

CHERRY CREEK WATERWORKS DISTRICT

Referendum Procedures Policy

Approved by: Board of Trustees

Date: April 9, 2025

Policy Number: 2025-02

PURPOSE

A referendum is a vote held where the landowners of an improvement district cast their ballot at a polling station on a particular day. An improvement district may be required by the provincial government to hold a referendum prior to the approval of a bylaw or other matter requiring provincial approval. An improvement district may also initiate a referendum itself to allow qualified landowners to vote on whether a proposal or project move forward or not.

The purpose of this policy is to establish guidelines and procedures for the Cherry Creek Waterworks District (CCWWD) when organizing and conducting a referendum.

REFERENCES

CCWWD Letters Patent
Cherry Creek Waterworks District Meeting Procedures Bylaw No. 231
Local Government Act
Elections Act
Improvement District Manual (Province of BC)
Assent Voting Guide (Province of BC)

POLICY & PROCEDURES:

1. **Polling Dates, Times & Locations:**
 - a. The Board of Trustees will set the date, time and place for the referendum, including any advance voting opportunities.
 - b. When selecting the date, the Board of Trustees will consider a date that will provide for the largest possible turnout and be convenient for as many voters as possible.
 - c. If an advanced voting opportunity is set, it will be scheduled between one and two weeks prior to the referendum.

2. Referendum Question

- a. The Board of Trustees will approve the wording of the referendum question that will be put to the voters.
- b. The question will be drafted in a way to ensure that voters fully understand the question and are able to clearly express their preference.
- c. A ballot for a referendum must be in the form of a question that enables voters to make an appropriate mark next to either the word "Yes" or "No".

3. Appointing a Returning Officer

- a. The Board of Trustees will appoint a Returning Officer to oversee and administer all aspects of the referendum.
- b. The Returning Officer will appoint election officials to assist with organizing and conducting the referendum, including a Deputy Returning Officer and Poll Clerk(s).
- c. The Returning Officer and other election officials can be CCWWD employees or a contractor, but not a Trustee.

4. Notice of Referendum

- a. Notice of the referendum will be mailed to all landowners of the CCWWD at least 14 days prior to the first voting opportunity and advertised in the local newspaper for two consecutive weeks. The notice will be posted at the District Office and on the District website.
- b. The notice will include the following:
 - i. date, time and location of the referendum, including any advance voting opportunities;
 - ii. the qualifications to vote;
 - iii. The referendum question to be voted on, and;
 - iv. Where to obtain more information on the referendum.
- c. If the referendum is in relation to a bylaw submitted for approval of the electors or is authorized by a bylaw, the notice must also include the following information:
 - i. A copy of the bylaw or a synopsis of the bylaw; and,
 - ii. The dates, times and location at which the bylaw may be inspected at the District Office.

5. Voter Qualifications

- a. In order to vote in a referendum, a person must be:
 - A Canadian citizen;
 - 18 years of age or older;
 - An owner of land in the Cherry Creek Waterworks District;
 - A resident of British Columbia for the past 6 months;

- Not otherwise be disqualified from voting under Section 29 of the *Election Act*; and
 - Have not voted before in the same election.
- b. If more than one person is registered on title as a landowner, each person may vote as long as they meet the other voter qualification requirements.
 - c. A legal representative of an owner of land in the CCWWD who has died, become insolvent or insane, is entitled to vote if they meet the voter qualification requirements. Proof of legal representation will be required prior to voting.
 - d. Each corporation or society that owns land within the CCWWD boundaries 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 District. If so, that person could vote twice, once on their own behalf as a landowner and once as the agent authorized on behalf of the landowning corporation or society.

6. Scrutineers

- a. Scrutineers are volunteers, appointed by the Returning Officer to observe voting procedures and scrutinize the ballot-counting process during a referendum.
- b. Only one scrutineer for and one scrutineer against the referendum question will be appointed.
- c. Any person who is qualified to vote in the CCWWD, who is not an election official or trustee, is entitled to apply to act as scrutineers during a referendum.
- d. Notice that applications for scrutineers will be accepted must be given at least 10 days before the application period begins.
- e. The notice will be mailed to property owners, advertised in the local newspaper for two consecutive weeks and posted at the District Office and on the District website.
- f. The notice must include the following information:
 - The question that is to be voted on;
 - The dates, times and places at which applicants for scrutineers will be received; and
 - How interested persons can obtain information on the requirements and procedures for making an application.

- g. The Returning Officer will establish a 10-day time period during which applications to act as a scrutineer will be received, in order that appointments be made before the first voting opportunity.
- h. In order to be appointed as a scrutineer, the application to volunteer as a scrutineer must be received by the Returning Officer before the end of the application period.
- i. If the number of scrutineer applicants on one side of the question is fewer than the maximum allowed, all of these applicants must be appointed as scrutineers. 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 Returning Officer 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 Returning Officer may appoint another applicant.

7. Voters List

- a. At least 7 days prior to the first voting opportunity, the Returning Officer will prepare a list of all property owners in the CCWWD based on the BC Assessment roll.
- b. The voters list will assist election officials on voting day with determining land ownership within the CCWWD boundaries.
- c. To protect personal privacy, copies of the voters list will not be provided to the public. The voters list may be viewed by the public at the District Office during regular office hours.

8. Voting Procedures/Registration for Voting

- a. On voting day, landowners entering the polling station will be asked to provide their name and address to the election officials. Election officials will check the voters list to determine property ownership within the CCWWD.
- b. If a person is not on the voters list, they can still vote as long as they can provide proof of ownership.
- c. Qualified voters will be required to provide two pieces of identification proving their identity to the election officials and sign a declaration that they meet the qualifications to vote in the referendum.
- d. The Returning Officer will determine if a person meets the qualification requirements to vote in the referendum.
- e. Once the voter has met the qualifications to vote and has signed the declaration, the election official will provide the voter with a ballot and

direct them to the voting booth to cast their vote and where to place their cast ballot in the sealed ballot box.

- f. Prior to using the ballot box for the first time, the first voter will be asked by the Returning Officer to inspect the ballot box and sign a declaration that the ballot box was empty. The Returning Officer will seal the ballot box.
- g. Voting will be conducted by secret ballot.
- h. Each qualified voter can only vote once in a referendum, with the exception of a corporation or society as specified in section 5 (d) of this policy.
- i. The qualified voter will cast their ballot by marking it with an X or a ✓ in the YES or NO box next to the referendum question and place it into the sealed ballot box.

9. Persons Unable to Enter Voting Place

- a. No ballots may be taken from the polling place except for a voter who is unable to enter the voting place due to a physical disability or impaired mobility. The voter may request to vote at the nearest location to the voting place to which the voter has access.
- b. The Returning Officer and another election official must attend to the elector at the nearest location to the voting place for the purpose of allowing the voter to obtain and cast their vote.
- c. The Returning Officer must ensure the voter's marked ballot is placed in the ballot box, taking whatever steps the officials considers necessary to maintain secrecy of the ballot.

10. Counting the Votes

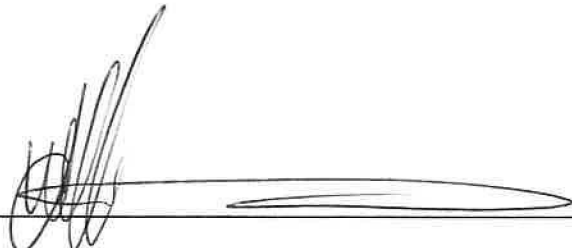
- a. The counting of the votes must take place as soon as possible following the close of voting.
- b. No persons other than the Returning Officer, Deputy Returning Officer, Poll Clerks and Scrutineers can be present while counting the votes.
- c. For a vote to be valid, the ballot must be clearly marked in the YES or NO box next to the referendum question. Ballots will be rejected by the Returning Officer if there is no clear indication of the voter's intent. For example a ballot with nothing marked on it will be rejected.
- d. The Returning Officer will announce the results of the election once counting of the votes is completed. The results will be posted at the District Office and on the District's website.

- e. Once counted, the ballots (used and unused) and declaration forms must be placed back in the ballot boxes and sealed and returned to the Returning Officer.

11. Retention & Destruction of Materials

- a. Until the end of the period for challenging the results of a referendum under the *Local Government Act* has expired, the Returning Officer must keep the sealed ballot box in his/her custody and must retain all voting documents.
- b. The ballots and other voting materials must be destroyed as soon as possible following the expiry of the period for challenging the results of the election or the completion of an election challenge pursuant to the *Local Government Act*.

I HEREBY CERTIFY THAT the foregoing is a true copy of Policy Cherry Creek Waterworks District 2025-01 adopted by the District and sealed with the District seal on the 9th day of April, 2025.



Wesley Kovacs-Flood, Administrator



Dana Forrester, Chair