



RESIDENCY AND VOTING RULES

Under BC's Local Government Act, a person can be a resident of only one area at a time, and the area is fixed by a factual test, not by preference: where you live and to which, whenever absent, you intend to return.

The rule: LGA s. 67 Section 67 ("Rules for determining residence") reads, in substance:

(1) The following rules apply to determine the area in which a person is a resident:

- (a) a person is a resident of the area where the person lives and to which, whenever absent, the person intends to return;
- (b) a person may be the resident of only one area at a time for the purposes of this Part;
- (c) a person does not change the area in which the person is a resident until the person has a new area in which the person is a resident;
- (d) a person does not cease being a resident of an area by leaving the area for temporary purposes only.

(2) As an exception to subsection (1), if a person establishes a new area for the purposes of attending an educational institution, away from their usual area, the person may choose either the usual area or the new area.

The voting process: The voter must produce two pieces of ID proving identity and residence (one signed); if the ID doesn't prove residence, they may make a solemn declaration as to their place of residence. A false or misleading solemn declaration is an election offence, carrying penalties, and voting when not entitled is itself prohibited.

In practice the CEO administers the declaration rather than adjudicating where someone "really" lives. The legal weight sits on the elector's sworn statement - the person must decide honestly which single area is their residence and can't hedge. Where the person's affairs, family, and life are anchored — the place they'd say they're "from" and intend to come back to — is the residence.

The person should ask: if I were away, where do I intend to return? That single area is their residence, and the resident-electors vote goes there — plus possibly a non-resident property vote in the other town if they own there. What they cannot do is nominate the town that suits them, or claim residency in both. The only statutory option to choose is the student case in s. 67(2).