

DIVISIONS

WHERE VOTERS ELIGIBLE TO VOTE

Sec 39 of *The Local Government Elections Act, 2015*

Divisions where voters eligible to vote

39(1) The division of a rural municipality with respect to which a person is eligible to vote is determined in accordance with this section.

(2) Notwithstanding any other provision of this Act, if a person is otherwise eligible to vote with respect to more than one division of a rural municipality pursuant to this section:

(a) that person is eligible to vote only with respect to one division in the rural municipality; and

(b) the division with respect to which the person is eligible to vote is determined by establishing which is the first subsection of subsections (3) to (15) to apply to that person.

(3) A person who resides in the rural municipality is eligible to vote at the polling place for the division in which he or she resides.

(4) Notwithstanding that he or she resides outside the rural municipality, a person is eligible to vote at the polling place for a division if he or she:

(a) is assessed with respect to property situated in the division and in that division only; or

(b) is the occupant of a trailer or a mobile home that is the object of a permit required pursuant to section 306 of *The Municipalities Act* in the division and in that division only.

(5) If a person is assessed with respect to property that he or she owns or occupies in two or more divisions but does not reside in any of those divisions, the person:

(a) is eligible to vote at the polling place for the division in which his or her total assessment is the highest; and

(b) in the case of equality of assessment, is eligible to vote at the polling place for the division bearing the lowest number.

(6) If one person is assessed with respect to property jointly held with another person or persons, the total assessed value of that property is to be used with respect to each voter in determining the division in which he or she votes.

(7) Notwithstanding subsection (5), by notifying the administrator in writing before September 1 in any year, a person who does not reside within the rural municipality but is assessed with respect to property situated in two or more divisions may designate the division in which he or she wishes to vote.

(8) If a person makes a designation pursuant to subsection (7), he or she is:

(a) eligible to vote at the polling place for the division so designated; and

(b) bound by the notice given pursuant to subsection (7) as long as he or she continues to be assessed only in the same divisions.

(9) If a person is assessed with respect to property situated in one division and his or her spouse is assessed in another division, either person may designate one of those divisions as the division in which they wish to vote by notifying the administrator in writing before September 1 in any year.

(10) If a person makes a designation pursuant to subsection (9), both spouses are:

(a) eligible to vote at the polling place for the division so designated; and

(b) bound by the notice given pursuant to subsection (9) as long as they continue to be assessed in the same divisions.

(11) The persons mentioned in subsection (9) may change the designation of the division in which they are eligible to vote pursuant to subsection (9) to another division in which one or the other is assessed by notifying the administrator in writing not less than four years before an election is to be held in the division designated in the new notice.

(12) A voter mentioned in subclause 36(1)(e)(i) is eligible to vote in the division in which the voter resides.

(13) A voter mentioned in subclause 36(1)(e)(iv) is eligible to vote in the division in which the spouse of the voter is eligible to vote.

(14) A chief executive officer mentioned in subclause 36(1)(e)(v) who does not reside in the rural municipality:

(a) is eligible to vote at the polling place for the division in which the total assessment of the co-operative, corporation or religious association of which he or she is chief executive officer is the highest; and

(b) in the case of equality of assessment, is eligible to vote at the polling place for the division bearing the lowest number.

(15) A person who is the owner of assessable property in more than one division in a rural municipality in which he or she does not reside:

(a) may obtain a tax notice from the administrator indicating in which division he or she is eligible to vote; and

(b) if the person obtained a tax notice pursuant to clause (a), he or she shall present the tax notice to the deputy returning officer when he or she attends the polling place to vote.

(16) The Lieutenant Governor in Council may make regulations respecting any other matter necessary for determining the division in which a person is eligible to vote.