

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

*Local Government Act*

Ministerial Order No. M307

WHEREAS pursuant to section 167 of the *Local Government Act* (the “Act”), if the minister considers that special circumstances exist regarding an election, the minister may make any order the minister considers appropriate to achieve the purposes of Part 3 [*Electors and Elections*] of the Act;

AND WHEREAS on March 11, 2020 the World Health Organization declared the spread of the coronavirus communicable disease (“COVID-19”) to be a pandemic;

AND WHEREAS on March 16, 2020 the British Columbia Provincial Health Officer issued an order prohibiting gatherings in excess of 50 people due to the COVID-19 pandemic;

AND WHEREAS on March 18, 2020 the Minister of Public Safety and Solicitor General declared that a state of emergency exists throughout the whole of the Province of British Columbia;

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


AND WHEREAS the nature of by-elections requires in-person interactions that can increase the transmission risks of COVID-19 and put electors and election officials at increased levels of risk.

AND WHEREAS local governments are required to move forward with by-elections, as soon as practicable, after a vacancy occurs and to serve the democratic interests of their communities;

AND WHEREAS on October 17, 2020 there is to be a by-election to fill a vacant council member’s office for the Town of Smithers in accordance with section 54 of the Act (the “Town of Smithers by-election”);

AND WHEREAS, I believe that the COVID-19 pandemic constitutes a ‘special circumstance’ for the purposes of s.167 of the Act, and that in order to achieve the purposes of Part 3 [*Electors and Elections*] of the Act, it is appropriate for me to make the following order;

August 12th, 2020  
\_\_\_\_\_  
*Date*

  
\_\_\_\_\_  
*Minister of Municipal Affairs and Housing*

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*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: Local Government Act, section 54, 69, 71, 109, 110, 125, 167

Other: \_\_\_\_\_

NOW THEREFORE I HEREBY ORDER, pursuant to section 167 of the Act, that:

- 1) As an exception to section 110 of the Act, and despite any applicable provision in the “Town of Smithers Election and Assent Voting Bylaw No. 1884”, or an applicable provision of any other bylaw, Council may, for the Town of Smithers by-election permit voting by all eligible electors under the Act to be done by mail ballot.
- 2) As an exception to section 125 (1) (b) and (c) of the Act, and despite an applicable provision of any other bylaw, Council may, for the Town of Smithers by-election, permit the elector, as directed by the election official responsible, to make an oral declaration that the elector is entitled to vote in the by-election when obtaining a ballot for voting, in which case the election official responsible must make a record that the elector made an oral declaration.
- 3) As an exception to section 69, and despite section 5 of the “Town of Smithers Election and Assent Voting Bylaw No. 1884”, or an applicable provision of any other bylaw, Council may, for the Town of Smithers by-election, permit advance registration under section 71 of the Act.
- 4) As an exception to section 109 (1) of the Act, and despite paragraph 9 of the “Town of Smithers Election and Assent Voting Bylaw No. 1884”, section 7 of the “Town of Smithers Automated Vote Counting System Authorization and Procedure Bylaw No. 1883”, or an applicable provision of any other bylaw, Council may, for the Town of Smithers by-election, permit the Town of Smithers’ Chief Election Officer to establish one or more special voting opportunities at their sole discretion.