

FILE: 09-4200-02/22

REPORT DATE: May 02, 2022 **MEETING DATE:** May 10, 2022
TO: Mayor and Council
FROM: Kate Barchard, Chief Election Officer
SUBJECT: Election and Assent Voting Bylaw 2922, 2022

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S):

THAT Council:

- A. Grant first, second, and third readings to Election and Assent Voting Bylaw No. 2922, 2022; AND
- B. Direct the Chief Election Officer to plan for 2 additional advance voting opportunities, in addition to the two required advance voting opportunities, for the upcoming general local and school elections; AND
- C. Direct the Chief Election Officer to coordinate voting places at South Bonson Community Centre, Heritage Hall, and the Pitt Meadows Family Recreation Centre for general voting day; OR
- D. Other.

PURPOSE

To present to Council a new election bylaw in advance of the upcoming general local and school elections, and to seek Council's feedback on advance voting opportunities and election day voting locations.

Information Report Decision Report Direction Report

BACKGROUND:

Pursuant to Part 3 [electors and elections] of the *Local Government Act*, a municipality may adopt an election bylaw to exercise certain discretionary powers related to elections and assent voting opportunities, such as advance voting opportunities, mail ballots, and how to manage tie votes. Before each election, a municipality should review their election bylaw and consider any required amendments due to changes in provincial legislation or adjustments to preferred practices.

Shortly after the 2018 local election, Council reviewed their Election Bylaw and provided feedback to Staff on changes they might like to incorporate into the bylaw before the next election. Feedback included:

- Offer three voting places on general voting day (South Bonson Community Centre, Heritage Hall, and Recreation Centre);
- Add two additional advance voting opportunities to the two required dates, for a total of four advance voting opportunities;
- Include special voting opportunities for populations that may not be able to attend a regular voting place (e.g. Wesbrooke residents); and
- Resolve tie votes by administering a runoff election instead of drawing lots.

This staff report is to present to Council a re-write of the Election Bylaw which takes into account Council's feedback, and to share recommendations from the Chief Election Officer on additional amendments, as well as suggestions for addressing a couple of Council's preferences that are best managed outside of the bylaw.

Please see **Attachment A** for the proposed bylaw. Sections that are significantly different from the current bylaw have been highlighted **in yellow** for Council's easy reference. The most significant changes are:

- Provisions for special voting opportunities for those that cannot attend regular voting places
- Removal of restrictions on who can access mail ballots
- Provisions for additional voting opportunities on general voting day
- Resolving tie votes by holding a runoff election

INCORPORATING COUNCIL'S FEEDBACK:

1. Three Voting Places on GVD (section 9)

The Local Government Management Association (LGMA) does not recommend including the number or location of voting places for general voting day (GVD) in an election bylaw. Not only does it limit a local government's ability to be nimble in unforeseen circumstances (e.g. if one of the named locations floods the week before general voting day), it does not allow for flexibility with different types of voting opportunities that are

governed by the election bylaw, such as assent voting, councillor by-elections, and school trustee by-elections. In each of these different scenarios, Council may wish to see different opportunities provided on general voting day.

Preferred approach: If Council would like to see additional or specific voting places offered for a specific election or assent vote, they can direct the Chief Election Officer (CEO) by resolution to plan accordingly. Such a motion has been included in this staff report for the upcoming election to align with the feedback provided in 2019.

Relevant Statistics: The average (mean) turnout on general voting day over the past 3 elections is 4,411 electors. With two voting places, this would equate to 2,205 electors per location. With three voting places, this would equate to 1,470 per location. We had two voting locations in 2018 (Heritage Hall and Recreation Centre) and managed the numbers well. There are costs associated with each voting place, such as election staff, voting machines, furniture rentals, and office supplies. Each additional voting place on general voting day adds \$5,000 - \$6,000 to the overall election budget.

2. Two Additional Advance Voting Opportunities

Similar to the comments above, the LGMA does not recommend specifying the number of additional advance voting opportunities in the election bylaw because of the differences between the various voting opportunities that are governed by the Election Bylaw. Although Council may like a total of four advance voting opportunities at each general local election, they may want a different approach for an assent voting opportunity or a school trustee by-election.

Preferred approach: Council can direct the CEO by resolution to plan for a certain number of additional advance voting opportunities for a specific election or assent vote. Such a motion has been included in this staff report for the upcoming election to align with the feedback provided in 2019.

Relevant Statistics: Electors' use of advance voting opportunities has increased over the years. Here is a quick snapshot of the last three elections:

	2011	2014	2018
# of advance voting opportunities	2	4	4
# votes cast at advance polls	488	776	1,446
% of total votes	13%	20%	36%

Based on the steady increase of electors using advance voting opportunities, the CEO believes that a total of four advance voting opportunities is once again warranted for the upcoming election.

3. Special Voting Opportunities

Section 10 [special voting opportunities] and 15 [special voting opportunities procedures] have been added to allow the CEO to establish unique voting opportunities for electors who may otherwise be unable to vote. Examples include voting opportunities at the Ridge Meadows Hospital and the Wesbrooke.

Caveat: Mail ballot voting has been used in the past to create additional voting opportunities for hospitalized residents and those living at the Wesbrooke. Packages are dropped off and picked up from these locations, with details coordinated between respective staff members. This may continue to be the better approach over establishing a full voting station at these locations, which is required to fit the definition of a 'special voting opportunity'.

Mail ballots:

- require less staff;
- are less intrusive because space is not required for voting stations, election officials and scrutineers; and
- may be preferred by both the hospital and the Wesbrooke in light of the pandemic (less people in their space = less risk to the residents/patients).

The CEO still recommends, however, that the bylaw be updated to include the option to establish special voting opportunities in case a situation arises where it is preferred over mail ballots.

4. Resolving Tie Votes

Section 18 [resolution of tie vote after judicial recount] has been updated to indicate that a tie vote will be resolved by administering a runoff election instead of drawing lots. Depending on several factors (e.g. how many advance voting opportunities are offered; the number of voting places offered on general voting day; whether voting machines are used; etc.), the cost of a runoff election will range from \$30,000 - \$60,000.

Additional Recommended Changes:

- A. Title Change** (section 1). The Bylaw name has been changed from 'General Election and Other Voting Bylaw' to the 'Election and Assent Voting Bylaw'.
- B. Access to Nomination Documents** (section 5). As recommended by the LGMA, a provision has been added to allow for the redaction of certain personal information from nomination documents before they are uploaded to the City's website, if deemed appropriate by the City's Privacy Head. Unredacted copies of the paperwork can always

be viewed in person at City Hall, as per legislation.

C. Additional General Voting Opportunities (section 8). This new section allows the CEO to establish unique voting opportunities on general voting day outside of the typical 8am-8pm hours required at typical voting places. For example, a half day voting opportunity could be set up at a local mall to create a convenient voting opportunity for shoppers; a pop-up or drive-thru voting location could be set up in the morning or evening to capture hard to reach groups of electors; etc. Such opportunities require additional budget and staffing and therefore may not be possible for this upcoming election, but providing the CEO opportunity to consider such options is to the City’s advantage and can be leveraged at future voting opportunities.

D. Mail Ballots (section 11). The provincial government recently amended the Local Government Act to expand mail ballot voting opportunities to all registered electors. Previously, mail ballot voting was only available for electors who had an illness, injury or disability that prevented them from attending a voting place, or for residents who expected to be absent from the municipality on the day of the election. In order to align with legislation, the restrictions around who can request a mail ballot have been removed from the new bylaw.

Pitt Meadows has been offering mail ballot voting for many years and, based on feedback from other local governments who have run by-elections in the last two years, we expect a strong uptick in requests for mail ballots this year due to the pandemic. The province is also encouraging all municipalities to consider offering mail ballots to accommodate electors who may not be comfortable attending a public voting place at this time.

The Election Team is currently working on mail ballot procedures to accommodate a 300%+ increase in requests. Statistics for the last two elections as well as the estimation for 2022 are as follows:

	2011	2014	2018	2022
# of mail ballots cast	18	12	88	300 <i>(Estimate)</i>

E. Procedures after Close of Voting on General Voting Day – Automated Voting (section 16). A provision has been added to the procedures following the close of polls on GVD to ensure that any portable ballot boxes used throughout the election process are inspected and processed accordingly.

Other Comments:

The other sections of the Election Bylaw remain unchanged, including:

- **Section 4: Minimum Number of Nominators** – the nomination of a candidate to City Council requires the signature of 10 ‘qualified’ nominators (i.e. someone who qualifies as a resident or non-resident property elector of Pitt Meadows).
- **Section 6: Provincial Voters List** – the City uses the most current version of the provincial voters list as their register of resident electors.
- **Section 7: Required Advance Voting Opportunities** – this section has been reworded, but the required advance voting dates remain the same: the 8th day and the 10th day before general voting day. For this upcoming election, those dates are October 5th and 7th.

Relevant Policy, Bylaw or Legislation:

Local Government Act, Part 3 [electors and elections] – provides for the administration of local government elections and identifies Council’s discretionary powers to be affirmed through an election bylaw

COUNCIL STRATEGIC PLAN ALIGNMENT

- Principled Governance Balanced Economic Prosperity Corporate Excellence
 Community Spirit & Wellbeing Transportation & Infrastructure Initiatives
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FINANCIAL IMPLICATIONS

- None Budget Previously Approved Referral to Business Planning
 Other

Council approved the 2022 election budget as part of their 2022 business planning and budget process. The overall anticipated cost of the election is \$75,000 with an additional \$25,000 set aside for Council orientation and strategic planning.

PUBLIC PARTICIPATION

- Inform Consult Involve Collaborate Empower
-

KATZIE FIRST NATION CONSIDERATIONS

Referral Yes No

SIGN-OFFS

Written by:

Kate Barchard,
Chief Election Officer

Reviewed by:

Mark Roberts,
Chief Administrative Officer

ATTACHMENT(S):

- A. Election and Assent Voting Bylaw No. 2922, 2022