



# Guidance for Improvement Districts Holding Annual General Meetings and Elections During COVID-19

## Introduction

[B.C.'s Restart](#) is a four-step plan focused on protecting people and safely getting life back to normal. The plan includes gradual changes for gatherings and events at each step. The Ministry of Municipal Affairs (Ministry) encourages improvement districts to review the four-step restart plan to understand the impact on their operations, including elections and annual general meetings (AGM).

As of July 1, 2021, B.C. is in Step 3 of our restart plan, meaning increased capacity and in-person attendance for indoor and outdoor organized gatherings, including improvement district meetings. Under Step 3, employers will no longer be required to have a COVID-19 Safety Plan and will instead transition to communicable disease prevention plans. Improvement district meetings must adhere to the improvement district's [communicable disease prevention plans](#) and the provisions of the Provincial Health Officer (PHO) [Gatherings and Events Order \(PHO Order\)](#).

This document provides guidance for improvement districts planning to hold an AGM and Board of Trustee (Board) election in their communities during the COVID-19 pandemic. Improvement districts can use the information provided, in conjunction with the *Local Government Act* (Act), their meeting procedure bylaw and their letters patent to establish clear processes and procedures (see Appendix 1) for these events.

## Annual General Meeting Requirements

In September 2020, [Ministerial Order M336](#) (Order M336) amended the letters patent of every improvement district to allow them to hold their AGM at different times of the year (outside the typical January 1 to May 1 timeframe). As such, there is no longer a requirement for an improvement district to hold its AGM between the dates specified in its letters patent. Order M336 also allows improvement districts to hold their elections separately from their AGMs.

[Ministerial Order M192](#), that temporarily allowed improvement district Board and committee meetings to be conducted electronically (excluding AGMs) expired on **July 10, 2021**. Improvement districts that wish to conduct electronic meetings beyond this deadline must amend their meeting procedure bylaw and submit it for registration with the Inspector of Municipalities (Inspector).

## Relevant Requirements:

- Improvement district Boards must hold annual trustee elections (either in conjunction with an AGM or separately).

- Regardless of when the 2021 AGM is held, the 2020 Audited Financial Statements were to be presented to the Board for acceptance and submitted to the Ministry (at [LGIF@gov.bc.ca](mailto:LGIF@gov.bc.ca)) by **May 15, 2021**.
- Once the AGM has been held, the following documentation must to be sent to the Ministry's, Local Government Infrastructure and Finance Branch at [LGIF@gov.bc.ca](mailto:LGIF@gov.bc.ca)<sup>1</sup>, preferably in separate PDFs:
  - Annual General Meeting Minutes;
  - 2021 Trustee List;
    - Telephone numbers at which trustees may be contacted during business hours.
    - Residential telephone numbers are also appreciated.
  - 2020 Audited Financial Statements (if they were not submitted prior to the AGM); and
  - 2020 General Statistics Form.
- If the Board wishes to have the ability to hold electronic meetings (beyond July 10, 2021) and electronic AGMs, it must submit an amended meeting procedure bylaw to the Inspector.

### **Holding Annual General Meeting and Trustee Elections During COVID-19**

If AGMs and elections are held separately, improvement districts can consider holding AGMs electronically. The improvement district meeting procedure bylaw must authorize electronic AGMs. For more details please see [Information for Improvement Districts Conducting Electronic Meetings \(PDF\)](#).

Local circumstances, the improvement district's letters patent and meeting procedures bylaw will in part dictate the different approaches individual improvement districts may take in holding their AGM or trustee elections.

Several improvement districts have found new ways to conduct safe elections, including "drive-through" elections or elections where voting takes place in the improvement district office over the course of several days. Some improvement districts that have held elections separately from their AGM have reported increased voter participation.

The information provided below is intended to reduce the risk of COVID-19 transmission during in-person AGMs and elections and may also be applied to committee or Board meetings. If the AGM and election are conducted in conjunction the information provided for each of these events if held separately applies.

#### **Key Resources:**

- Improvement districts must consider the current [PHO Order on Gatherings and Events](#) and the appropriate step of the [Restart Plan](#) as they develop AGM and election plans.
- The BC Centre for Disease Control ([BCCDC](#)) is the primary source for COVID-19 health information, including prevention and risk information and commonly asked questions.
- WorkSafeBC has released a [Communicable disease prevention: A guide for employers](#).

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<sup>1</sup> Please submit all reporting documentation by email unless the improvement district lacks the technical capability.

## Conducting the Annual General Meeting (Separate from the Election)

*Note: AGMs must follow the current Order of the Provincial Health Officer on Gatherings and Events.*

### Policies and Processes

- Determine whether there are limits to public attendance at AGMs based on the appropriate step of the [Restart Plan](#) and the current [PHO Order on Gatherings and Events](#).
- Establish safety policies and procedures based on PHO recommendations and resources from WorkSafeBC, including [communicable disease plans](#).
- Request that the public RSVP to the AGM so that adequate seating can be prepared and to comply with any attendance limits (**RSVPs can be encouraged, but not required**).
- Require staff, volunteers, and trustees to stay home if:
  - they are sick; or,
  - are under the direction of the PHO to self-isolate.
- Monitor and update policies and procedures for meetings.

### AGM Location

- Consider whether to hold the AGM outside or in a larger space.
- Consider facilities with HVAC systems or that provide for fresh air exchange.
- Offer video streaming or record the meeting (if available) so that members of the public who are ill, in self-isolation or not comfortable attending may view the AGM.
- Post signage provided by the BCCDC regarding:
  - [Hand washing and alcohol-based hand sanitizer](#).
- Provide handwashing or hand sanitizing stations.
- Establish cleaning protocols based on WorkSafeBC and the BCCDC guidance (for example, how frequently high touch areas and washrooms will be cleaned).
- Improvement districts may ask trustees, staff and the public to wear a mask (masks are no longer mandatory but are recommended for those 12 and up who have not been fully vaccinated). Proof of vaccination does not need to be requested.

### Notice and Communication

- In the AGM notice, include information on health and safety precautions that will be in place.
- Communicate whether the AGM and trustee elections will be separated.
- Allow for questions to be submitted in advance (e.g. by email, letter or phone).
- Post information about upcoming meetings, agendas, minutes, financial statements and updates on the improvement district website.
- Provide an email subscription service where the public can sign-up to receive notice of upcoming meetings, agendas, minutes, financial statements and updates.

## Conducting an Election (Separate from the Annual General Meeting)

*Note: An election involves attendance that is staggered over a period of time, similar to retail shopping, and is not subject to the Order of the Provincial Health Officer on Gatherings and Events.*

### Election

#### Policies and Processes

- Establish safety policies and procedures based on PHO recommendations and resources from WorkSafeBC, including improvement district [communicable disease plans](#).

- Create or update the improvement district election procedure policy – see *Improvement District Trustee Election Procedures Template* (Appendix 1) – to incorporate safety protocols.

### **Nominations**

- Require written candidate nominations at least two weeks in advance of when notice for the election will be posted, so the list of candidates can be included in the election notice. That way electors will know who the candidates are in advance and if there are as many candidates as vacancies, or if the trustee positions will be acclaimed (and the improvement district may not need to hold an election).
- Communicate the requirement for advance nominations to the public, particularly if this is a new practice.

### **Notice and Communication**

- Use the same methods and timing (for example, 14 days) as used for AGM notice. Explain that the AGM will be held at separate time.
- Include information on safety precautions that will be in place.
- Communicate whether the AGM and trustee elections will be separated.

### **Voting Location**

- Consider whether to hold the election outside or in a larger space.
- Consider facilities with HVAC systems or that provide for fresh air exchange.
- Have a greeter at the entrance to track and limit the number of people in the facility at a time.
- Have a greeter at the entrance to request that electors follow safety protocols, including wearing masks (if applicable), hand washing or sanitization.
- Post signage provided by the BCCDC regarding:
  - [Hand washing and alcohol-based hand sanitizer](#).
- Provide handwashing or hand sanitizing stations.
- Establish cleaning protocols based on [WorkSafeBC](#) and the BCCDC guidance (for example, how frequently voting booths and washrooms will be cleaned).
- Encourage electors to leave the voting place without delay, once they have completed voting.

### **Voting**

- Consider using a voters list, based on the assessment roll, rather than same-day registration to reduce line-ups and contact intensity.
- Hold advance voting opportunities or commence voting several hours before the beginning of the AGM to reduce the contact intensity (for example, if the AGM is at 2:00pm on a Saturday hold voting between 10:00am and 3:00pm on the same day).
- Encourage eligible electors to vote during non-peak hours.
- Request (if applicable) that the elector give an oral declaration that they are entitled to vote and have not voted previously in the election, instead of signing the voters list. Have the election official initial beside the elector's information that an oral declaration was taken. This will ensure that only the election official is required to handle the voters list.
- Consider offering mail-ballot voting for all electors including, individuals who are in self-isolation, quarantine or are not comfortable attending in-person, due to medical conditions or other factors.

**Election Officials, Volunteers and Candidate Representatives**

- Require staff, volunteers and candidate representatives to stay home if they: are sick; or are under the direction of the PHO to self-isolate.
- Improvement districts may ask trustees, staff and the public to wear a mask(masks are no longer mandatory but are recommended for those 12 and up who have not been fully vaccinated). Proof of vaccination does not need to be requested.

## Appendix 1 – Trustee Election Procedures Template

This template contains procedures improvement districts may wish to consider, especially when conducting elections during the COVID-19 pandemic.

### **IMPROVEMENT DISTRICT TRUSTEE ELECTION PROCEDURES**

#### **DEFINITIONS**

##### **RETURNING OFFICER**

1. Is appointed by the Board of Trustees and is responsible for the conduct of all elections, by- elections, and assent votes (formerly referendums);
2. Has the authority to determine whether or not an individual meets the voter eligibility requirements and may require such individual to make and file with him or her a solemn declaration showing that the declarant is eligible to vote;
3. May conduct the roll of Poll Clerk or delegate it to other staff; and,
4. Is responsible for training the Poll Clerk and any additional election officials required to conduct elections, by-elections and assent votes.

##### **POLL CLERK**

1. Assists the Returning Officer to set up and open the voting place and ensure that voting proceeds in an orderly and safe fashion;
2. Confirms an individual's identity and residential address and therefore their eligibility to vote; and,
3. Assists with counting ballots.

##### **SCRUTINEER OR CANDIDATE REPRESENTATIVE**

1. May be appointed in writing by a candidate to observe the election process to ensure that proper process is followed;
2. May be present while the ballots are distributed and at the final ballot count; and
3. May not interfere with the election proceedings.

#### **VOTER ELIGIBILITY**

1. A Canadian citizen;
2. 18 years of age or older;
3. A resident of British Columbia for the past 6 months;
4. Be an owner of land located within the improvement district or the authorized agent or legal representative of a deceased owner of such land;
5. Not otherwise be disqualified from voting under section 29 of the *Election Act*; and,
6. Have not voted before in the same election.

Each corporation or society that owns land within the improvement district has one vote and must designate, in writing, a person to vote on its behalf. That person can also be an owner of other property in the improvement district. If so, that person could vote twice, once on their own behalf as a landowner and as the agent authorized on behalf of the landowning corporation or society.

## TRUSTEE ELIGIBILITY

The eligibility requirements to be a trustee on an improvement district Board are the same as the eligibility requirements to vote in an improvement district election. Most letters patent state that the spouse or common-law partner of an eligible elector is qualified to be a candidate for trustee.

## NUMBER OF TRUSTEES

The Board consists of # elected trustees each elected for 3-year terms. Each year vacancies are identified on a rotational basis as follows: #-#-# [for example: 2-2-1]

## ANNUAL ELECTIONS

*(Option 1 is recommended during the COVID-19 pandemic)*

*[Option 1: Election separate from the annual general meeting (AGM)]*

1. A general election occurs annually on a day and time specified by the Returning Officer.

*[Option 2: Election in conjunction with the AGM]*

1. A general election occurs at the annual general meetings (AGM).

## BY-ELECTIONS

By-elections may occur at a special meeting.

## NOMINATIONS

*\*Note: The Local Government Act does not require nominations or that nominators be eligible electors; the following is best practice.*

*(Option 1 or 2 are recommended during the COVID-19 pandemic)*

*[Option 1: Nomination form required prior to the election, with nominators]*

1. Eligible individuals must declare their willingness to run for the elected position of trustee by completing a nomination form and submitting it to the Returning Officer.
2. The nomination form must be signed by # nominators *[typically two to five]*.
3. Nominations close ## days prior to the election *[best practice is to close nominations with enough time to publish the list of candidates in the AGM/election notice, typically 14 days notice. If mail ballot voting is an option, provide a minimum of 30 days between the close of nomination and the election]*.

*[Option 2: Written nomination required prior to the election]*

1. Potential candidates must submit, to the Returning Officer, in writing (email or hardcopy) a declaration of their willingness to run for the elected position of trustee.

2. # nominators [typically two to five] are required to support the nomination.
3. Nominations will close ## days prior to the election [best practice is to close nominations with enough time to publish the list of candidates in the AGM/election notice. If mail ballot voting is an option provide a minimum of 30 days between the close of nomination and the AGM].

[Option 3: Nominations permitted from the floor]

1. # nominators [typically two to five] are required to support the nomination.
2. Nominations from the floor can be made [redacted] [select one: in writing, by show of hands, verbally].

## NOTICES

1. Notice of an AGM and/or election will be posted at least ## days in advance of the election, [see letters patent for the specific requirements, typically 14 days].
2. Notice will be posted in the public posting place and on/in [redacted] [see letters patent for the specific requirements. Consider giving additional notice for example, the improvement district website, a local newspaper, a community newsletter, email distribution list, or a notation on mailed invoice].

## VOTERS LIST [Optional]

(Recommended during the COVID-19 pandemic)

1. A list of eligible electors based on the assessment role.
2. If an individual confirms their name and address on the list, they are not required to show ID.

## MAIL BALLOT VOTING [Optional]

(Recommended during the COVID-19 Pandemic)

### WHO MAY VOTE BY MAIL BALLOT

1. All eligible electors may request to vote by mail.

### TIME LIMITS FOR MAIL BALLOT VOTING

1. Mail ballots may be requested by an eligible elector ## days [for example, 30 days] before the close of general voting.
2. A mail ballot must be received by the Returning Officer before the close of general voting in order to be counted.
3. It is the responsibility of the elector to ensure the mail ballot is received by the Returning Officer by the close of general voting.

### APPLICATION PROCEDURES FOR MAIL BALLOT

Eligible electors wishing to vote by mail ballot must apply by providing their name and mailing address to the Returning Officer. The mail ballot can be picked up from the improvement district office or mailed to the person requesting the package. If the application is received close to the deadline to return mail ballot packages, the elector may have to pay for courier.

### PROCEDURES FOR MAIL BALLOT VOTING

To vote using a mail ballot, the elector must mark the ballot in accordance with the instructions contained in the mail ballot package provided by the Returning Officer. After marking the ballot, the

elector must:

1. Place the ballot in the secrecy envelope provided, and seal the secrecy envelope;
2. Place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
3. Place the certification envelope in the return envelope, and seal the return envelope; and,
4. Mail, or deliver, the mail ballot package and its contents to the Returning Officer at the location specified so that the mail ballot is received no later than the day of the election.

#### **MAIL BALLOT ACCEPTANCE OR REJECTION**

1. Upon receipt of the return envelope and its contents, the Returning Officer must record the date of receipt and will then open the return envelope and remove and examine the signed certification on the certification envelope and determine if the package is to be accepted or rejected.
2. If satisfied as to the:
  - a) identity and entitlement to vote of the elector whose ballot is enclosed; and
  - b) completeness of the signed certification, the Returning Officer will mark the return envelope as “accepted” and open the certification envelope, remove the secrecy envelope and place it in the ballot box.
3. At the close of general voting, the ballot box will be opened under the supervision of the Returning Officer, and in the presence of at least one (1) other person and any scrutineers present.
4. Rejected secrecy envelopes and their contents will remain unopened and be subject to the retention and destruction of election materials.

#### **ELECTION PROCEDURES FOR VOTING**

1. Poll Clerk (or Returning Officer) checks the name and address of individual on the voters list (if voters list is used).
2. If the individual is listed on the voters list – the Poll Clerk:
  - a) asks the elector to make an oral\*  
declaration: DECLARING they meet the eligibility criteria:
    - *I am a Canadian citizen;*
    - *I am 18 years of age or older;*
    - *I have resided in British Columbia for at least six months immediately preceding voting day;*
    - *I am a registered owner of real property in [REDACTED] (insert improvement district name) immediately preceding voting day or the authorized agent or legal representative;*
    - *I am not disqualified under section 29 of the Election Act or any other enactment from voting in this election;*
    - *I have not previously voted in this election.*
  - b) initials beside the elector’s information on the voters list confirming that an oral declaration was given;
  - c) provides the elector with a ballot; and,
  - d) reminds the elector they have an opportunity to mark, with an X, one to # choices, depending on the number of trustee vacancies there are to fill.
3. If the individual is not on the voters list, the Poll Clerk asks for identification that confirms the individual’s identity and residential address and therefore their eligibility to vote;

4. If the individual does not have identification, the Poll Clerk:
  - a) asks the individual to fill out and sign the Property Owner Elector Solemn Declaration as to their identity and property ownership or the authorized agent or legal representative;
  - b) asks the individual to give an oral declaration;
  - c) initials beside the elector's information confirming that an oral declaration was given;
  - d) provides the elector with a ballot;
  - e) reminds the elector they have an opportunity to mark, with an X, one to # choices, depending on the number of trustee vacancies there are to fill.
5. If the individual presents themselves as an agent of a board or corporation or authorized agent or legal representative, the individual must also present formal documentation supporting that they have been assigned authority as agent for that board or corporation's interest or legal representative in property owned within the \_\_\_\_\_ (insert improvement district name) jurisdiction. Only one agent per board or corporation will be permitted to vote. The Poll Clerk:
  - a) asks the individual to fill out and sign the Property Owner Elector Solemn Declaration as to their identity and property ownership, attaching a copy of the board or corporation's authorization as agent or legal representative documentation;
  - b) asks the individual to give an oral declaration;
  - c) initials beside the elector's information on the voters list confirming that an oral declaration was given;
  - d) provides the elector with a ballot; and,
  - e) reminds the elector they have an opportunity to mark, with an X, one to # choices, depending on the number of trustee vacancies there are to fill.
6. The elector then marks their ballot and deposits the folded ballot into the ballot box.

*\*Note: During the COVID-19 pandemic it is recommended that an oral declaration be made instead of the elector signing the voting list, to reduce multiple people from handling the voters list.*

### **BALLOT COUNT:**

1. Ensure only the Returning Officer, Poll Clerk and candidates or appointed scrutineers are present at the count:
  - a) a candidate or their scrutineer (not both) may observe the ballot count proceedings to ensure a transparent and consistent process is followed and that any potentially spoiled ballots are ruled on by the Returning Office in a fair and consistent manner.
2. Determine the number of eligible electors that voted;
3. Open the sealed ballot box;
4. The Returning Officer will count the ballots using tally sheets:
  - a) a ballot will be counted when it clearly identifies not more than one to three choices with an X;
  - b) a tick mark will be accepted if the intent of the elector is clearly indicated; and,
  - c) any writing, drawings or distinguishable markings will spoil the ballot and the ballot will not be counted towards the total votes.
5. Record the total ballots cast, the ballots counted, and the ballots rejected/spoiled;
6. Declaration of voting results by the Returning Officer:
  - a) The candidate(s) with the greatest number of votes cast will be elected to the vacant trustee positions; and,

- b) If there is a vacancy for different length terms, the candidate with the greatest number of votes cast will hold office for the longest term (generally a three-year term). The candidate with the second greatest number of votes cast holds office for the next longest term.

### **TIE VOTE**

1. In the event of a tie, the results of the election are to be determined by lot as follows:
  - a) The name of the candidates are to be written on a separate piece of paper as similar as possible to the other pieces of paper;
  - b) The pieces of paper are to be folded in a uniform manner in such a way that the names of the candidates are not visible;
  - c) The pieces of paper are to be placed in a container that is sufficiently large to allow them to be shaken for this purpose;
  - d) The Returning Officer is to direct a person who is not a candidate to withdraw one piece of paper; and
  - e) The Returning Officer is to declare the elected candidate whose name is on the paper that was drawn.

### **ELECTION CHALLENGE**

1. A person who is qualified to vote at an improvement district election and who voted or applied to vote in the election may appeal to the Supreme Court against the order of the Returning Officer accepting or rejecting a vote or ballot or the result of the election.
2. The appeal must be made in writing within two weeks after the election.