

Alternative approval process

86 (1) Approval of the electors by alternative approval process under this section is obtained if

- (a) notice of the approval process is published in accordance with subsection (2),
- (b) through elector response forms established under subsection (3), electors are provided with an opportunity to indicate that council may not proceed with the bylaw, agreement or other matter unless it is approved by assent of the electors, and
- (c) at the end of the time for receiving elector responses, as established under subsection (3), the number of elector responses received is less than 10% of the number of electors of the area to which the approval process applies.

(2) Notice of an alternative approval process must be published in accordance with section 94 [*public notice*] and must include the following:

- (a) a general description of the proposed bylaw, agreement or other matter to which the approval process relates;
- (b) a description of the area to which the approval process applies;
- (c) the deadline for elector responses in relation to the approval process;
- (d) a statement that the council may proceed with the matter unless, by the deadline, at least 10% of the electors of the area indicate that the council must obtain the assent of the electors before proceeding;
- (e) a statement that
 - (i) elector responses must be given in the form established by the council,
 - (ii) elector response forms are available at the municipal hall, and

- (iii) the only persons entitled to sign the forms are the electors of the area to which the approval process applies;
 - (f) the number of elector responses required to prevent the council from proceeding without the assent of the electors, determined in accordance with subsection (3);
 - (g) other information required by regulation to be included.
- (3) For each alternative approval process, the council must
 - (a) establish the deadline for receiving elector responses, which must be at least 30 days after the second publication of the notice under subsection (2),
 - (b) establish elector response forms, which
 - (i) may be designed to allow for only a single elector response on each form or for multiple elector responses, and
 - (ii) must be available to the public at the municipal hall from the time of first publication until the deadline, and
 - (c) make a fair determination of the total number of electors of the area to which the approval process applies.
- (3.1) If the notice under subsection (2) is published in accordance with a bylaw adopted under section 94.2 [*bylaw to provide for alternative means of publication*], the second publication is considered to occur on the date when the notice has been published by 2 of the means of publication specified in the bylaw.
- (4) The council must make available to the public, on request, a report respecting the basis on which the determination under subsection (3) (c) was made.
- (5) For the purposes of this section, the electors of the area to which an alternative approval process applies are the persons who would meet the qualifications referred to in section 172 (1) (a) [*who may vote at assent voting*] of the [Local Government Act](#) if assent of the electors were sought in respect of the matter.
- (6) Elector responses may be made on an elector response form obtained under subsection (3) or on an accurate copy of the form.
- (7) For an elector's response to be considered for the purposes of this section, the elector must
 - (a) sign an elector response form that includes
 - (i) the person's full name and residential address, and
 - (ii) if applicable, the address of the property in relation to which the person is entitled to register as a non-resident property elector, and
 - (b) submit the elector response form to the corporate officer before the deadline established for the alternative approval process.

- (8) After the deadline for an alternative approval process has passed, the corporate officer must determine and certify, on the basis of the elector response forms received before that deadline, whether elector approval in accordance with this section has been obtained.
- (9) A determination under subsection (8) is final and conclusive.
- (10) A person must not sign more than one elector response form in relation to the same alternative approval process, and a person who is not an elector for the area of the approval process must not sign an elector response form.