referendum is still found under s. 336 of the LGA to refer to a non-binding opinion poll related to a regional district service.

For the City of Vancouver, assent voting must be conducted in accordance with Part 1 and Part 2 of the *Vancouver Charter*. Elector assent is obtained when a majority of the votes (50%, plus 1 vote) are in favour of the bylaw, agreement or other matter.

Elector Approval: Assent Voting & the Alternative Approval Process (AAP)

The Charter and the LGA both require that local governments obtain *approval of the electors* before proceeding to implement certain council or board decisions. In some cases the council or board must obtain the approval of the electors through a vote on the matter (e.g. assent voting). In other cases, the council or board may obtain

approval of the electors either through assent voting or by “testing the waters” through the alternative approval process (AAP).

In specific cases a local government may secure the authority to proceed on a matter (e.g. change to a local area service boundary) through a petition process or other manner in which consent is secured from property owners (see [Appendix 6](#)). Generally, issues that require approval of the electors are matters that will significantly impact the community, such as long-term capital borrowing or changing municipal boundaries (see [Appendix 6](#)).

AAPs help local governments better understand whether or not the community views a particular matter, such as borrowing to upgrade a water treatment facility, as “significant” and if the matter then warrants being taken to assent voting for broader citizen engagement.

Local governments often face the challenging decision of whether to first seek approval of the electors by conducting an AAP or proceeding directly to assent voting at the outset. Holding an AAP requires accepting the risk that if 10% or more of the eligible electors sign and submit elector response forms indicating their opposition to the proposal, it cannot move forward without proceeding to assent voting to gain approval of the electors.

Local government decisions about when to conduct an AAP versus assent voting can be influenced by a number of factors – including the time of year (holiday seasons), a by-election or general local elections and seasonal construction or borrowing deadlines.

Approval of the Electors (Charter, s. 84; LGA, s. 269)

*Approval of the electors under the Community Charter or the Local Government Act in relation to a proposed bylaw, agreement or other matter may be obtained directly by assent voting or by conducting an AAP (Charter, s. 86). For more information about AAPs, the Ministry has developed the *Alternative Approval Process: A Guide for Local Governments in British Columbia* available online at: <https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/consent-approval-electors/approval-of-the-electors/alternative-approval-process>.*

Elector Assent (Charter s. 85; LGA, s. 269)

Assent of the electors under the Community Charter or the Local Government Act in relation to a proposed bylaw, agreement or other matter may be obtained by assent voting.

If an issue is controversial, requires a significant contribution of taxpayers' dollars, or is significant in scale or impact on the community, local governments may decide to proceed straight to assent voting. However, if the public has been actively engaged and there are reasonable indications that citizens are in favour, the proposal may lend itself better to an AAP. In this case, an AAP can be an effective time and cost saving tool to obtain approval of the electors.

For further information about the AAP, the Ministry has developed the *Alternative Approval Process: A Guide for Local Governments in British Columbia* available online at:

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/consent-approval-electors/approval-of-the-electors/alternative-approval-process>

Public Engagement: Citizens, Community & a Consultation Plan

Locally elected officials are charged with making decisions that affect the daily lives of citizens, families and the business community – councils and boards influence jobs, help create safe communities for British Columbians and shape the long-term vision for their communities. Citizens can be engaged and involved in local government decision-making through a number of formal and informal processes.

Local governments may involve citizens by conducting polls, non-binding surveys, informal petitions, by establishing advisory bodies or holding community open houses or public information-sharing sessions to gauge public opinion. These informal communication opportunities assist councils and boards to better understand citizens' views or perceptions about a specific matter or bylaw – those opportunities may also serve as a way of first introducing a proposed or new initiative (e.g. providing a new recreation centre) to the community. Engaging with the community allows citizens, that may not otherwise be eligible to vote in assent voting, the opportunity to have their voice heard (see section: [Voting Considerations – Voter Eligibility](#)).

Citizens also influence the decisions made by their locally elected officials through a variety of formal means including:

- voting in general local elections and by-elections;
- participating in a formal petition process;
- attending open council and board meetings; or,
- by attending public hearings held in relation to land-use matters, such as when property is rezoned or an official community plan is being updated.



When a local government is legislatively required to obtain approval of the electors (via assent voting or AAP) to proceed with certain decisions, the legislation sets out the minimum notice requirements. The legislation does not limit the local government in determining any additional amount or type of citizen consultation they undergo prior to, or during, the elector approval process.

Local governments may communicate information in any manner, including: placing radio and newspaper ads; writing internet articles; or, posting notices throughout the community; however, when these communications are related to an assent voting event, they may be subject to rules under the *Local Elections Campaign Financing Act* (LECFA).

Local governments, as public authorities, need their administrative practices to be fair, reasonable, appropriate and equitable. This means local governments would exercise their discretion to ensure that opportunities are provided to allow for equal access to information and reasonable opportunities for the public to provide feedback. The general public, or those who may not otherwise support a proposal being made by a local government, may not have the same access to resources to promote their perspective. Local governments may wish to consider the extent to which the information they are providing on a proposal is objective and balanced.

Feedback received early on through opinion polls or other processes can help local governments develop plans, policies and bylaws that respond to community needs and may identify issues that require further public consultation before going forward on a specific matter or bylaw. The time spent developing a citizen consultation plan and engaging with citizens is a significant part of the administrative fairness and elector approval process. Consulting and deliberating with citizens, prior to and during the assent voting process – engaging with citizens also helps council or the board to better understand community perceptions about issues, their wants and needs and creates the opportunity for elected officials to consider various alternatives for action.



Local governments will often develop consultation plans for significant proposals, such as building a new library, that are uniquely suited to their community and the related decision facing the community. A well-considered consultation plan builds in

various forms of engagement opportunities for citizens, such as addressing council at meetings, participating in web surveys or community information-sharing sessions. There are also legislative tools that can be used by local governments to engage with the public, such as:

- seeking community opinion (Charter, s. 83; LGA, s. 293);
- incorporating feedback from annual meetings (Charter, s. 99; LGA, s. 376);
- consulting during the financial planning process (Charter, s. 166; LGA, s. 375);
- land-use planning consultation processes (LGA, s. 434 or s. 475); and,
- forming an advisory committee (Charter, s. 141, 142; LGA, s. 218).

Making use of both informal engagement activities and the formal legislative engagement tools can help a council or board to consider the perspectives and needs of the community in their governance, policy direction and decision-making processes. A well thought out citizen consultation plan can help promote open, transparent and accountable local government and a fair and balanced assent voting event.

Introduction – Frequently Asked Questions

Q: Are there any restrictions on a local government’s ability to seek community opinion?

A: No. At any time, a council or board can initiate a process (e.g. conducting an online survey, holding an information open house) to better understand community opinions on a given matter using the powers in the Charter, (s. 83) and LGA (s. 293).

If the board is seeking the community’s opinion under section 293 of the LGA, the opinion poll must be conducted for the entire regional district. Community opinion results are non-binding on municipal councils and regional district boards.

Q: When holding a vote as part of seeking community opinion, are local governments required to follow the assent voting rules under Part 4 of the *Local Government Act*?

A: No. The assent voting rules under Part 4 of the LGA do not apply to community opinion polls. However, many local governments incorporate aspects of the Part 4 voting procedures, such as appointing scrutineers or publishing notices, into the process when seeking community opinion.

Obtaining the community's opinion in this manner may appear similar to the formal assent voting process; if a member of the public is unsure if the community opinion poll is required as a component of the assent voting provisions, they can contact the local government Corporate Officer for clarification.

Q: What types of matters must local governments conduct assent voting for prior to moving forward with a decision?

A: In general, decisions that may fundamentally change the structure and governance of an area must proceed to assent voting to gain elector approval. The following initiatives each require assent voting:

- the incorporation of new municipalities;
- the amalgamation of existing municipalities; and,
- reducing the size of council.

Councils and boards have more discretion about the type of approval they seek for other decisions that have the potential to have long-reaching future impacts on a community. For example, if three property owners want to become part of an existing water service, the regional district board may accept a petition on the part of those owners in order to bring the properties into the service area.

Q: Before assent voting, what steps can be taken to increase elector awareness about the issues and options that have been considered and ruled out by the local government?

A: There are many different ways to communicate with electors: open houses; information flyers to residents; website notices; advertisements around the community; and, newspaper advertisements. Local governments should strive to provide neutral, concise and clear information concerning the issues ruled out and the reasons why they are proceeding to assent voting (see [Public Engagement](#) section and [Appendix 7](#)).

While local governments may communicate information to the community in a variety of ways, when these communications are related to an assent voting event the local government may be subject to rules under the LECFA.

Q: How much public consultation is required before assent voting takes place?

A: Local governments determine the extent of consultation before assent voting takes place. If an issue is contentious or divisive, the council or board may undertake extensive public consultation to help better understand issues and to build consensus amongst different groups about the appropriate direction to take before proceeding to assent voting.

Local government administrative practices need to be fair, reasonable, appropriate and equitable. They should exercise their discretion to ensure that opportunities are provided to the public to become reasonably informed on a specific matter and have reasonable opportunity to indicate their views on that matter.

An assent voting event that results in a vote in favour of the question asked by the council or board is more likely if citizens feel they are part of the decision-making process and have had an opportunity to share their viewpoints, ideas and feedback.

Feedback received during public consultation may also assist local governments to develop plans, policies and bylaws that respond to community needs and identify issues that require further public consultation before proceeding to assent voting.

Q: How can open meetings be used as an effective public engagement tool?

A: As a part of the public engagement process, local governments may wish to use their open meetings as a way to deliberate and debate policy alternatives. Open meetings enable citizens, media, representatives from local organizations, and others to observe the deliberations of the council or board. Open meetings may also aid citizens in reaching their own conclusions about whether the decision-making process was comprehensive and if alternatives were sufficiently considered.

Q: What is an advisory committee and how can it help inform the council or board on an issue that may become an assent voting question?

A: Local governments may establish advisory committees for a variety of reasons, including as a means to engage the community about an assent voting proposal. Depending on the purpose of the committee and its composition, the advisory committee may be established under the legislation as a standing committee (Charter, s. 141; LGA, s. 218) or a select committee (Charter, s. 142; LGA, s. 218).

Membership on an advisory committee is generally a combination of council or board members and members of the public – often appointed based on their particular expertise. Committees are commonly tasked with considering various policy options, evaluating those options and making recommendations to the council or board. Advisory committees are often a way for citizens to become directly involved in local government decision-making.

Q: When must a local government complete the informal consultation processes and proceed to assent voting?

A: Ongoing consultation with the public can occur up until assent voting is held. The feedback received at public information sessions may assist the local government to change a proposal if it appears the public will not support one or more aspects of it. The feedback may also help the local government to identify where there are gaps in information that may need to be filled before the assent voting is conducted.

After the decision has been made to proceed to assent voting, a local government may want to continue to post material on its website, social media platforms or hold public information sessions to share information about the proposal. This provides an opportunity for citizens to seek clarification about the matter and to make an informed choice when it comes time to vote for or against the proposal.

Local governments must be aware that when communicating during an assent voting event that they may be subject to rules under the LECFA depending on the nature of those communications.

Q: **Do local governments have to use assent voting to secure elector approval?**

A: **No.** When community consultation and deliberation sessions have resulted in clear support for the initiative, the local government may decide to use the AAP – a less expensive option than conducting assent voting.

At other times, because of public expectation, scale, cost or the history of an initiative, the local government may decide that assent voting is the best option. See [Appendix 6](#) for further listings of decisions that require approval of the electors (through assent voting or AAP) or elector assent (assent voting only).

Q: **Does the Ministry recommend one elector approval method over another?**

A: **No.** Legislation identifies those matters where elector assent is the required method of approval. Where there is a choice in the way a local government secures elector approval, local a government will determine how to obtain that approval in the manner best suited for their communities. The legislation sets out various methods for seeking approval and recognizes that local governments are democratically elected, autonomous, responsible and accountable within their jurisdiction.

Planning & Conducting Assent Voting

Once the municipal council (council) or the regional district board (board) has decided to hold assent voting, there are number of initial (e.g. appointing election officials, setting a general voting date),

Elections BC

Elections BC is the non-partisan and independent Office of the Legislature responsible for the administration of the provincial electoral process in B.C. and the campaign financing and third party advertising rules for local elections and non-election assent voting events under the *Local Elections Campaign Financing Act*.

timing (e.g. notification of Elections BC) and voting considerations (e.g. voter eligibility and registration) that must be planned for.

Assent voting must be held in accordance with: the LGA; the Charter; the LECFA; the *Vancouver Charter*, in the case of the City of Vancouver; and, the *Interpretation Act* (IA).

Part 3 of the LGA, except as otherwise provided, applies to assent voting (LGA, s. 170(2)) and Part 4 of the LGA outlines additional requirements specific to assent voting. Similarly, Part

1 of the *Vancouver Charter*, except as otherwise provided, applies to assent voting for the City of Vancouver (*Vancouver Charter*, s. 130(2)). The Charter, s. 94, or s. 3 of the *Vancouver Charter* outlines public access and public notice requirements for assent voting.

The LECFA sets out assent voting advertising requirements and other campaign financing-related matters that local governments must be aware of and follow. The IA provides for the interpretation of dates and times set out in the other legislation (IA, s. 25).

City of Vancouver Assent Voting

Citizens who have questions about the assent voting process within the City of Vancouver would need to consult Parts 1 and 2 of the *Vancouver Charter*.

When planning and conducting assent voting, local governments need consider several factors, including the timing, voting requirements, advertising and general administration of the assent voting event. Conducting a review of the applicable legislation can help local government staff and elected officials to map out the timing, dates and requirements that must be met when to holding an assent voting event.

Considerations

Initial:

1. Appointing election officials (LGA, s. 58, 170, 179)
2. Setting a general voting date (LGA, s. 54, 174, 179)
3. Additional voting opportunities: advance, special and mail ballot (LGA, s. 104-110, 175, 179)
4. Adopting the election bylaw (LGA, s. 56, 175)
5. Preparing the assent voting question(s) (LGA, s. 112, 114, 177, 179, 348, 351)
6. Voting over multiple local government jurisdictions (LGA, s. 171, 175, 179, 342)

Timing:

1. Provincial approval process
2. Notifying the Ministry and Elections BC
3. Timing and content of the public notices (LGA, s. 50, 172, 176, 180, 182, 267; Charter, s. 94)

Voting:

1. Voter eligibility (LGA, s. 65-67, 172, 173)
2. Voter registration (LGA, s. 68-77, 172)

3. Scrutineers (LGA, s. 102, 120, 181-184)
4. Inspecting voting materials (LGA, s. 160, 267, 268; Charter, s. 96, 97)

Assent Voting Advertising (LECFA, Parts 1 and 4, LGA, s. 163(4)):

1. Key rules for non-election assent voting advertising
2. Assent voting advertising rules and local governments
3. Additional information

Final:

1. Ballot counting and declaration of results (LGA, Part 3, Division 14 and s. 178, 180)
2. Challenging the validity of an assent vote (LGA, s. 153-156)
3. Reporting of results (LGA, s. 158)
4. Managing records (LGA, s. 160)
5. Moving forward with the decision (LGA, s. 171)

Initial Considerations

Appointing Officials (LGA, s. 58, 170, 179)

Municipal councils and regional district boards are required to appoint officials to administer assent voting – the appointment of these officials is similar to the way in which officials are appointed for local elections.

If assent voting is being held separately from local elections, the council or board is required to appoint a local Chief Election Officer (CEO) and a Deputy Chief Election Officer (DCEO); if, the assent voting occurs in conjunction with general local elections or a by-election, the local government may wish to appoint the CEO responsible for overseeing the local elections to also oversee the assent voting process.

When more than one jurisdiction conducts assent voting (e.g. two municipalities and three electoral areas) the regional district board must appoint a Regional Voting Officer (RVO) and Deputy Regional Voting Officer (DRVO) to conduct the assent voting event (see [Voting Over Multiple Local Government Jurisdictions](#)).

The CEO and RVO are responsible for appointing all other officials (e.g. DCEO, DRVO) or delegating appointments as permitted under the legislation (LGA, s. 58). The CEO or RVO may be a senior local government employee (e.g. corporate officer) or a private contractor hired to conduct the assent voting on the local government's behalf.

Before assuming their duties, the CEO, DCEO and/or RVO and DRVO must make a solemn declaration that they will faithfully and impartially fulfil their duties and will preserve the secrecy of the ballot (see [Appendix 8](#)).

While the LGA does not prescribe when council or the board must appoint the CEO or RVO, it does set out their responsibilities, which include:

- setting general voting day;
- arranging for the preparation of the ballots;
- making the final declaration of assent voting results;
- appointing the scrutineers for the final determination of assent voting results (or more information about this notice, see the '[Scrutineers](#)' section); and,

- ensuring that all other aspects of assent voting comply with the legal requirements under the legislation.

Setting a General Voting Date (LGA, s. 54, 174, 179):

When assent voting occurs at the same time as general local elections, the general voting day is the same for both the assent voting and elections. Assent voting can also take place at the same time as a local government by-election.



The CEO or RVO determines general voting day for the assent voting and it must be a Saturday not more than 80 days after:

- the Lieutenant Governor in Council (Cabinet), Provincial Cabinet Minister responsible for local government (Minister) or Inspector of Municipalities (Inspector) directs that a bylaw must be submitted for assent; or,
- the deadline for receiving elector response forms for an AAP, if more than 10% of eligible electors submitted responses in opposition to the proposal; or,
- the last required approval of Cabinet, Minister or Inspector; or,
- in the case of other bylaws, after it receives third reading; or,
- in the case of other matters, adoption of the authorizing bylaw or resolution.

When assent voting is held at the same time as general local elections or a by-election, the local government must consider how provincial approval, an AAP deadline, third reading or the adoption of a bylaw may in part dictate when the local government can appoint election officials and hold the assent voting.

Assent Voting During General Local Elections or By-elections

General local elections occur every four years and provide an opportunity for electors to vote for councillors and a mayor or an electoral area director.

Many local governments choose to conduct assent voting during general local elections or a by-election given there may be advantages as to cost, convenience for the electors and notice requirements. However, it is not always possible to wait until the next local general elections or a by-election to conduct assent voting.

For example, in a by-election, the general voting day must be held within 80 days of the appointment of the CEO. As such, a local government planning assent voting in conjunction with a by-election may want to delay appointing a CEO until approval of the bylaw from the Inspector has been received.

Additional Voting Opportunities: Advance, Special and Mail Ballot (LGA, s. 104-110, 175, 179)

Advance Voting

All assent voting events are required to offer one *advance voting opportunity*, 10 days prior to general voting day. This required advance voting day allows eligible electors who may not otherwise be able to vote on general voting day to cast their ballot.

A second advance voting opportunity is required when assent voting is held separate from local elections and the local government’s population is over 5,000, unless:

- the entire voting area is a portion of an electoral area considered remote;
- mail ballot voting is available; and,
- this option is provided in the local government’s election bylaw.

Additional Voting Opportunities

Special voting opportunities, mail ballot voting and additional advance voting opportunities are all optional and can enhance the accessibility of an election or assent voting. To allow additional voting, a local government must provide for these opportunities in their election bylaw.

Local governments may set out in their election bylaw whether additional advance voting opportunities will be offered. In communities where the population is less than 5,000, the local government may opt not to hold a second advance voting opportunity, as long as this is provided in their election bylaw.

Special Voting

Special voting opportunities may be held in any location – inside or outside the local government boundary – to provide electors who may not otherwise be able to attend a voting place an opportunity to cast their ballot in an assent voting event.

Special voting opportunities are generally held in hospitals, long-term care facilities or other locations where an elector’s mobility may be impaired. Only designated electors are eligible to vote at special voting opportunities during an assent voting event – for example, a local government may decide only patients and staff are entitled to cast their ballot in an assent voting during a special voting opportunity held at a hospital.

Mail Ballot Voting

Mail ballot voting provides electors unable to attend advance, special or general voting opportunities the ability to cast their ballot in an assent voting event. Generally, mail ballot voting is intended to allow non-resident property electors, electors in geographically remote locations and electors whose mobility or health is compromised, an opportunity to vote during an assent voting.

Adopting the Election Bylaw (LGA, s. 56, 175)

Election or assent voting bylaw(s) describe the procedures for the conduct of local government elections and assent voting, as well as outline any additional voting opportunities available to electors.

Election Bylaws

Election bylaws often contain information about:

- Voter registration
- Additional, advance, special and mail ballot voting
- Resolution of tie vote
- Access to election documents
- Use of voting machines

A council or board may wish to review the existing election or assent voting bylaw(s) to determine if any amendments are required before carrying out the next assent voting process.

If a new bylaw or amendments to the current bylaw are required, the local government must adopt the new election bylaw or a bylaw containing provisions for assent voting procedures at least six weeks before general voting day for

assent voting, or eight weeks before general voting day if the assent voting is being held in conjunction with general local elections.

Preparing the Assent Voting Question for the Ballot (LGA, s. 112, 114, 177, 179, 348, 351)

In most circumstances the CEO or RVO provides assistance to the council or board in developing the assent voting question for the ballot.

There are no special procedures required to establish a question for assent voting and the council or board can establish the questions through resolution or by bylaw. An exception is assent voting that is conducted by more than one local government within a regional district; in this case the board must, by bylaw, establish the question to be used by all the voting areas (e.g. the participating municipalities and electoral areas) in the assent voting.

To ensure that electors fully understand the question and are able to clearly express their preference, a ballot for assent voting must be in the form of a question that enables electors to make an appropriate mark next to either the word "Yes" or "No". A question that meets this requirement is as follows:

"Are you in favour of Loan Authorization Bylaw No. XXX to authorize the [local government name] to borrow up to \$10 million, with interest, over a period not exceeding 25 years in order to finance the construction of a multi-purpose arena to be located at 123 Main Street?"

Yes No

When more than one bylaw or matter is being submitted for assent voting, a separate question and ballot must be prepared for each. An exception to this general rule is during general local elections or a by-election, when the assent voting question and the list of candidates may be combined on one ballot. Additionally, if a local government is using automated voting machines, it may by bylaw allow for the use of a composite ballot that would include more than one question.

When the assent voting question is in regard to a regional matter (e.g. creating a new service) the regional district board must establish the question, by bylaw. For example, the question may read:

Are you in favour of the [regional district] adopting Bylaw No. XXX to establish with the [list participating areas –e.g. Town of ..., portion of electoral area X etc.] a service for the purpose of providing financial assistance to a society responsible for providing a [describe service] within the area and to authorize a maximum annual taxation of \$XXX or \$0.XX/\$1,000. (\$0.XX/\$1,000 – residential rate) of net taxable value of land and improvements, whichever is greater?

Yes No

When a regional district board proposes to borrow money for the start of a service, the establishing bylaw (or the amending or conversion bylaw) and the loan authorization bylaw must be dealt with as if they were one bylaw (LGA, s. 348; s. 351(1)). That means the service and loan must be included together on the assent voting ballot. In this case the question may read:

Are you in favour of Bylaw No. XXX and Bylaw No. XXX that propose establishing a service to [describe purpose], and for that purpose authorize the regional district to borrow up to \$10 million, with interest, to be repaid over a period not exceeding 20 years through imposition of property taxes?

OR

Are you in favour of the [Local Government Name] adopting the following bylaws:

- 1. [Bylaw Name Service Establishment Bylaw No. XXX], which will permit the [Local Government Name] to establish the [describe service]; and*
- 2. [Bylaw Name Loan Authorization Bylaw No. YYY], which will permit the [Local Government Name] to borrow an amount not to exceed \$[amount] for the purpose of [purpose] under Bylaw No. XXX?*

Yes No

Voting Over Multiple Local Government Jurisdictions (LGA, s. 171, 175, 179, 342)

When more than one jurisdiction (e.g. two municipalities and three electoral areas) participates in the assent voting the regional district board (board) must, by bylaw, establish the question that will be used by all the areas participating and set the date(s) for advance voting, as well as establish any additional voting opportunities.

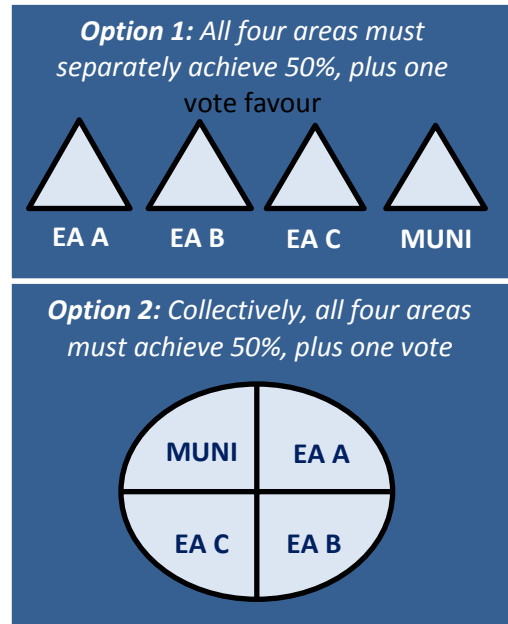
Individual municipal election bylaws do not apply in the case of cross-jurisdictional assent voting; rather, the regional district's election bylaws apply. However, when assent voting is held at the same time as an election, the voting opportunities have to be the same, so in this case the municipal election bylaw would take precedence over the regional district election bylaw.

The board has the authority to determine if assent voting will be conducted separately by each participant in the service or held for the entire proposed service area.

If each participant (e.g. each municipality and each electoral area) obtains approval separately, then each jurisdiction must receive 50%, plus one vote, votes in favour to achieve assent of the electors. If one jurisdiction has less than 50%, plus one vote, assent of the electors has not been obtained.

If the board decides to seek approval over the entire service area (e.g. multiple municipalities and electoral areas combined), then the total number of votes received must total 50%, plus one vote, in order to achieve assent of the electors.

Voting Area Options



Planning & Conducting Assent Voting – Frequently Asked Questions (FAQs) – Initial Considerations

Q: What is the difference between a plebiscite, referendum and assent voting?

A: Informally, the three terms are often used interchangeably to mean the same thing; however, if the local government is holding assent voting then, it is recommended that local governments use the term "assent voting" in their public notices and other formal documents to maintain consistency with the legislation.

Q: Can anyone be appointed as the Chief Election Officer (CEO)?

A: The legislation prohibits candidates, candidate representatives or financial agents from being election officials. Beyond this the council or board must carefully consider whom to appoint and if the person (either staff or a contracted service provider) has the ability to administer the vote, ensure legislative requirements are met and is neutral.

Election officials should not promote the "YES" or "NO" in the lead up to or during an assent voting event. The election official's activities should be clearly distinguishable from any activity to promote a particular outcome of the process (see [Appendix 8](#)).

Q: Why do local governments wait until a general local election or by-election to conduct assent voting?

A: Assent voting can be costly. By waiting until general local elections or a by-election, administration costs may be lower and voter turnout may be higher. Individual residents may be more motivated to vote when they are able to both elect local representatives and voice their support for or opposition to a major community decision at the same time.

Q: Are local governments required to hold special voting opportunities and mail ballot voting for assent voting?

A: No. While at least one advance voting opportunity is required, the legislation does not require mail ballot voting or special voting. A local government has the option to include special voting opportunities or mail ballot voting as part of their election or assent voting process, by bylaw. Once a local government sets a practice for mail ballot voting and special voting, some electors may expect these options to be available during subsequent assent voting opportunities. To avoid confusion, the local government needs to effectively communicate the voting opportunities available during the assent voting event.

Q: What is the best way to craft a ballot question?

A: The legislation sets out that an assent voting question must be in a “yes or no” format. Beyond this requirement there are many ways to craft an assent voting question.

If the assent voting is for a bylaw, the question may include the key legislative requirements of the bylaw. For example, if the bylaw is for borrowing, the purpose, amount and term for the borrowing can be described in the question (see examples under the [Preparing the Assent Voting Question for the Ballot](#) section). Additionally, if the question relates to a specific service, the service purpose and/or bylaw number can be referenced in the question.

The assent voting question should contain sufficient information for a person to make an informed decision and cast their ballot accordingly. Including too much information can limit future decisions (e.g. asking electors about borrowing for a “fitness complex with yoga studio” when borrowing for a “fitness complex” may be sufficient)

Q: Are local governments allowed to ask multiple assent voting questions at the same time (e.g. multiple capital projects)?

A: Yes. Multiple assent voting questions may be asked at the same time; however, they must be asked on separate ballots – unless a local government bylaw specifies that automated voting machines will be used – and in that case a composite ballot may be used. Combining multiple concepts or projects into one question is not recommended since an elector’s opinion could be different for each project. For example:

Are you in favour of Loan Authorization Bylaw No. ### to authorize the [local government name] to borrow \$20 million in order to finance an arena, an all-weather playing field and a new sewage treatment plant for a total cost of \$25 million?

Yes No

Despite this example being one question, combining issues on a ballot in this manner can result in elector confusion. An elector who may be opposed to the construction of a new arena and playing field, and who is not opposed to the sewage treatment plant is faced with voting “no” to oppose the entire \$45 million in borrowing – where they would support \$5 million in borrowing.

Also, the question in the example does not clearly indicate which project(s) need to be financed by borrowing and what the source of the additional \$5 million in financing would be. For this reason, local governments should exercise great care in developing ballot questions. It is advisable for the local government to ask its electors to vote separately for each unrelated project and prepare a separate ballot question for each project to avoid confusion.

Q: Can a local government ask about establishing a service and borrowing for the service on the same ballot (e.g. establishing a recreation service and building the recreation facility)?

A: Yes. The legislation provides local governments with the authority to combine two or more related matters on a ballot and seek elector approval as if the matters were one. Combining related matters on the same ballot during an assent voting event enables electors to consider the full financial implications of a proposed initiative.

Q: Can the election of candidates and an assent voting question be combined on one ballot?

A: Yes. The election of candidates’ ballot can only contain one assent voting question. The legislation specifies that a separate ballot is required for each assent voting question, so if there are multiple assent voting questions, each question must be on a separate ballot.

Timing Considerations

There are a number of additional legislative and non-legislative timing implications that local governments need to consider when conducting assent voting.

Provincial Approval Process

Often the legislation requires a local government to obtain Provincial approval before they can proceed with approval of the electors. For example, before a local government can conduct assent voting on a bylaw for long-term borrowing, the Inspector, or in some cases the Minister or Cabinet, must provide statutory approval.

To obtain Provincial approval, the local government must submit background material and, if applicable, a copy of the bylaw at third reading, to the Ministry. A regular review of a bylaw may take four to six weeks; more complicated reviews may take as long as eight weeks or longer. As such, it is important that local governments allow ample time for the statutory review process in their assent voting timeline (see [Setting a General Voting Day](#)).

In other cases, elector approval comes before Provincial approval. For example, in the case of a municipal boundary extension, the municipality must first obtain elector approval before Cabinet can extend the boundaries. Additionally, the Minister may direct assent voting to be conducted in the area that is considering joining the municipality. Assent voting also must occur before the Minister can recommend to Cabinet the creation or amalgamation of a municipality.



[Appendix 6](#) provides more information about approvals required and the order of those approvals. It is recommended that the local government contact the Ministry early in the planning process to ensure all legislative requirements are met.

Notifying the Ministry & Elections BC

Once the local government has determined the assent voting question and when and how it will conduct the assent voting event, the local government must notify the Ministry and Elections BC. Elections BC provides assistance on questions about the LECFA, such as whether or not an advertisement is considered assent voting advertising as well as disclosure requirements and expense limits.

Timing & Content of the Public Notices (LGA, s. 50, 172, 176, 180, 182, 267; Charter, s. 94)

In addition to building in time for the Provincial statutory review process, the CEO or RVO needs to carefully plan how the legislative requirements for the issuing of public notices will be met.

Public notices are a key mechanism for informing electors of opportunities to participate in local government decision-making and to enhance elector participation in the assent voting process. The legislation sets out the minimum notice content requirements; however, it does not limit any additional information the local government may choose to incorporate into their notices – information that would enable the assent voting process to be conducted in an administratively fair, open and transparent manner. (see [Appendix 7](#)).

Notices must be available for public inspection in the local government offices starting from the 30th day before general voting up until general voting day during an assent voting event. The CEO or RVO must also publish the notice of assent voting at least six, and not more than 30 days, prior to general voting day in a newspaper that has circulation in the area or by alternative means.

If advance voter registration is available, the notice must include how an elector may register in advance and when the advance voter registration period ends. When assent voting is combined with general local elections, additional notice requirements may apply. Notices for assent voting can be combined with the notices required for general local elections.

Notice that applications for scrutineers will be accepted must be given within 30 days before the application period begins. The notice must also be available for public inspection six days prior to the application period starting and during the entire application period. For more information about this notice, see the '[Scrutineers](#)' section.

Notice must be published in a locally circulated newspaper once a week for two consecutive weeks. If the local government cannot meet the newspaper advertising requirements (e.g. there is no local weekly newspaper), the notice may be given by alternative means. That alternative means must be given within the required time period and frequency set out in legislation for newspaper publication. It is the responsibility of a council or board to consider whether the alternate notice is reasonably equivalent to that which would be provided by newspaper publication.

Where newspaper publication is not practicable and council or board chooses to distribute the notice directly to individual eligible resident and non-resident property electors (e.g. delivered by mail or by hand), the notice only has to be distributed once.

The notice must be posted in the public notice posting places identified in a municipality's meeting procedure bylaw. For example, the council meeting procedure bylaw may state that notices must be placed on a public information board in the municipal offices and/or on the municipality's website. For regional districts this is not a requirement. A copy of the notice should be sent to Elections BC.

The legislation specifies that an assent voting notice must include the:

- question that is to be voted on;
- voting area;
- qualifications required in order to vote as an elector;
- date of general voting day;
- voting place;
- hours for each voting place;
- documents that are required to register as an elector at the time of voting; and,
- information required regarding voting divisions, if applicable.

Note: the legislation also requires that assent voting notice must include the place where persons may apply on general voting day for non-resident property elector certificates. Given there is no longer a requirement for the non-resident property elector certificates the "place" where individuals may apply on general voting day for non-resident property electors is no longer be relevant.

However as a best practice, *the assent voting notice could also include information about where and when non-resident and resident property owners may register as electors.*

If the assent voting is in relation to a bylaw submitted for the assent of the electors or is authorized by a bylaw, the notice must also include the following information:

- either a copy of the bylaw or a synopsis of the bylaw (if a synopsis of the bylaw is included, a statement that the synopsis is not an interpretation of the bylaw); and,
- the dates, times and places at which the bylaw may be inspected in the local government offices.

If a synopsis of the bylaw is being used in the notice, the synopsis must include:

- the intent of the bylaw, in general terms;
- the area that is the subject of the bylaw; and,
- if applicable, the amount of borrowing authorized by the bylaw.

If assent voting is in relation to an agreement, the notice must state that the agreement and records relating to it are available for public inspection in the local government offices during office hours.

Planning & Conducting Assent Voting – Frequently Asked Questions (FAQs) – Timing Considerations

Q: What is the purpose of a statutory approval and why does it sometimes occur before assent voting?

A: When significant decisions have the potential to have long-reaching future impacts on local citizens (e.g. constructing, operating and maintaining a recreational facility) then the bylaw typically requires the approval of the Inspector before the local government can proceed to assent voting – this is called statutory approval. In this way, the Province can ensure the procedure followed by the local government was consistent with provincial legislation.

Typically, provincial approval is related to the Province's role in maintaining the financial stability of the local government system.

Q: Can someone other than the Inspector of Municipalities grant statutory approval?

A: Yes. Generally, if a bylaw under the LGA or Charter requires provincial approval, the Inspector grants this approval. However, in certain circumstances the legislation may specify that the Minister responsible for local government or Cabinet may grant that statutory approval. There are also instances where approval is granted by Ministers, other than the Minister responsible for local government, when the matters may relate to or impact a local government. For example, the Minister responsible for environment under the *Environmental Management Act* approves regional district waste management plans.

Q: How does a local government meet the newspaper publication requirement for assent voting?

A: The notice must appear in a locally circulated newspaper that is published at least weekly and it must appear once each week for two consecutive weeks. The notice does not have to appear in the same newspaper on the same day of each week. For example, the notice could appear in a newspaper published in the community on a Thursday and a second local newspaper published on the following Monday. The notice requirements can be met by publishing each notice twice in the same newspaper in two consecutive weeks or in two separate newspapers in two consecutive weeks.

Q: Are there alternative means to meeting the newspaper publication requirement for notice of assent voting?

A: Yes. Local governments may provide notice through alternative means if publication in a locally circulated newspaper is not feasible. The notice must still meet the timeframe requirements for notice of assent voting, the frequency of publication and have the same reach as a newspaper publication would.

Alternative means are not defined in the legislation, and could include any type of notice that the council or board believes will adequately reach the electors, such as online advertising, open houses, direct mailing and/or public meetings. If the local government is using alternative means to meet the notice requirements, best practice is to provide the rationale and pass a resolution in an open meeting.

Q: How early can a local government begin informing voters about the assent voting?

A: A local government can provide general information about the matter under consideration at any time and seek public input early in the process. However, the official notice of assent voting cannot be published any earlier than 30 days before general voting day (LGA, s. 176(1)).

Voting Considerations

Voter Eligibility (LGA, s. 65-67, 172, 173)

To be eligible to participate in assent voting, voters must meet the qualifications of a resident elector or non-resident property elector for the assent voting area.

Resident electors are those people that may be eligible to vote in an assent voting event based on where they reside. Non-resident property electors are those people that reside in one jurisdiction and own property in a different jurisdiction where they can also vote in an assent voting.

Resident Elector:

A resident elector must:

- be 18 years of age or older on general voting day;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months before registering to vote;
- have been a resident of the jurisdiction in which they intend to vote for at least 30 days before registering to vote; and,
- not be disqualified under the *Local Government Act* or any other enactment from voting in a local election, or be otherwise disqualified by law.

Residency

A person is a resident of the area where the person lives and to which, whenever absent, the person intends to return and may only be a resident of one area at a time (LGA, s. 67).

Non-resident Property Elector

A non-resident property elector must:

- be 18 years of age or older on general voting day;
- be a Canadian citizen;
- have been a resident of British Columbia for at least six months before registering to vote;
- have owned property in the jurisdiction in which they intend to vote for at least 30 days before registering to vote; and,
- not be disqualified under the *Local Government Act* or any other enactment from voting in a local election, or be otherwise disqualified by law.

Multiple Property Owners

If there is more than one individual who is the owner of a property, only one individual may register, with the written consent of the majority of owners, as the non-resident property elector in relation to that property (LGA, s. 66).

Even though a person may be eligible to vote in more than one assent voting area (e.g. own property in one portion of the voting area but reside in another portion of the voting area), the person is only entitled to vote once. If the person meets the resident elector requirements, the person must vote in the area in which the person resides.

Voter Registration (LGA, s. 68-77, 172)

Eligible electors must register as a resident or non-resident property elector in order to cast their ballot in assent voting. Under the legislation, local governments have several different options for registering electors.

Same Day Voter Registration

All local governments must offer registration at the time of voting as an option for assent voting. Some local governments choose to only offer registration at the time of voting. If registration is limited to registration at the time of voting, this must be specified by bylaw.

List of Registered Electors

If no bylaw exists limiting registration to the time of voting, advance registration may be available and the local government must use a register of electors. The register of electors can either be the most current Provincial voters list, if specified, by bylaw, or the local government may maintain their own register of electors.

The Provincial Voters List as a Register of Resident Electors

To obtain the most recent copy of the provincial voters list, local governments should visit the Elections BC website to complete a request form and submit the required privacy policy. The request form is located at elections.bc.ca under Register to Vote > The Provincial Voters List > Local Government Register of Resident Electors.

Questions can be directed to Voter Services at 250 356-9325 or voterservices@elections.bc.ca

If the local government is using the Provincial voters list, electors must register under the *Election Act* in sufficient time for their name to appear on the list. The Provincial list becomes the register of resident electors for the local government on the 52nd day before general voting day in an assent voting event.

Local governments may request the voters list from Elections BC for use in an assent voting. The voters list does not include non-resident property electors who may be eligible to participate in assent voting. The list may also not accurately reflect population changes as residents may have moved in or out of the community, died, or are no longer qualified to vote since the last provincial election.

If the local government is maintaining their own list of registered electors, then eligible electors can register in advance by submitting an application and accompanying documents to the local government offices or other places designated by a local government officer.

Advance registration closes 53 days before general voting day if being held in conjunction with general local elections. If assent voting is being held separate from general local elections and registration is not limited to registration at the time of voting, then the CEO is responsible for establishing the closing date for advance registration. Notice of how to register in advance must be published at least six, but not more than 30 days before the close of advance registration. See the '[Timing and Content of the Public Notices](#)' section for more information about notice requirements.

Special Exceptions for Assent Voting

Where a person registers at the time of voting as an elector for the purposes of the assent voting only, the information provided cannot be used for a future register of electors. Where assent voting is being held separate from general local elections, the following applies:

- a copy of the list of registered electors does not need to be available for public inspection;
- an elector cannot request to have their information obscured from the list of registered electors; and,
- an elector cannot object to the registration of a person whose name appears on the list of registered electors.

Scrutineers (LGA, s. 102, 120, 181 to 184)

Scrutineers observe voting procedures and scrutinize the ballot-counting process. In general local elections or by-election, candidates appoint their scrutineers. In the case of assent voting, people identify themselves to the CEO in order to be appointed as scrutineers.

Any person entitled to vote as an elector in the assent voting jurisdiction, who are not election officials, are entitled to act as scrutineers during the assent voting. In the case of concurrent general local elections and an assent voting, a candidate-appointed scrutineer may be present for each ballot box, as well as the CEO-appointed scrutineers.

The CEO must appoint scrutineers for and against the assent voting question for each place within the voting place where scrutineers are entitled to be present. Only one scrutineer for each side is allowed to be present unless the local government, by bylaw, permits additional scrutineers to be present.

Notice that applications for scrutineers will be accepted must be given within 30 days before the application period begins. It must also be available for public inspection six days prior to the application period starting and during the entire application period. See the '[Timing and Content of the Public Notices](#)' section for more information about other notice requirements.

The scrutineer notice must include the following information:

- the question that is to be voted on;
- the dates, times and places at which applications for scrutineers will be received; and,
- how interested persons can obtain information on the requirements and procedures for making an application.

The CEO must establish a 10-day time period during which applications to be a scrutineer will be received. The period must end before the first voting opportunity. If the CEO does not establish the 10-day time period and the assent voting is being held concurrently with general local elections, the scrutineer application period will be the same as the candidate nomination period.

Scrutineer applications must be signed by the applicant and contain the following:

- the full name of the person;
- an address to which to send notices;
- a statement that the applicant is entitled to vote and act as a scrutineer for the specific assent voting opportunity;
- a statement whether the applicant is in favour of or opposed to the assent voting question; and,
- in some cases, a telephone number.

On the basis of the applications received, the CEO must, in writing, appoint applicants in favour of and opposed to the assent voting question. The scrutineers' appointments must state: the name and address of the person appointed; the date, time and place to which the applicant is assigned; and must be signed by the CEO.

If the number of applicants on one side of the question is fewer than the maximum allowed, all of these applicants must be appointed as scrutineers and they may be assigned to more than one voting place. If the number of applicants on one side of the question is greater than the maximum allowed, the scrutineers for that side must be determined by lot. The CEO must notify all applicants of the date, time and place of the determination by lot. The names are to be drawn until the number of names drawn is equivalent to the number of scrutineers to be appointed. If a person whose name is drawn is unable to act as a scrutineer, the CEO may appoint another applicant.

Inspecting Voting Materials (LGA, s. 160, 267, 268; CC, s. 96, 97)

Local governments are required to have certain information available for public inspection when conducting assent voting. For example, if assent voting relates to a bylaw (e.g. for a service or a loan) then the bylaw must be available for public inspection. Additionally, any agreements related to a bylaw or the assent voting question (e.g. a public, private partnership agreement) and any supporting records must also be available for public inspection. Local governments should also have available any published notices relating to the assent voting. After the declaration of assent voting results, vote-related materials, must be available for public viewing for 30 days. Any member of the public that wants to inspect these materials must sign a statement that materials will only be inspected for purposes of the assent voting and the person may not make copies of those materials.

Planning & Conducting Assent Voting - Frequently Asked Questions (FAQs) – Voting Considerations

Q: Why can an elector only vote once, even though the elector may qualify to vote in more than one assent voting area?

A: Section 173 of the LGA prohibits voting in more than one voting area on the same assent voting question. For example, if a person lives in a municipality and also owns property in a regional district electoral area and both areas are participating in assent voting for a new recreation centre for their region, the person can only vote in the area in which they reside. Each person receives one vote per question. Voting more than once on the same question is an election offence under section 163(2) of the LGA.

Q: What does the role of a scrutineer involve?

A: A scrutineer is an elector who volunteers to observe proceedings during assent voting. Scrutineers are present to observe that voting and counting processes are conducted fairly, thereby ensuring greater transparency and public participation during voting. Interested individuals must submit an application to the CEO who will review the applications, appoint scrutineers and assign them to assent voting locations based on whether they are in favour of the assent voting question or opposed to the question. A person who is interested in becoming a scrutineer can contact their local government's CEO for information about the process and time commitment.

Q: Who develops the scrutineers' procedures and practices?

A: The legislation permits scrutineers to be present to observe the conduct of the vote and ballot counting proceedings, beyond this it is the responsibility of the CEO/RVO, or those to whom they delegate, to develop procedures and practices. For example, they may establish where the scrutineers may observe from at the voting place.

Q: What training does a scrutineer receive?

A: Training for scrutineers is not mandatory; however, it can be very beneficial for scrutineers in understanding their role. CEO/RVO may choose to have training exercises where scrutineers identify activities that appear contrary to the election process and work out scenarios for handling those activities. For example, a scrutineer may challenge a voter's right to receive a ballot or the rejection of a ballot; however, it is the decision of the presiding election official whether or not the person receives the ballot or if it is included in the count.

By understanding the legislation and running through scenarios, scrutineers can constructively contribute to the conduct of the vote and counting proceedings during an assent voting event.

Q: Does the role of a scrutineer during assent voting differ from their role in an election?

A: **No.** The scrutineer's function is the same in assent voting and during general local elections; however, the appointment procedure differs in assent voting. In the case of assent voting, the CEO appoints scrutineers; in an election, candidates (or their official agent) appoint scrutineers. For assent voting, a notice that applications to be a scrutineer are being accepted must be published and scrutineers must go through a formal application process; whereas, it is optional for candidates to appoint scrutineers in an election, so an application period and notice are not required.

Q: Would the absence of scrutineers invalidate the voting proceedings?

A: **No.** The presence of scrutineers is not a legislated requirement and the absence of scrutineers from the voting place does not invalidate anything done in relation to assent voting (LGA, s. 181(6)).

Assent Voting Advertising (LECFA, Parts 1 and 4, LGA, s. 163(4))

The *Local Elections Campaign Financing Act* (LECFA) – enacted in 2014 – was created to enhance campaign financing rules and ensure greater accountability and transparency in local elections. The LECFA separates the rules that regulate election advertising, campaign contribution and election expense limits and campaign financing disclosure from the more procedural rules that apply generally to local elections.

In 2016, the LECFA was amended to implement election expense limits in general local elections – those provisions are in force for the 2018 general local elections.

Additional information – 100 metre rule

In addition to LECFA, section 163(4) of the LGA considers it an election offence to advertise or campaign within 100 metres of the voting place. This includes displaying signs, posters, flyers, bumper stickers on vehicles parked outside the voting place, badges worn by supporters, canvassing or soliciting votes, or otherwise trying to influence electors to vote for a particular candidate.

Role of Elections BC

Elections BC is the non-partisan and independent Office of the Legislature responsible for the administration of the provincial electoral process in B.C. and the campaign financing and third party advertising rules for local elections and non-election assent voting events under the *Local Elections Campaign Financing Act*.

Assent Voting Advertising – Frequently Asked Questions (FAQs)

Q: What responsibility do local governments have to provide electors with information about the matter being voted on?

A: Beyond what is required in the legislation (e.g. notices of assent voting, viewing of bylaws), local governments determine how much additional information is provided to eligible electors. Providing additional information can enhance elector participation by helping voters to understand both the purpose of the assent voting and the practical and financial implications of voting either for or against a bylaw or the assent voting question. To increase transparency, it is important for local governments to provide information as to why the council or board has determined assent voting is necessary and why the council or board has decided on the option they are putting forward for assent voting.

Local government information may be subject to rules under LECFA depending on whether the information presented is considered general information or assent voting advertising. Elections BC makes the determination.

Q: Why are local governments allowed to use public funds for ‘advertising’ purposes?

A: Once the decision to proceed in a given matter has been made, local governments need to be able to raise awareness for the proposal and promote public involvement in the assent voting.

By distributing information in a variety of ways (e.g. placing radio and newspaper ads; writing internet articles; or, posting notices throughout the community) the local government is better able to reach a wide number of people from different demographics. This provides more people the opportunity to become informed and vote.

Local governments are required, under the LGA, to publish a certain number of public notices; however, many choose to provide additional information, such as information about why the council or board supports the proposal.

Q: Are there limits to what a local government, individuals or organizations are allowed to spend on providing information about an assent voting event?

A: No. There are no limits to what a local government may spend on providing general or factual information (e.g. information posted on the local government website) about an assent voting. Local governments should be as transparent as possible with their spending and are subject to certain disclosure requirements (e.g. annual financial plans).

However, local governments, individuals, and organizations should contact Elections BC if they have any questions about the content of messages they communicate and the manner in which they are communicated (e.g. paid newspaper ad). If a message promotes or opposes the outcome of assent voting, it may be considered election advertising and may be subject to rules under LECFA.

Q: Are community opinion polls subject to LECFA?

A: No. A community opinion poll, conducted under section 83 of the Charter or section 293 of the LGA, is a non-binding method of public consultation and not subject to LECFA.

Q: Are local governments allowed to place information about assent voting-related matters in public facilities, e.g. at a library or recreation centre?

A: Yes. Local governments are in the best position to understand how to effectively communicate with residents in their particular community so that as many voters as possible are in a position to cast an informed vote during an assent voting event.

In some communities, the recreation centre or library may have high levels of foot traffic and provide the best opportunity to inform residents about an assent voting proposal. In other communities, providing information in the local newspaper or on the internet might be more appropriate. For this reason, the legislation does not restrict a local government's ability to decide the best strategies for informing the public about assent voting-related matters. The legislation simply outlines the minimum requirements for providing notice.

Final Considerations

After the close of general voting day and completion of the ballot count, the CEO or RVO completes the assent voting process by delivering a report of the results to the municipal council (council) or regional district board (board).

Ballot Counting & Declaration of Results (LGA, Part 3, Division 14 and s. 178, 180)

The CEO is responsible for deciding where ballot counting is conducted. If the CEO determines ballot counting will be done at a separate location from the voting place, the presiding election officials must ensure the ballot boxes are sealed and delivered to the CEO with the other required election materials outlined in section 143 of the LGA (e.g. voting books, stubs for ballots).

By 4 p.m. on the fourth day following the close of general voting, the CEO or RVO must declare the results of the assent voting. Unlike the results for general local elections, the results of assent voting do not need to be published in the BC Gazette.

Challenging the Validity of Assent Voting (LGA, s. 153-156)

A minimum of four electors from the voting area or the CEO may challenge the validity of assent voting by making an application to the BC Supreme Court within 30 days of the declaration of the official results. The CEO is not required to make an application based on an allegation by a member of the public.

The basis of the application to the court must be for one of the following reasons:

- assent voting was not conducted in accordance with the LGA, a regulation under the LGA, or a bylaw passed under the LGA by the local government; or,
- that vote buying, intimidation or voting when not entitled took place.

Challenging an Election vs. Challenging Assent Voting

At least four electors may challenge assent voting through the court. A CEO also has the authority to challenge assent voting.

In general local elections or by-elections candidates or electors can also challenge elections through the same court process.

If the court is satisfied that the assent vote was conducted in good faith and in accordance with the principles of the LGA and the irregularity or failure did not materially affect the result of the election, it must not declare an assent vote invalid. For more information, see the LGA (Part 3, Division 16 – Declaration of Invalid Election).

Reporting of Results (LGA, s. 158)

Once the vote has been held and the CEO has declared the official results, the CEO or RVO has 30 days to submit a report on the results to the local government.

The CEO or RVO's report is the official local government record that indicates whether a matter received elector assent. The report presents a compilation of ballot accounts from each voting place, identifying how many electors voted yes, how many voted no, as well as other statistics (e.g. LGA, s. 141 the number of ballots that were rejected as invalid and the number of unused ballots). The report of results is an important mechanism for demonstrating accountability.

Managing Records (LGA, s. 160)

The CEO must keep the sealed ballot packages and other elections materials for 13 days after general voting day until the period for conducting a judicial recount is closed.

Once the judicial recount period has passed a designated local government officer is then responsible for maintaining the materials. Ballots, ballot stubs, lists of registered electors from voting proceedings, voting books and declarations must be retained for eight weeks (56 days) following the declaration of the official voting results. After this point, the materials must be destroyed as soon as practical, unless otherwise ordered by a court or an application to court is underway. However, any signed statement by a person who inspected the voting materials must be kept until after the general voting day for the next general local election.

Moving Forward with the Decision (LGA, s. 171)

Once elector assent has been obtained, the report from the CEO has been received by the council or board and the period for challenging the validity of assent voting has passed, the local government may proceed with the proposal.

Generally, assent voting is held in relation to a bylaw that has already received three readings from the council or board, as well as statutory approval. The next step, at the council or board's discretion, is to adopt the bylaw. If adopted, a copy must be filed with the Ministry.

If the majority of electors voted against the bylaw in the assent voting, the local government cannot proceed with the proposal at that time. Section 171(2) of the LGA specifies that the local government must wait at least six months before seeking elector assent on another bylaw for the same purpose. In special circumstances, the local government may request approval from the Minister to hold another assent voting opportunity sooner.

In the case of decisions that do not relate to a bylaw, the Ministry can be contacted to be informed of the results of the assent voting so it can prepare the formal documentation to conclude the process. For example, if the voting was in favour of amalgamation of municipalities or a municipal boundary extension, the Ministry is responsible for preparing the documentation (or "Order in Council"). The Ministry then presents it to the Minister responsible for local government, for recommendation to Cabinet for a final decision.

Final Considerations – Frequently Asked Questions

Q: When and how is the public notified of the results of assent voting?

A: The CEO must announce the final determination of the assent voting results before 4 p.m. on the fourth day following the close of general voting. In some cases, the CEO may announce preliminary results of assent voting before the declaration of official results.

The method(s) for declaring the assent voting results is at the discretion of the CEO. Often, the CEO advises print media and radio of the results and posts the results on the local government's bulletin boards(s) and website. CivicInfoBC may also post the results to their website (www.civicinfo.bc.ca/).

Q: What constitutes an assent voting offence?

A: Section 170(3) of the LGA states that Part 3, Division 18 – Election Offences, applies to assent voting proceedings. This means that offering a benefit of any kind or using any form of intimidation to induce a person to vote for or against the question, or to refrain from voting, is illegal.

Contravening voting provisions, such as voting when not entitled to do so, voting more than once, obtaining a ballot in another person's name and tampering with ballots or ballot boxes, is an offence. Advertising and campaigning within 100 metres of a voting place on the day of assent voting is also an offence (LGA, s. 163(4)). These are serious offences that can lead to fines, imprisonment and other penalties.

Under the LECFA, there are also offences and penalties related to advertising, expense limits, failure to disclose and false or misleading disclosures. Elections BC can provide assistance on those LECFA offences.

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Q: Who is responsible for investigating an alleged assent voting offence?

A: Local law enforcement is responsible for conducting investigations and recommending to Crown Counsel whether charges should be laid. Crown Counsel has up to one year from the incident, to begin prosecution through the judicial system.

Q: What actions can be taken if an elector is concerned that the votes were not correctly counted?

A: Electors can apply to the provincial court for a judicial recount up to nine days after the close of general voting. Section 148 of the LGA outlines the process for applying for a judicial recount; however, electors should be aware that the court may decide not to take action if it is determined that the results of the recount would not materially affect the results of the election. Furthermore, the applicant may be liable for all, or a proportion, of the costs of a judicial recount.

Q: Why are some materials related to assent voting kept after the official results are declared?

A: After the declaration of official results, vote-related materials must be available for public viewing for 30 days. The legislation then provides that materials related to the assent voting (e.g. ballots, voting books, solemn declarations) must be destroyed within eight weeks of the official results, unless otherwise ordered by a court or an application to court is underway.

Q: How long does a council or board have before they must adopt a bylaw or enact a proposal after obtaining elector assent?

A: Once elector assent has been obtained, a council or board may adopt the bylaw at their discretion. The legislation does not require a bylaw to be adopted within a specified period of time; however, the powers authorized by the bylaw cannot be exercised until the bylaw is adopted. For example, if assent voting is held to authorize a local government to borrow \$5 million to build a new fire hall, the local government cannot borrow the money until after the bylaw has been adopted. Similarly, there is usually not a specified period of time to enact a proposal following elector assent (e.g. disposing of parkland).

One exception to this rule is if a partnering agreement that incurs a liability has not been entered into within five years of approval of the electors (assent voting or AAP) the matter must be put before the electors again (Charter, s. 175(5)).

Q: Does a council or board have the power to amend or repeal a bylaw that has received elector assent?

A: Yes. A council or board may amend or repeal a bylaw that has received elector assent. It can do this by:

- in the case of a regional district, obtaining the consent of 2/3 of the directors who represent the areas participating in the service and obtaining approval of the Inspector (LGA, s. 349 and 406);
- obtaining elector approval using the same approval method that would be used to establish the bylaw and obtaining approval of the Inspector (Charter, s. 137);
- in specific circumstances, by regulation without obtaining the approval of the Inspector (e.g. BC Regulation 113/2007); or,
- in the case of a council, for example, if a loan authorization bylaw received elector assent, it may be amended or repealed without the approval of the electors if the Inspector approves and subject to any terms and conditions the Inspector considers appropriate (Charter, s. 180(3)).

In the event that a council or board proposes significant amendments, the Minister may order the local government to hold another assent voting opportunity. The requirement for ministerial approval serves to reassure electors that no radical changes will be made to the bylaw without appropriate terms and conditions.

Appendices

- [Appendix 1: Legislative Checklist – Introduction](#) 30
- [Appendix 2: Legislative Checklist – Planning & Conducting Assent Voting](#) 32
- [Appendix 3: Legislative Checklist – Assent Voting Advertising](#)..... 38
- [Appendix 4: Legislative Checklist – Final Considerations](#)..... 39
- [Appendix 5: Election Assent Voting vs. Non-election Assent Voting](#)..... 42
- [Appendix 6: Local Government Decisions Requiring Elector Approval](#) 44
- [Appendix 7: Key Considerations for Local Governments – Public Consultation](#)..... 47
- [Appendix 8: CEO Roles in Assent Voting](#)..... 48

Appendix 1: Legislative Checklist – Introduction

This checklist is not exhaustive; the most recent legislation is available on www.bclaws.ca

Legislative Provision, Act, and Section	Description
<ul style="list-style-type: none"> Assent of the electors (CC, s. 85) Electors and Elections, Assent Voting and Process for obtaining approval of the electors (LGA, Part 3, Part 4 & s. 269) Electors and Elections and Assent Voting (VC, Part 1 & Part 2) 	<p>This legislation provides the rules and process for conducting assent voting. The VC applies to the City of Vancouver only. Elector assent is obtained when a majority of the votes (50%, plus 1 vote) are in favour of the bylaw, agreement or other matter.</p>
<ul style="list-style-type: none"> Approval of the electors (CC, s. 84; LGA s. 269) Assent of the electors (CC, s. 85) Alternative approval process (CC, s. 86) 	<p>On matters that require elector approval, information collected during public consultation may help local governments to make an effective and efficient decision about whether to seek elector approval through assent voting or use the alternative approval process (AAP).</p>
<ul style="list-style-type: none"> Council may seek community opinion (CC, s. 83) Board may seek regional district opinion (LGA, s. 293) 	<p>The board or council can decide on the method to be used to (e.g. survey, vote). The question can be on anything the local government deems appropriate. The results are non-binding. If using s. 293, the board must seek the opinion of the ENTIRE regional district (i.e. can't do an opinion poll for only one electoral area or municipality).</p>
<ul style="list-style-type: none"> Annual meeting on report (CC, s. 99) Annual reporting on regional district finances (LGA, s. 376) 	<p>Enables the public to provide feedback and ask questions about the upcoming year's objectives.</p>
<ul style="list-style-type: none"> Process requirements for financial plan (CC, s. 166) Public process for development of financial plan (LGA, s. 375) 	<p>Before the adoption of the financial plan, a process of public consultation occurs that allows members of the public an opportunity to express opinions regarding proposed expenditures (e.g. capital projects) and borrowing.</p>
<ul style="list-style-type: none"> Consultation during development of regional growth strategy (LGA, s. 434) 	<p>During the development of a regional growth strategy (RGS), repeal or amendment of an RGS, the regional district board must provide an opportunity for consultation.</p>
<ul style="list-style-type: none"> Consultation during development of official community plan (LGA, s. 475) 	<p>During the development of an official community plan (OCP), repeal or amendment of an OCP, the local government (e.g. municipality) must provide at least one opportunity to consult with persons, organizations and authorities affected. In addition to holding a public hearing under LGA, s. 477(3)(c).</p>
<ul style="list-style-type: none"> Standing committees of council (CC, s. 141) Select committees of council (CC, s. 142) Appointment of select and standing committees (LGA, s. 218) 	<p>Committees can either be established by the mayor, council, regional district board or regional district chair. The committee may consider matters and report their findings and opinions back to the council or board. Committees are not decision making bodies, but instead provide recommendations that can be acted upon by elected officials.</p>

Introduction Extras – Additional Legislation Providing Requirements to Inform the Public

Legislative Provision, Act, and Section	Description
<ul style="list-style-type: none"> • General rule that meetings must be open to the public (CC, Division 3, Part 4 = s. 89-93 & LGA s. 226) 	<ul style="list-style-type: none"> • Open meetings allow the public to observe council and board deliberations and often provide an opportunity for members of the public to express opinions and ask questions about community issues and needs. Meetings of council or board, committees, municipal commission, parcel tax roll review panel, board of variance and advisory bodies must be open to the public, except where provided by the legislation. However, the council or board must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.
<ul style="list-style-type: none"> • Notice of council meetings (CC, s. 127) • Notice of board meetings (LGA, s. 225(1)(b)) 	<ul style="list-style-type: none"> • The requirement to make public the date, time and place of council and board meetings supports public access to observe council and board deliberations. Check the local government’s procedure bylaw for more details.

Appendix 2: Legislative Checklist – Planning & Conducting Assent Voting

In addition to the checklist below, local governments should consult the legislation and may want to consult their LGMA Elections Manual, which contains sample assent voting schedules.

Legislative Provision, Act, and Section	Description
<i>Initial Considerations</i>	
<ul style="list-style-type: none"> Assent voting to be conducted in the same manner as an election (LGA, s. 170) 	<ul style="list-style-type: none"> Except as otherwise provided, Part 3 [Electors and Elections] of the LGA apply to assent voting and advertising.
<ul style="list-style-type: none"> Appointment of election officials (LGA, s. 58) 	<ul style="list-style-type: none"> Required to appoint a Chief Election Officer (CEO) and Deputy CEO for an election. The CEO can, in turn, appoint additional election officials or peace officers and delegate their authority in accordance with the legislation. The election officials must also make solemn declarations to faithfully and impartially fulfil their duties, not accept inducement, preserve the secrecy of the ballot and not be a candidate, candidate representative or financial agent.
<ul style="list-style-type: none"> Special procedures if voting is conducted by more than one local government (LGA, s. 179) <ul style="list-style-type: none"> 179(4) and (5) – Regional Voting Officer 	<ul style="list-style-type: none"> If assent voting is being held in more than one jurisdiction, then the regional district must appoint a Regional Voting Officer (RVO) and Deputy Regional Voting Officer. The RVO must set the general voting day for all voting throughout the area, in addition to other duties outlined in s. 179(5) of the LGA, such as preparing the ballots.
<ul style="list-style-type: none"> By-elections (LGA, s. 54) 	<ul style="list-style-type: none"> By-election general voting day must be set within 80 days of the appointment of the CEO.
<ul style="list-style-type: none"> General voting day for assent voting (LGA, s. 174) 	<ul style="list-style-type: none"> General voting day must be on a Saturday: <ul style="list-style-type: none"> within 80 days of the statutory approval (usually “Inspector approval”) of the bylaw [174(2)(a)]; or within 80 days after the AAP deadline date when more than 10% eligible electors signed and submitted elector responses [174(2)(b)]; or within 80 days of 174(c) to (e) LGA circumstances
<ul style="list-style-type: none"> Special Procedures if voting is conducted by more than one local government (LGA, s. 179) 179(2) Board roles 	<ul style="list-style-type: none"> On matters that affect the region, the regional district board must establish the question to be used for all the voting in the area and appoint a Regional and Deputy Regional Voting Officer. The Regional Voting Officer sets the voting day(s).
<ul style="list-style-type: none"> Division 10 – Voting Opportunities (LGA, s. 104-110) <ul style="list-style-type: none"> 109 Special voting opportunities 110 Mail ballot voting 	<ul style="list-style-type: none"> Advance voting opportunities see LGA, s. 175. At least one advance voting opportunity before general voting day is required, but the local government can choose to hold more. Special voting opportunities may be held in any location (inside or outside the local government boundary). The local government may place restrictions on who may vote at the special voting opportunity. For example, only patients and staff at a local hospital.

Legislative Provision, Act, and Section	Description
	<ul style="list-style-type: none"> • Mail ballot voting is restricted to persons: <ul style="list-style-type: none"> ○ who have a physical disability, illness or injury, ○ are expected to be absent during advance voting and general voting, ○ live in a remote regional district area where mail ballot voting is provided (see LGA, s. 175(4)), or ○ additional restrictions as provided by the local government's election bylaw. • Neither special voting opportunities nor mail ballot voting are required by legislation, but if available, must be established by bylaw.
<ul style="list-style-type: none"> • Arrangements for assent voting (LGA, s. 175) voting opportunities, LGA, s. 175(2)-(4) 	<ul style="list-style-type: none"> • Voting opportunities (e.g. advance, special, mail ballot) are the same as those required in an election (under Part 3), but may be limited if s. 175(4) applies. • This means local governments with populations greater than 5,000 are required to hold at least two advance voting opportunities and those under 5,000 must hold one advance voting day. However, a remote regional district area (greater than 5,000) that has a mail ballot voting option may not require a second voting opportunity.
<ul style="list-style-type: none"> • Arrangements for assent voting (LGA, s. 175) <ul style="list-style-type: none"> ○ adoption of bylaws, LGA, s. 175(1) • Election bylaws (LGA, s. 56) 	<ul style="list-style-type: none"> • At least six weeks before general voting day for assent voting, or eight weeks if combined with a local general election, the local government must adopt an election bylaw or a bylaw containing provisions for assent voting procedures (e.g. election and signs bylaws) or if necessary make changes to an existing bylaw.
<ul style="list-style-type: none"> • Use of voting machines (LGA, s. 112) • Form of ballots (LGA, s. 114) • Ballots for assent voting (LGA, s. 177) • Special procedures if voting is conducted by more than one local government (LGA, s. 179(5)(c)) 	<ul style="list-style-type: none"> • Ballots must be prepared in form that an elector may select YES or NO to. • When more than one bylaw is being submitted for assent, or more than one opinion is being sought, a separate question and ballot must be arranged by the CEO or RVO for each question. An exception to this is during an election, when the election for candidates and one assent voting question may be combined on one ballot. If there are more than two assent voting questions, each assent voting question must be on a separate ballot, unless a local government election bylaw specifies that automated voting machines will be used and composite ballots may be used with them.
<ul style="list-style-type: none"> • Other procedural rules (LGA, s. 348) • Amending bylaws that are needed for authority to borrow (LGA, s. 351) 	<ul style="list-style-type: none"> • When a regional district board proposes to borrow money for the start of a service, the establishing bylaw (or the amending or conversion bylaw) and the loan authorization bylaw must be dealt with as if they were one bylaw. This means the service and loan must be included together on the assent voting ballot.
<ul style="list-style-type: none"> • How assent is obtained (LGA, s. 171) 	<ul style="list-style-type: none"> • Assent is obtained if a majority of valid votes is in favour. In addition, if a bylaw does not receive assent,

Legislative Provision, Act, and Section	Description
<ul style="list-style-type: none"> • Special procedures if voting is conducted by more than one local government (LGA, s. 179) <ul style="list-style-type: none"> ○ 179(3) – bylaws used • Arrangements for assent voting (LGA, s. 175) <ul style="list-style-type: none"> ○ 175(3) – municipal bylaw may apply 	<p>a bylaw for the same purpose may not be submitted within six months from the last submission without the Minister’s approval.</p> <ul style="list-style-type: none"> • When more than one jurisdiction participates in the assent voting (e.g. two municipalities and three electoral areas), the individual municipal election bylaws do not apply; rather, the regional district’s election bylaws apply to the entire assent voting process. By exception, if assent voting is held at the same time as a general local election, municipalities’ election bylaws may apply if the municipalities are conducting the assent voting in the area.
<ul style="list-style-type: none"> • Approval of establishing bylaws (LGA, s. 342) <ul style="list-style-type: none"> ○ as it relates to voting over multiple local government jurisdictions 	<ul style="list-style-type: none"> • It is the board that will decide if the municipalities are conducting the assent voting in the area (LGA, s. 342(3) and 342(4)). If each jurisdiction (e.g. each municipality and each electoral area) obtains approval separately, then in order to obtain the assent of the electors, each jurisdiction must have their votes exceed 50%, plus one vote. If one jurisdiction has less than 50%, plus one vote, then assent is not obtained. However, if the board decides to seek approval over the entire voting area (e.g. two municipalities and three electoral areas combined), then all the participating municipalities and electoral areas votes in favour must exceed 50%, plus one vote, in order to receive elector assent.
<i>Timing Considerations</i>	
<ul style="list-style-type: none"> • Public notice by newspaper publication (LGA, s. 50) • Giving notice by newspaper publication (LGA, Schedule 4) • Requirement for public notice (CC, s. 94) 	<ul style="list-style-type: none"> • When notice is required for elections and assent voting, they may be combined. The notice must be given in accordance with Schedule 4 of the LGA, which refers to s. 94(1)(b) of the CC. The notice must appear in a newspaper (publication or local periodical that contains items of news and advertising) circulating in the area once each week for two consecutive weeks. Alternatively, if the local government cannot meet the newspaper advertising requirements, the local government can decide to provide notice by alternative means within the same time period. If the notice is provided by individual distribution to the electors, it may be given only once, otherwise it must be distributed twice.
<ul style="list-style-type: none"> • Notice of assent voting (LGA, s. 176) • Other general matters (LGA, s. 180) • Disclosure of information relating to agreements that require elector approval or assent (LGA, s. 267) 	<ul style="list-style-type: none"> • The CEO must issue a notice of assent voting at least six but not more 30 days before general voting day and the notice must contain specific information (see LGA, s. 176). • Notices may be combined as long as all the requirements of all the applicable sections are met. The results of assent voting do not need to be published in the BC Gazette. • The notice of assent voting for a regional district must

Legislative Provision, Act, and Section	Description
<ul style="list-style-type: none"> • Who may vote (LGA, s. 172) • Voting day registration only (LGA, s. 69) 	<p>state, if applicable, that an agreement and the records relating to it are available for public inspection.</p> <ul style="list-style-type: none"> • If the local government where the assent voting is conducted has advance registration, then the local government must provide notice of how an elector may register in advance and when the registration period closes. • Alternatively, by bylaw, the local government may limit registration of electors to the time of voting and explain the documents required for registering in the notice of assent voting.
<ul style="list-style-type: none"> • Notice of applications to volunteer as scrutineer (LGA, s. 182) 	<ul style="list-style-type: none"> • The CEO must issue a notice of application to volunteer as a scrutineer not more than 30 days before the scrutineer application period begins. The notice must be available for public inspection, during regular local government office hours, six days before the application period starts and during the entire application period.
<i>Voting Considerations</i>	
<ul style="list-style-type: none"> • Resident electors (LGA, s. 65) • Non-resident property electors (LGA, s. 66) • Rules for determining residence (LGA, s. 67) 	<ul style="list-style-type: none"> • Under s.65 of the LGA a resident elector must be: <ul style="list-style-type: none"> ○ be 18 years of age or older on general voting day; ○ be a Canadian citizen; ○ have been a resident of British Columbia for at least six months before registering to vote; ○ have been a resident of the jurisdiction in which they intend to vote for at least 30 days before registering to vote; and, ○ not be disqualified under the <i>Local Government Act</i> or any other enactment from voting in a local election, or be otherwise disqualified by law. • A person is a resident of the area where the person lives and to which, whenever absent, the person intends to return and may only be a resident of one area at a time (LGA, s. 67). • Under s.66 of the LGA a resident elector must be: <ul style="list-style-type: none"> ○ be 18 years of age or older on general voting day; ○ be a Canadian citizen; ○ have been a resident of British Columbia for at least six months before registering to vote; ○ have owned property in the jurisdiction in which they intend to vote for at least 30 days before registering to vote; and, ○ not be disqualified under the <i>Local Government Act</i> or any other enactment from voting in a local election, or be otherwise disqualified by law.
<ul style="list-style-type: none"> • Who may vote at assent voting (LGA, s. 172) 	<ul style="list-style-type: none"> • Only resident electors or non-resident property electors who are registered are qualified to vote in assent voting.
<ul style="list-style-type: none"> • Person may vote only once (LGA, s. 173) 	<ul style="list-style-type: none"> • Even though a person may be eligible to vote in more

Legislative Provision, Act, and Section	Description
<ul style="list-style-type: none"> • Voter Registration (LGA, s. 68-77, 172) <ul style="list-style-type: none"> ○ 172 – Who may vote at assent voting ○ 68 – When a person may register as an elector ○ 69 – Voting day registration only ○ 70 – Application for registration ○ 71 – How to register in advance ○ 72 – How to register as a resident elector at the time of voting ○ 73 – How to register as a non-resident property elector at the time of voting ○ 74 – Effect of registration ○ 75 – Register of electors ○ 76 – Provincial list of voters as register of resident electors ○ 77 – List of registered electors 	<p>than one assent voting area (e.g. own property in one portion of the voting area, but reside in another portion of the voting area) the person is only entitled to vote once.</p> <ul style="list-style-type: none"> • Must be registered in order to vote. • Same day voter registration is always an option. Local governments may use the most current Provincial list of voters or maintain their own list of electors. • Must establish, by bylaw, what list is being used. • Advance registration must be available when the local government uses its own list of electors. • If using the Provincial list of voters, electors must register under the Election Act in sufficient time for their name to appear on the Provincial list. The Provincial list becomes the register of resident electors for the local government on the 52nd day before general voting day. • The local government does not have to have advance registration for resident electors if it is using the Provincial list, but may choose to do so, since it will have advanced registration for non-resident property electors.
<ul style="list-style-type: none"> • Scrutineers (LGA, s. 102, 120, 181-184) <ul style="list-style-type: none"> ○ 102 – Appointment of candidate representatives ○ 120 – Persons who may be present at voting places ○ 181 – Scrutineers for the question and scrutineers against the question ○ 182 – Notice of applications to volunteer as scrutineer ○ 183 – Applications to volunteer to act as scrutineers for assent voting ○ 184 – Appointment of scrutineers for assent voting 	<ul style="list-style-type: none"> • Scrutineers must be appointed by the CEO from applications that are received from qualified electors, who are not election officials. • If assent voting is being held in conjunction with an election, the candidate may also appoint scrutineers and notify the CEO in writing. • The CEO must issue a notice of application to volunteer as a scrutineer not more than 30 days before the scrutineer application period begins. The notice must be available for public inspection, during regular local government office hours, six days before the application period starts and during the entire application period. • The CEO must establish a 10-day scrutineer application period so that scrutineers can be appointed before the first voting opportunity. • The CEO must appoint scrutineers in favour of the question and applicants opposed to the question. For further details, see LGA, s. 181-184.
<ul style="list-style-type: none"> • Retention and destruction of election materials (LGA, s. 160(3), (4), (6) & (7)) 	<ul style="list-style-type: none"> • During voting proceedings and for 30 days after the declaration of official election results, assent voting records are required to be made available for public inspection, including voting books used for the election, list of registered electors and solemn declarations. Persons inspecting must sign a statement and may not copy those materials.
<ul style="list-style-type: none"> • Agreements that require elector approval or assent (CC, s. 96) • Disclosure of information relating to agreements 	<ul style="list-style-type: none"> • An agreement and the records relating to it must be available for inspection at the local government offices during the assent voting process.

Legislative Provision, Act, and Section	Description
that require elector approval or assent LGA, s. 267)	
<ul style="list-style-type: none"> • Other records to which public access must be provided (CC, s. 97) 	<ul style="list-style-type: none"> • Local governments must have available for public inspection, within seven days after a request, various records including any bylaws or agreements.
<ul style="list-style-type: none"> • Other public access requirements: application of <i>Community Charter</i> (LGA, s. 268) 	

Appendix 3: Legislative Checklist – Assent Voting Advertising

This checklist is not exhaustive, local governments should consult the *Local Elections Campaign Financing Act* (LECFA), including its regulations, and may want to consult Elections BC Guides and the LGMA Elections Manual which contain more information on advertising and expense limit requirements.

Legislative Provision, Act, and Section	Description
<ul style="list-style-type: none"> Other Election Offences (LGA, s. 163(4)) 	<ul style="list-style-type: none"> A person must not do any of the following at or within 100 metres of a voting place: <ol style="list-style-type: none"> Canvas or solicit votes or otherwise attempt to influence how an elector votes; Display, distribute, post or openly leave a representation of a ballot marked for a particular result in the voting; Post, display or distribute (i) election advertising, or (ii) any material that identifies a candidate or elector organization, unless this is done with the authorization of the CEO; Carry, wear or supply a flag, badge or other thing indicating that the person using it is a supporter of a particular candidate, elector organization or result in the voting.
<ul style="list-style-type: none"> <i>Local Elections Campaign Financing Act</i> (LECFA) Penalties and Offences 	<ul style="list-style-type: none"> LECFA contains penalties for failure to comply with disclosure requirements and exceeding expense or advertising limits. Offences are identified throughout the LECFA; specific offences for providing false or misleading information are found in Part 7, Division 2. Elections BC is the non-partisan and independent Office of the Legislature responsible for the administration of the provincial electoral process in B.C. and the campaign financing and third party advertising rules for local elections and non-election assent voting events under the <i>LECFA</i>. Elections BC provides assistance on LECFA penalties and offences: <p>Elections BC Phone: 250 387-5305 Toll-free: 1 855 952-0280 / TTY 1 888 456-5448 Fax: 250 387-3578 Toll-free Fax: 1 866 466-0665 Email: lecf@elections.bc.ca Website: www.elections.bc.ca/lecf</p>

Appendix 4: Legislative Checklist – Final Considerations

In addition to the checklist below, local governments should consult the legislation and may want to consult their LGMA Elections Manual, which contains sample assent voting schedules.

Legislative Provision, Act, and Section	Description
<ul style="list-style-type: none"> • Part 3, Division 14 – Counting of the Votes <ul style="list-style-type: none"> ○ s. 133 – When and where counting is to be done ○ s. 146 – Declaration of official election results ○ s. 141 – Ballot Account ○ s. 143 – Delivery of election materials to chief election officer 	<ul style="list-style-type: none"> • CEO is responsible for deciding where ballot counting is conducted. If the CEO determines ballot counting will be done at a separate location from the voting place, then the presiding election official must ensure the ballot boxes are sealed and delivered to the CEO with the other required election materials outlined in the LGA, s. 143 (e.g. voting books, stubs for ballots). By 4 p.m. on the fourth day following the close of general voting, the CEO must declare the results of the assent voting.
<ul style="list-style-type: none"> • When counting for assent voting is to be done (LGA, s. 178) 	<ul style="list-style-type: none"> • As long as ballots are counted before the declaration of the results, the CEO may set a time to count the votes. In accordance with the LGA, s. 121 [sealing of ballot boxes containing ballots] and s. 143 [delivery of election materials to CEO], the presiding election officials ensure ballot boxes and materials are delivered to the CEO.
<ul style="list-style-type: none"> • Other general matters (LGA, s. 180) 	<ul style="list-style-type: none"> • Notices may be combined as long as all the requirements of all the applicable sections are met. • The results of assent voting do not need to be published in the BC Gazette.
<ul style="list-style-type: none"> • Declaration of Invalid Election (LGA, Part 3, Division 16): • Application to court respecting validity of election (LGA, s. 153) • Hearing of application (LGA, s. 154) • Power of court on application (LGA, s. 155) • Legal costs of application (LGA, s. 156) 	<ul style="list-style-type: none"> • At least four electors or the CEO may challenge assent voting through the BC Supreme Court within 30 days of the declaration of the official results. The basis of the application must be for one of the following reasons: <ul style="list-style-type: none"> ○ assent voting was not conducted in accordance with the LGA, a regulation under the LGA or a bylaw passed under the LGA by the local government; or ○ that vote buying, intimidation or voting when not entitled took place. • If the court is satisfied that the election was conducted in good faith and in accordance with the principles of the LGA and the irregularity or failure did not materially affect the result of the election, it must not declare an election invalid.
<ul style="list-style-type: none"> • Report of election results (LGA, s. 158) 	<ul style="list-style-type: none"> • Once the vote has been held and the CEO or RVO has declared the official results, the CEO or RVO has 30 days to submit a report on the results to the local government. The report is the official local government record that indicates whether a matter received elector assent. The report presents a compilation of ballot accounts from each voting place, identifying how many electors voted yes, how many

Legislative Provision, Act, and Section	Description
	voted no, as well as other statistics. A supplementary report would be issued if anything changed because of a recount or court proceedings.
<ul style="list-style-type: none"> • Ballot account (LGA, s. 141) 	<ul style="list-style-type: none"> • Ballot accounts contain a number of statistics relating to the vote. They are signed by the presiding election officials and delivered to the CEO. The CEO presents a compilation report of ballot accounts from each voting place, identifying how many electors voted yes, how many voted no, as well as other statistics (e.g. the number of ballots that were rejected as invalid and the number of unused ballots).
<ul style="list-style-type: none"> • Retention and destruction of election materials (LGA, s. 160) • [Note: *See Appendix 2, Voting Considerations, for further explanation of s. 160] 	<ul style="list-style-type: none"> • If combined with an election, the CEO must keep the sealed ballot packages and other elections materials for 13 days after general voting day until the period for conducting a judicial recount is closed. Following this, a designate local government officer is responsible for maintaining the materials. Ballots, ballot stubs, lists of registered electors from voting proceedings, voting books and declarations must be kept for eight weeks (56 days) following the declaration of the official voting results. After this point, the materials must be destroyed as soon as practical, unless otherwise ordered by a court or an application to court is underway. However, any signed statement by a person who inspected the voting materials must be kept until after the general voting day for the next general local election.
<ul style="list-style-type: none"> • How assent is obtained (LGA, s. 171) • Elector approval required for some loan authorization bylaws (CC, s. 180) • Regional district loan authorization bylaws (LGA, s. 406) 	<ul style="list-style-type: none"> • Assent is obtained if a majority of valid votes is in favour. In addition, if a bylaw does not receive assent, a bylaw for the same purpose may not be submitted within six months from the last submission without the Minister’s approval. • These sections outline when a loan authorization bylaw may require elector approval to establish, amend or repeal.
<ul style="list-style-type: none"> • Application for judicial recount (LGA, s. 148) • Assent Voting to be conducted in same manner as election (LGA, s. 170) • Election Offences 	<ul style="list-style-type: none"> • Electors can apply to the provincial court for a judicial recount up to nine days after the close of general voting. Section 148 of the LGA outlines the process for applying for a judicial recount. The court may decide not to take action if it is determined that the results of the recount would not materially affect the results of the election. The applicant may be liable for all, or a proportion, of the costs of a judicial recount. • Section 170(3) of the LGA states that Part 3, Division 18 – Election Offences applies to assent voting proceedings. This means that offering a benefit of any kind or using any form of intimidation to induce a person to vote for or against the question, or to refrain from voting, is illegal. Contravening voting provisions, such as voting when not entitled to do so,

Legislative Provision, Act, and Section	Description
	<p>voting more than once, obtaining a ballot in another person's name and tampering with ballots or ballot boxes is an offence. Furthermore, advertising and campaigning within 100 metres of a voting place on the day of assent voting is also an offence. These are serious offences that can lead to fines, imprisonment and other penalties.</p>

Appendix 5: Election Assent Voting vs. Non-election Assent Voting

Assent Voting During an Election	Assent Voting Only (non-election time)
<i>Election Officials</i>	
<ul style="list-style-type: none"> • In addition to appointing the election officials to oversee the election, the local government must appoint the election officials to oversee the assent voting process. • In a by-election, the Chief Election Officer (CEO) cannot be appointed more than 80 days before general voting day. 	<ul style="list-style-type: none"> • In a municipality, a Chief Election Officer (CEO) and Deputy CEO must be appointed. • When more than one jurisdiction conducts the assent voting (e.g. two municipalities and three electoral areas) the regional district board must pass a resolution to appoint a Regional Voting Officer (RVO) and Deputy Regional Voting Officer (DRVO) (see <i>Appointing Election Officials and Voting Over Multiple Local Government Jurisdictions</i>).
<i>Voting Days</i>	
<ul style="list-style-type: none"> • Advance voting and general voting day for assent voting must be the same days as those for the election. 	<ul style="list-style-type: none"> • RVO or CEO determines voting day, which must fall on a Saturday. • One advance voting day is required. A second advance voting day may not be required (see section: <i>Additional Voting Opportunities</i>).
<i>Election Bylaw(s)</i>	
<ul style="list-style-type: none"> • Changes to election bylaws must be made at least eight weeks before general voting day if combined with a general local election. • Changes must be made to election bylaws at least six weeks before general voting day if combined with a by-election. • Voting days must be the same for an election and assent voting happening together. Therefore, when regional district assent voting occurs at the same time as an election, rather than the regional district election bylaw applying, the municipal election bylaw applies. 	<ul style="list-style-type: none"> • Changes to election bylaws must be made at least six weeks before general voting day. • Municipal election bylaws do not apply if the regional district is conducting the assent voting; instead the regional district's election bylaw(s) apply.
<i>Ballots, Ballot Counting and Declaration of Results</i>	
<ul style="list-style-type: none"> • The same ballot may be used for the election of candidates in an election and one assent voting question. • Additional assent voting questions must be asked on a separate ballot. • Results of the election for candidates to local government office must be published in the BC Gazette, but the assent voting results do not need to be published. 	<ul style="list-style-type: none"> • The ballot may only be used for one assent voting question. A separate ballot is required for each assent voting question being asked. • Results of assent voting do not need to be published in the BC Gazette.
<i>Notices</i>	
<ul style="list-style-type: none"> • Election and assent voting notices may be combined, as long as all the legislative requirements for the election and assent voting are met. 	<ul style="list-style-type: none"> • Notices may be combined, as long as all the legislative requirements for the election and assent voting are met (e.g. could combine the notice of applications for scrutineers with the assent voting notice).

Assent Voting During an Election	Assent Voting Only (non-election time)
<i>Scrutineers</i>	
<ul style="list-style-type: none"> Local governments must provide notice that applications for scrutineers for the assent voting will be accepted. Local government does not have to provide notice for candidates; instead candidates appoint their scrutineers and provide written notice to the CEO. 	<ul style="list-style-type: none"> Local governments must provide notice that applications for scrutineers will be accepted. For further requirements see section: Scrutineers.
<i>Voter Eligibility and Registration</i>	
<ul style="list-style-type: none"> In addition to meeting the qualifications of a resident elector or non-resident property elector, the person must be eligible to vote in the assent voting area. If the local government uses a list of registered electors, a copy needs to be available for public inspection. An elector can request to have their information obscured from the list of registered electors. An elector can object to the registration of a person whose name appears on the list of registered electors. 	<ul style="list-style-type: none"> In addition to meeting the qualifications of a resident elector or non-resident property elector, the person must be eligible to vote in the assent voting area. Where a person registers at the time of voting as an elector for the purposes of assent voting only, the information provided cannot be used for a future register of electors. A copy of the list of registered electors does not need to be available for public inspection. An elector cannot request to have their information obscured from the list of registered electors. An elector cannot object to the registration of a person whose name appears on the list of registered electors.
<i>Advertising and Expense Limits (LECFA)</i>	
<ul style="list-style-type: none"> When assent voting is held at the same time as an election, then “election advertising” rules apply during the campaign period. The campaign period begins 28 days before general voting day and ends at the close of general voting. Assent voting advertising is relevant to an election if the assent voting is being held at the same time and the advertising relates to that voting area. 	<ul style="list-style-type: none"> When assent voting is held separate from an election, then “non-election assent voting advertising” rules apply during the assent voting proceedings period. Assent voting proceedings period begins 28 days before general voting day and ends at the close of general voting.

Appendix 6: Local Government Decisions Requiring Elector Approval

In addition to the many informal processes a local government may choose to engage their citizens in decision making, there are various sections of the *Community Charter* (Charter) and the *Local Government Act* (LGA) that require the “approval of the electors” before the local government may proceed with implementing the decision.

The council or board must obtain the approval of the electors through either assent voting (i.e. achieving elector assent) or through the alternative approval process (AAP). In some specific cases, a local government can secure authority to proceed on a given matter through a petition process or other manner in which consent is secured from property owners. The required approvals must be obtained after third reading of the bylaw and before its adoption (Charter, s. 135(4)).

Amalgamation or Creation of Municipalities

Elector *assent* in each municipality must be obtained separately before the Minister can recommend amalgamation or creation of the municipalities to the Lieutenant Governor in Council (LGA, s. 4(1)).

Development Works Agreements with Private Developers

Elector *assent*, petition or council initiative is required before a municipality can adopt a bylaw to enter into an agreement with a developer for the provision of certain amenities, such as water, sewer or parkland (LGA, s. 570).

Disposal of Certain Utilities other than a Water or Sewage System

Local governments must have elector *approval* (Charter, s. 28 and LGA, s. 288) before disposing of works related to:

- the supply and distribution of gas or electrical energy;
- a transportation system; and,
- a telephone system, closed circuit television system or television rebroadcasting system.

Disposal of a Water or Sewage System

A local government must have elector *assent* (Charter, s. 28 and LGA, s. 288) before disposing of works related to:

- supply, treatment, conveyance, storage and distribution of water; and,
- collection, conveyance, treatment and disposal of sewage.

Enlargement or Reduction of Local Area Service

Enlarging or reducing the boundary of a municipal local service area requires petition, council initiative or elector *assent* in the area to be included or excluded (Charter, s. 218).

Exchange or Other Disposal of Parkland

A local government must receive elector *approval* when disposing of parkland or using parkland in a land exchange (Charter, s. 27 and LGA, s. 281).

Exclusive or Limited Franchises Agreements

Elector *approval* is required (Charter, s. 22), before a municipality enters into an agreement granting an exclusive or limited franchise (maximum of 21 years) in relation to:

- public transportation system;
- water supply system;
- sewage system; or,
- gas, electrical or other energy supply system.

Fluoridation

Elector *assent* is required before a bylaw can be adopted introducing fluoride into a local government's water system (Charter, s. 68 and LGA, s. 304).

Heritage Properties – Tax Exemptions

A regional district may exempt an eligible heritage property from taxes for up to 10 years if elector *approval* is obtained (LGA, s. 392).

Liabilities Under Agreement

When a local government enters into an agreement of over five years or an agreement that could exceed five years by renewals or extensions, and where the liability is of a capital nature or loan guarantee, elector *approval* is required (Charter, s. 175, LGA, s. 403, *Municipal Liabilities Regulation*, s. 6 and *Regional District Liabilities Regulation*, s. 2).

Local Community Commission

Elector *assent* is required before a regional district can adopt the bylaw to create a local community commission (LGA, s. 244).

Local Area Service

Municipal local area service bylaws in order to be adopted require petition, council initiative or elector *assent* (Charter, s. 211).

Long-term Borrowing (Loan Authorization)

Long-term borrowing undertaken by local governments for capital items and projects (e.g. fire trucks, construction of civic buildings, upgrading water mains and road infrastructure), or items and projects that provide an asset or benefit to the community for more than one fiscal year, require elector *approval* (Charter, s. 180). Local governments must undertake long-term borrowing through the Municipal Finance Authority. In almost every circumstance, in order to undertake long-term borrowing, local governments must obtain *approval* from both the Inspector of Municipalities and the electorate (LGA, s. 406).

Merging Local Area Services

Elector *approval* is required before the municipality can adopt the bylaw merging two or more local area services (Charter, s. 219).

Municipal Boundary Reduction

A municipality must obtain elector *assent* to obtain a boundary reduction, unless waived by the Minister (LGA, s. 13).

Municipal Boundary Extension

A municipality must obtain elector *approval* as part of the municipal boundary extension process. In addition, the Minister may direct that a vote be taken in the area that may be brought into the municipal boundary (LGA, s. 12).

Municipal Classification

Elector *approval* is required as part of a municipality's request for provincial approval to change its classification (LGA, s. 11).

Municipal Forest Reserve – Establishment

Elector *assent* is required before a bylaw to establish a municipal forest reserve can be adopted (LGA, s. 640).

Municipal Forest Reserve – Sale or Lease

Elector *approval* is required before the adoption of a bylaw to lease or remove land from a municipal forest reserve can be adopted (LGA, s. 641).

Municipal Incorporation

Elector *assent* is required to determine if eligible voters are in favour of municipal incorporation before the Minister can recommend incorporation to Lieutenant Governor In Council (LGA, s. 3).

Reducing the Size of Council

Elector *assent* is required to reduce the size of a municipal council (Charter, s. 118).

Removing Reserved or Dedicated Property

Local governments must receive elector *approval* before a bylaw to remove a reservation or dedication of property owned by a local government (e.g. park, public square, heritage site) can be adopted (Charter, s. 30 and LGA, s. 278).

Regional District Permissive – Tax Exemption

Elector *assent* is required before a regional district may exempt eligible properties (e.g. athletic centres, churches, francophone education authorities or other local authority owned lands) from taxes for up to 10 years (LGA, s. 391).

Regional District Service Area Bylaws

Elector *approval* or, in some cases, a petition is required for regional district service area establishment bylaws (LGA, s. 269, 336, 337, 342, 344, 345).

Riparian Properties – Tax Exemption

Elector *approval* is required before a regional district may exempt eligible riparian property from taxes for up to 10 years (LGA, s. 394).

Unexpended Funds

When a local government has surplus funds after borrowing and paying for a specific service or project, these funds may be used for other purposes, provided elector *approval* is obtained (Charter, s. 190 and LGA, s. 377).

Appendix 7: Key Considerations for Local Governments – Public Consultation

Local governments must exercise discretion to arrive at the appropriate public consultation levels that will allow the voters to make an informed vote. As public authorities in a democratic society, local governments need their administrative practices to be fair, reasonable, appropriate and equitable.

Questions to Consider

- How might the public perceive the assent voting process?
- Does the chief election officer manage the process in a transparent neutral manner or could it be perceived that he or she influenced the process and possibly the result?
- Does the public understand why they are being asked to vote?
 - Providing general information, for example a fact sheet on the assent voting process, can help the public understand that the council or board needs a successful voting process to proceed with a proposed plan. It can also communicate how the council or board can proceed if the vote is unsuccessful (e.g. ask the same question again in 6 months or significantly re-visit the proposal)
- Has the local government used public monies, staff time and other resources judiciously?
- Can the public reasonably access information on the current assent voting matter?
- Is the material provided neutral, consolidated and presents clear information on the voting matter?
 - For example:
 - Are the full costs of the proposal and how it's being funded understood?
 - What are the estimated increases or decreases in property taxes?
 - Why is the proposal beneficial to the community?
 - What are the options to proceed if the assent voting is not successful?
 - What effect does the outcome of the assent voting have on other local government projects or operations?
- Has the material been provided in a variety of ways and means to allow equitable access to information?
- Did the local government share enough information about the proposal to help eligible electors make an informed decision?
- Have reasonable opportunities been provided for the public to provide feedback on a proposal?
- Is the assent voting question a clearly phrased yes or no question?

Appendix 8: CEO Roles in Assent Voting

This graphic demonstrates the Chief Election Officer’s role during assent voting (referendum), which is to administer the vote, ensure legislative requirements, be neutral and not promote the “YES” or “NO” side and is adapted from the Comox Valley Regional Districts infographic.

The Chief Election Officer’s role is legislated by Parts 3 and 4 of the *Local Government Act*

Other parties roles during a referendum are regulated in part by the *Local Government Act* and *Local Elections Campaign Financing Act (LECFA)* but may also promote the “YES” or “NO” side and are not required to be neutral.

Chief Election Officer

- Administers elections / voting / assent processes
- Legal newspaper ads
- Even handed
- Protect integrity of the process
- Election official oaths

Elected Officials / Select Committee

- Factual information
- Newsletters, newspaper ads
- Open houses
- Website to post information
- Use of social media

Individuals, public, residents associations, community groups, other stakeholders

- Newsletters, newspaper ads
- Open houses
- Use of social media
- Information not vetted by local government

Municipal or Regional District Operations

- Factual information
- Newsletters, newspaper ads
- Open houses
- Website to post information
- Use of social media

People or organizations that advertise to promote the YES or NO side in a referendum must register with Elections BC as “assent voting advertising sponsors” and are subject to expense limits. (LECFA [SBC 2014])

High

TRANSPARENCY

Public

ACCOUNTABILITY

