

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

Local Government Act

Ministerial Order No. M389

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

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

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

AND WHEREAS numerous regional districts and municipalities, including the Cowichan Valley Regional District, 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 November 28, 2020 there is to be a by-election to fill a vacancy in an elected local government office for the Cowichan Valley Regional District Electoral Area “H” in accordance with section 54 of the Act (the “Cowichan Valley Regional District Electoral Area “H” by-election”);

October 13, 2020

Date


Kaye Krishna, Deputy Minister on behalf of Minister,
Municipal Affairs and Housing

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

Authority under which Order is made:

Act and section: Local Government Act, section 54, 110, 125, 167

Other: _____

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

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

- 1) As an exception to section 110 of the Act, and despite paragraph 7 of the Cowichan Valley Regional District "CVRD Bylaw No. 4126 – Election and Assent Voting Procedures Bylaw, 2017", or an applicable provision of any other bylaw, the Board may, for the Cowichan Valley Regional District Electoral Area "H" by-election permit voting by all eligible electors under the Act to be done by mail ballot and, in relation to this, may permit elector registration to be done in conjunction with this voting.
- 2) As an exception to section 125 (1) (b) and (c) of the Act, and despite an applicable provision of any bylaw, the Board may, for the Cowichan Valley Regional District Electoral Area "H" 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.