

REPORT

Chief Election Officer

To: Mayor Cote and Members of Council **Date:** June 27, 2022

From: Jacque Killawee
Chief Election Officer **File:** 05.1035.10

Item #: 2022-461

Subject: Amendments to the Elections Procedures Bylaw No. 7985, 2018

RECOMMENDATION

THAT Council give three readings to Elections Procedures Bylaw Amending Bylaw No. 8355, 2022, as set out in Attachment 1.

PURPOSE

To provide clarifications to electors, staff and the courts regarding Special Voting Opportunities (SVOs) and mail ballot voting for local government elections.

BACKGROUND

On March 7, 2022, Council approved changes to the Elections Procedures Bylaw No. 7985, 2018, to allow for mail ballot voting and elector registration by mail, the incorporation of Special Voting Opportunities Bylaw No. 6143, 1993 into the Elections Procedures bylaw, and changes to definitions.

Subsequent to Council's approval of the changes to the Elections Procedures bylaw, staff developing procedures regarding mail ballot voting, then submitted those procedures to external legal counsel for advice, and received suggestions to clarify and simplify some of language in the existing bylaw. These bylaw amendments are brought forward in response to these recommendations.

The Local Government Act requires that any elections bylaws must be adopted at least 56 days before the first day of the nomination period in the year of a local general election. In 2022, elections-related bylaws must be adopted by Council no later than July 5 to be valid for the 2022 Local Government Election.

DISCUSSION

Based on legal advice, the Chief Election Officer proposes the following changes to the Elections Procedures Bylaw, a redlined copy of the bylaw is found in Attachment 2:

Current Wording	Proposed Wording
Section 3: Use of the Provincial List of Voters as the Register of Resident Electors	
In 3(a) Delete the word "deemed" as it is extraneous.	As authorized under section 76 of the <i>Local Government Act</i> , the most current available Provincial list of voters prepared under the <i>Election Act</i> is deemed to be the register of resident electors for the City of New Westminster
Section 4: Required Advance Voting Opportunities	
(a) In accordance with section 107 of the <i>Local Government Act</i> , advance voting opportunities shall be held on: (i) the tenth day before general voting day from 8:00 a.m. to 8:00 p.m.; and (ii) the third day before general voting day from 8:00 a.m. to 8:00 p.m.; and	In accordance with section 107 of the <i>Local Government Act</i> , in addition to the required advance voting opportunities to be held on the tenth day before general voting day, the additional required advance voting opportunity shall be held on the third day before general voting day.
(b) As soon as practicable after the declaration of an election by voting, the chief election officer must designate voting places for the required advance voting opportunities.	Delete. This is done as part of the election process.
Section 6: Special voting opportunities	
(a) The Chief Election Officer is hereby authorized to establish special voting opportunities in order to give electors who may otherwise be unable to vote an opportunity to do so.	(a) As authorized by section 109 of the <i>Local Government Act</i> , special voting opportunities are established in order to give the following persons an opportunity to vote: i. users of an emergency shelter or social service centre located in the City of New Westminster;

Current Wording	Proposed Wording
	<ul style="list-style-type: none"> ii. residents or patients of a hospital, care facility or similar facility located in the City of New Westminster.
<p>(b) Electors may only vote at a special voting opportunity if they:</p> <ul style="list-style-type: none"> i. Have a disability, illness or injury that affects their ability to vote at another voting opportunity; or ii. Are users of an emergency shelter or social service centre; iii. Are residents or patients of a hospital, care facility or similar facility or institution located in the City of New Westminster 	<p>(b) A person may only vote at a special voting opportunity if they:</p> <ul style="list-style-type: none"> i. Are users of an emergency shelter or social service centre at which the special voting opportunity is held; or, ii. Are residents or patients of a hospital, care facility or similar facility at which the special voting opportunity is held.
Section 7 Mail Ballot Voting	
<p>(a) As authorized under section 110 of the <i>Local Government Act</i>, voting and elector registration may be done by mail.</p>	<p>(a) As authorized under section 110 of the <i>Local Government Act</i>, voting may be done by mail ballot, and elector registration may be done in conjunction with this voting.</p>
<p>(b) The following procedures for voting and registration must apply:</p> <ul style="list-style-type: none"> i. sufficient records will be kept by the Chief Election Officer so that challenges of the elector’s right to vote may be made in accordance with the intent of the Local Government Act; and ii. a person exercising the right to vote by mail under the provisions of the Local Government Act may be challenged in accordance with section 126 of the Local Government Act. 	<p>(b) The chief election officer shall keep sufficient records so that challenges of the elector’s right to vote may be made in accordance with Section 126 of the intent of the Local Government Act.</p>
<p>(c) A mail ballot must be received by the Chief Election Officer before the close of voting on General Voting Day, in order to be counted for an election.</p>	<p>Delete. This is set out in the Local Government Act and does not need to be in the bylaw.</p>

Together, these proposed changes will clarify the requirements for special voting opportunities and mail ballots. Additional suggested changes will reduce redundancy in the bylaw where matters are already set out in the Local Government Act or where actions are taken as part of the election preparation process.

Staff continue to develop full procedures for mail balloting which will be posted to the city's website at the end of July 2022, and distributed to all candidates as part of the candidate registration package.

In addition, plain-language instructions on how to fill out mail ballots will be included in mail ballot kits sent out to people who request them and posted on the City's website.

NEXT STEPS

Following Council approval of the third reading of Election Procedures Bylaw Amending Bylaw No. 8355, 2022, the bylaw will be added to the Regular Council Meeting following the Public Hearing on June 30, 2022, for adoption.

If Council does not approve three readings at the June 27, 2022 meeting, followed by adoption on June 30, the bylaw will remain in its current form for the 2022 Local General Election.

OPTIONS

1. THAT Council give three readings to Elections Procedures Bylaw Amending Bylaw No. 8355, 2022.
2. THAT Council provide other direction to staff.

CONCLUSION

This report proposes a number of changes to the Elections Procedures Bylaw No. 7985, 2018. The proposed changes do not change the substance of the bylaw, but provide clarity for voter, staff and the courts with regard to special voting opportunities and mail ballot voting.

ATTACHMENTS

Attachment 1: Election Procedures Amending Bylaw No. 8355, 2022.
Attachment 2: Redline version of proposed bylaw.

APPROVALS

This report was prepared by:
Nicole Ludwig, Deputy Chief Election Officer

This report was reviewed by:
Jacque Killawee, Chief Election Officer

This report was approved by:
Jacque Killawee, Chief Election Officer
Lisa Spitale, Chief Administrative Officer