

LEGISLATIVE ASSEMBLY OF YUKON

FIRST SESSION OF THE THIRTY-SIXTH LEGISLATIVE ASSEMBLY

BILL NO. 300

ACT TO AMEND THE ELECTIONS ACT (2026)

ASSEMBLÉE LÉGISLATIVE DU YUKON

PREMIÈRE SESSION DE LA TRENTE-SIXIÈME ASSEMBLÉE LÉGISLATIVE

PROJET DE LOI Nº 300

First Reading:	Première lecture :
Second Reading:	Deuxième lecture :
Committee of the Whole:	Comité plénier :
Third Reading:	Troisième lecture :
Assented to:	Date de sanction :

EXPLANATORY NOTE

This enactment amends the *Elections Act* to change the way members of the Legislative Assembly are elected from the current system of first past the post to a system of ranked vote.

NOTE EXPLICATIVE

ACT TO AMEND THE ELECTIONS ACT (2026)

The Commissioner of Yukon, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1 Elections Act amended

This Act amends the *Elections Act*.

2 Section 49.15 added

The following section is added after the heading of Part 2:

49.15 Interpretation

In this Part

"**absolute majority of ballots**" means a greater number than one-half of the total number of ballots cast other than rejected ballots.

3 Section 97 amended

Subsection 97(1) is replaced with the following:

(1) A special ballot is a ballot paper, in the prescribed form, that is to be completed in the prescribed manner by the elector to whom it is provided.

4 Section 235 replaced

Section 235 is replaced with the following:

235 Elector marks ballot paper

(1) An elector on receiving a ballot paper shall immediately

(a) proceed into a polling booth and there mark their vote on the ballot paper by

(i) writing the number 1 in the small circular space on the ballot paper in which the natural colour of the paper appears, across from the name of the candidate for whom the elector votes as their first preference, and

(ii) writing the numbers 2, 3, 4 and so on, as the case requires, in the circular spaces opposite the names of all remaining candidates so as to indicate the order of the elector's preference for them;

(b) fold the ballot paper as directed; and

(c) hand the ballot paper to the deputy returning officer.

(2) The numbers referred to in subparagraph (1)(a)(ii) are to be consecutive numbers, without the repetition of any number.

5 Section 240.01 amended

(1) In subsection 240.01(1)

(a) in paragraph (a), the expression "for which candidate they intend to vote**" is replaced with the expression "**the order of preference they intend to indicate for the candidates**";**

(b) in paragraph (b), the expression "the name of the candidate for whom they have voted**" is replaced with the expression "**the order of preference they have indicated for the candidates**"; and**

(c) in paragraph (c), the expression "for which candidate they have voted**" is replaced with the expression "**the order of preference they have indicated for the candidates**".**

(2) In subsection 240.01(2), the expression "for whom the elector intends to vote**" is replaced with the expression "**the order of preference the elector intends to indicate for the candidates**".**

6 Section 257 amended

(1) Paragraph 257(1)(g) is replaced with the following:

(g) count the number of ballot papers with first preference votes marked for each candidate,

giving full opportunity to those present to examine each ballot.

(2) In subsection 257(2), the expression "each ballot is cast**" is replaced with the expression "**a first preference vote is marked on each ballot, and for whom ballot papers are subsequently counted in accordance with subsection (6),**".**

(3) The following subsections are added after subsection 257(2):

(3) As soon as practicable after adding up the number of first preference votes marked for each candidate under paragraph (1)(g), the deputy returning officer shall communicate the number to the returning officer.

(4) After the number of first preference votes marked for each candidate is communicated to the returning officer by each deputy returning officer in the electoral district, the returning officer must add up the number of first preference votes marked for each candidate and if a candidate has an absolute majority of ballots, the count is concluded.

(5) If, after adding up the number of first preference votes marked for each candidate, no candidate has an absolute majority of ballots, the returning officer is to rank the candidates as follows:

(a) the candidate with the highest number of first preference votes is to be the first ranked candidate, the candidate with the second highest number of votes is to be the second ranked candidate, and so on;

(b) if two or more candidates have an equal number of first preference votes, the ranking as between those candidates is to be decided, by lot, by the returning officer.

(6) After ranking the candidates in accordance with subsection (5), the returning officer is to communicate the ranking to each deputy returning officer and the count is to proceed as follows:

(a) the candidate who has received the fewest first preference votes is to be excluded, and each ballot paper counted to the candidate is to be counted to the candidate next in the order of the elector's preference;

(b) the deputy returning officer is to communicate the number of ballot papers

counted to each candidate under paragraph (a) to the returning officer;

(c) after the number of ballot papers counted to each candidate under paragraph (a) is communicated to the returning officer by each deputy returning officer in the electoral district, the returning officer is to determine the candidate who has the fewest votes and communicate the name of the candidate to each deputy returning officer;

(d) the process of excluding the candidate who has the fewest votes, and counting each of their ballot papers to the unexcluded candidate next in the order of the elector's preference, is to be repeated until

(i) a candidate has an absolute majority of ballots, or

(ii) only two candidates who have an equal number of ballots remain in the count;

(e) the deputy returning officer must give full opportunity to those present to examine each ballot throughout the counting process under this subsection.

(7) If, on any count conducted under subsection (6) other than the final count, two or more candidates have an equal number of ballots and one of them has to be excluded, the candidate to be excluded is to be decided, by lot, by the returning officer.

(8) Immediately after the final count, the deputy returning officer shall place all the counted ballots on which a first preference vote is marked for each candidate in a special envelope for each candidate which shall be sealed and duly endorsed by the deputy returning officer.

7 Section 259 amended

(1) In subsection 259(1)

(a) paragraph (c) is replaced with the following:

(c) subject to subsection (1.01), that do not indicate the elector's first preference for one candidate and then consecutively number all other candidates in the order of the elector's preference;

(b) in paragraph (d), the expression "the name of the candidate, unless the manner in which the

ballot is marked indicates a clear and unambiguous preference for one candidate**" is replaced with the expression "**the name of each candidate, unless the manner in which the ballot is marked indicates a clear and unambiguous order of preference for the candidates**".**

(2) The following subsection is added after subsection 259(1):

(1.01) For the purposes of paragraph (1)(c)

(a) if an elector has indicated a first preference for one candidate and an order of preference for all the remaining candidates except one, and the small circular space corresponding with the name of that candidate has been left blank, it is deemed that the elector's preference for that candidate is the elector's last; and

(b) if there are only two candidates and the elector has indicated their vote by writing the number 1 in the small circular space corresponding with the name of one candidate but has not written the number 2 in the space corresponding with the name of the other candidate, it is deemed that the elector's preference for that other candidate is the elector's last.

8 Section 263 amended

In section 263, the expression "ballots counted for each candidate**" is replaced with the expression "**counted ballots on which a first preference vote is marked for each candidate**".**

9 Section 268 amended

Paragraph 268(1)(e) is replaced with the following:

(e) the envelopes containing the counted ballots on which a first preference vote is marked for each candidate;

10 Section 277 amended

(1) Subsection 277(3) is replaced with the following:

(3) The returning officer shall

(a) open the ballot boxes; and

(b) from the statements of the poll contained in the ballot boxes, officially add up the number

of counted ballots on which a first preference vote is marked for each candidate.

(2) The following subsections are added after subsection 277(3):

(4) After adding up the number of first preference votes marked for each candidate under subsection (3)

(a) if a candidate has an absolute majority of ballots, the official addition is concluded; or

(b) if no candidate has an absolute majority of ballots, from the statements of the poll contained in the ballot boxes, the returning officer shall proceed with the official addition in accordance with subsections 257(5) to (7).

11 Section 279 amended

(1) In the heading of section 279, the expression "most ballots**" is replaced with the expression "**absolute majority of ballots**".**

(2) In section 279, paragraphs (a) and (b) are replaced with the following:

(a) subject to section 280, declare and cause to be published in the prescribed manner the name of the candidate who has an absolute majority of ballots;

(b) prepare a certificate in writing, in the prescribed form, showing

(i) the number of counted ballots on which a first preference vote was marked for each candidate, and

(ii) the number of ballot papers counted to each candidate after each subsequent round of counting, if any; and

12 Section 280 amended

In section 280, the expression "obtained the greatest number of ballots, or the difference between the number of ballots cast for the candidate receiving the greatest number of ballots**" is replaced with the expression "**an absolute majority of ballots, or the difference between the number of ballots cast for the candidate with an absolute majority of ballots**".**

13 Section 282 amended

In section 282

(a) **in paragraph (a), the expression "**the number of ballots cast at the polling station for the several candidates**" is replaced with the expression "**the number of counted ballots on which a first preference vote was marked for each candidate, or the number of ballots papers counted to each candidate following each subsequent round of counting, if any, cast at the polling station**"; and**

(b) **in paragraph (b), the expression "**determine the exact number of ballots cast for each candidate**" is replaced with the expression "**carry out the official addition in accordance with section 277**".**

14 Section 284 amended

(1) In paragraph 284(1)(a), the expression "number of ballots cast for each candidate**" is replaced with the expression "**number of counted ballots on which a first preference vote was marked for each candidate, and the number of ballots papers counted to each candidate following each subsequent round of counting, if any, cast**".**

(2) In subsection 284(3), the expression "ballots cast for each candidate**" is replaced with the expression "**counted ballots on which a first preference vote was marked for each candidate, and the number of ballots papers counted to each candidate following each subsequent round of counting, if any, cast**".**

15 Section 285 amended

In section 285

(a) **the expression "**for whom the greatest number of ballots appears to have been cast**" is replaced with the expression "**who appears to have an absolute majority of ballots**"; and**

(b) **the expression "**the number of ballots cast for each candidate**" is replaced with the expression "**the candidate with an absolute majority of ballots**".**

16 Section 292 amended

Paragraphs 292(2)(b) and (c) are replaced with the following :

(b) verify or correct the statement of the poll giving the ballot paper account and the

number of ballots cast for each candidate following each round of counting; and

(c) if necessary or required, review the decision of the returning officer with respect to the number of ballots cast for a candidate following any round of counting at any polling place where the ballot box used was not forthcoming when the returning officer determined the result of the election or where the proper statements of the poll were not found in the ballot box.

17 Section 299 amended

(1) Paragraph 299(1)(b) is replaced with the following:

(b) subject to section 300, identify the candidate with an absolute majority of ballots as determined at the recount;

(2) In subsection 299(2), the expression "for whom the greatest number of ballots has been cast**" is replaced with the expression "**who has an absolute majority of ballots**".**

18 Section 303 amended

In section 303, the expression "for whom the greatest number of ballots has been cast**" is replaced with the expression "**who has an absolute majority of ballots**".**

19 Section 304 amended

In subsection 304(1)

(a) in paragraph (a), the expression "for whom the greatest number of ballots has been cast**" is replaced with the expression "**with an absolute majority of ballots**"; and**

(b) in paragraph (c), the expression "after each round of counting**" is added after the expression "**ballots cast for each candidate**".**

20 Section 315 amended

In section 315, the expression "after each round of counting**" is added after the expression "**ballots cast for each candidate**".**

21 Section 341 amended

In subsection 341(2)

(a) **in paragraph (a), the expression "**the candidate for whom any elector is about to vote or has voted**" is replaced with the expression "**the order of preference the elector intends to indicate or has indicated for the candidates**";**

(b) **in paragraph (d), the expression "**the name of the candidate for or against whom the elector has voted**" is replaced with the expression "**the order of preference the elector has indicated for the candidates**";**

(c) **in paragraph (e), the expression "**the candidate for whom any elector at the polling station is about to vote or has voted**" is replaced with the expression "**the order of preference any elector at the polling station intends to indicate or has indicated for the candidates**"; and**

(d) **in paragraph (f), the expression "**the candidate for whom any particular ballot is cast**" is replaced with the expression "**the order of preference indicated for the candidates on any particular ballot cast**".**