

Appendix 2: Non-Resident Electors

Section 51 of the *Local Government Act* sets out the requirements for eligibility as a non-resident property elector, as excerpted below.

51. Non-resident property electors

- (1.) In order to be registered as a non-resident property elector of a jurisdiction, a person must meet all the following requirements on the day of registration:
 - (a) the person must not be entitled to register as a resident elector of the jurisdiction;
 - (b) the person must be an individual who is, or who will be on the general voting day for the jurisdiction, age 18 or older;
 - (c) the person must be a Canadian citizen;
 - (d) the person must have been a resident of British Columbia, as determined in accordance with section 52, for at least 6 months immediately before that day;
 - (e) the person must have been a registered owner of real property in the jurisdiction for at least 30 days immediately before that day;
 - (e.1) the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust;
 - (f) the person must not be disqualified by this Act or any other enactment from voting in an election or be otherwise disqualified by law.
- (2.) A person may only register as a non-resident property elector in relation to one parcel of real property in a jurisdiction.
- (3.) If a municipality is incorporated or the boundaries of a jurisdiction are extended, a person is deemed to have satisfied the requirement of subsection (1) (e) if, for at least 30 days before the person applies for registration as a non-resident property elector, the person has been a registered owner of property within the area that becomes the municipality or is included in the jurisdiction.
- (4.) For the purposes of this section, the registered owner of real property means whichever of the following is applicable:
 - (a) the owner of a registered estate in fee simple of the property, unless another person holds an interest in the property referred to in paragraphs (b) to (d);
 - (b) the holder of the last registered agreement for sale, unless another person holds an interest in the property referred to in paragraph (c) or (d);
 - (c) the tenant for life under a registered life interest in the property, unless another person holds an interest in the property referred to in paragraph (d);
 - (d) the holder of a registered lease of the property for a term of at least 99 years.
- (5.) If there is more than one individual who is the registered owner of real property, either as joint tenants or tenants in common, only one of those individuals may register as a non-resident property elector under this section in relation to the real property.
- (6.) If the land title registration of the real property in relation to which a person is registering under this section indicates that there is more than one individual who is the registered owner of the real property, the person registering must do so with the written consent of the number of those individuals who, together with the person registering, are a majority of those individuals.
- (7.) A registered owner who has consented to the registration of another registered owner of the property may withdraw the consent by delivering a written withdrawal to the municipality or regional district.

- (8.) Once a withdrawal of consent has been delivered in accordance with subsection (7), the person registered as the non-resident property elector in relation to the property ceases to be entitled to be registered and vote as such if the number of individuals referred to in subsection (6) falls below a majority of the registered owners, with this effective
- (a) for the next election, in the case of a withdrawal delivered at least 52 days before general voting day for the election, and
 - (b) following the next election, in the case of a withdrawal delivered less than 52 days before general voting day for the election.