



ELECTION PROCEDURES BYLAW

BYLAW NO. 02-013

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*.
(Consolidated on December 1, 2015 up to Bylaw No. 11-043)

This bylaw is printed under and by authority of the Corporate Administrator of the Corporation of the City of Victoria.

NO. 02-013

ELECTION PROCEDURES BYLAW**A BYLAW OF THE CITY OF VICTORIA**

(Consolidated to include Bylaws No. 02-051, 10-044 and 11-043)

The purpose of this Bylaw is to consolidate, clarify, and update the Election Procedures Bylaw's provisions for the conduct of City elections and other voting, including the use of automated voting machines.

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Under its statutory powers, including Parts 3 and 4 of the *Local Government Act*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

- 1 This Bylaw may be cited as the “ELECTION PROCEDURES BYLAW”.

Definitions & interpretation

- 2 (1) In this Bylaw

“acceptable mark”

means a completed oval that

- (a) is identifiable by a vote tabulating unit, and
- (b) is made by an elector in the space provided on a ballot opposite the name of a candidate or opposite either ‘yes’ or ‘no’ on a question;

“automated vote counting system”

means a system that counts and records votes, processes and stores election results, and is comprised of the following equipment having the functions indicated:

- (a) a number of ballot-scanning vote tabulating units, each of which rests on a ballot box, and
- (b) a number of portable ballot boxes;

“ballot”

means a single automated ballot card designed for use in an automated vote counting system, which shows

- (a) the names of all of the candidates for the office of Mayor and each office of councillor, and
- (b) all of the choices on all of the questions on which the opinion or assent of the electors is sought;

"ballot return override procedure"

means the use, by an election official, of a device on a vote tabulating unit, that causes the unit to accept a returned ballot;

"election headquarters"

means City Hall, located at #1 Centennial Square, Victoria, British Columbia;

"election"

means an election for the number of persons required to fill an office on the City Council;

"elector"

means a resident elector or non-resident property elector of the City;

"general local election"

means the election held in 2002 and in every 3rd year after 2002 for the mayor and all councillors of the City;

"general voting day"

means

- (a) for a general local election, the 3rd Saturday of November in the year of the election,
- (b) for elections other than a general local election, the date set under sections 37(5), 38(1) or (3), or 142(5) of the *Local Government Act*, and
- (c) for other voting, the date set under section 162 of the *Local Government Act*;

"memory card"

means the storage device that stores all of the permanent results for the vote tabulating unit;

"other voting"

means voting on a matter referred to in section 158 of the *Local Government Act*;

“portable ballot box”

means a ballot box that is used as a voting place where a vote tabulating unit is not being used or is not functioning;

“question”

means the bylaw or other matter on which the assent or the opinion of the electors is sought by other voting;

“register tape”

means the printed record, generated from a vote tabulating unit at the close of voting on general voting day, that shows the number of votes

- (a) for each candidate for the office of Mayor and each office of councillor, and
- (b) for and against each question;

“returned ballot”

means a voted ballot, inserted by an elector into a vote tabulating unit, that is not accepted and is returned by the unit to the elector with an explanation of the marking error that caused the ballot to be unacceptable;

“secrecy sleeve”

means an open-ended folder or envelope used to cover ballots to conceal the choices made by each elector;

“vote tabulating unit”

means a device into which voted ballots are inserted, and that scans each ballot and records the number of votes for each candidate and for and against each question.

- (2) Each provision of this Bylaw is intended to be independent of all other provisions to the extent that if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

Application

- 3 This Bylaw applies to all elections and all other voting.

Nomination deposits

- 3.1 (1) A nomination for election to hold office as a member of Council must be accompanied by the following nomination deposits:
- (a) \$100.00 for each candidate for the office of Mayor;
 - (b) \$100.00 for each candidate for the office of councillor.
- (2) A nomination deposit must be held and dealt with by the chief election officer in the following manner in accordance with section 72.1 of the *Local Government Act*:
- (a) if the person nominated is not declared to be a candidate under section 74 of the *Local Government Act* [declaration of candidates], the deposit is to be returned to the person or to the financial agent of the person;
 - (b) if the person nominated files a disclosure statement as required by section 90 of the *Local Government Act* or as the requirements of that section are modified by court order under section 91 [court order for relief], the deposit is to be returned to the person or the financial agent of the person;
 - (c) in other cases, the deposit is forfeited and is to be paid to the City.

Number of nominators

- 3.2 A nomination for election to hold office as a member of Council must be made by at least the following number of qualified nominators:
- (1) 25 for each candidate for the office of Mayor;
 - (2) 25 for each candidate for the office of councillor

PART 2 – CONDUCT OF ELECTIONS & OTHER VOTING

Provincial list of voters

- 4 (1) As authorized under section 59 of *Local Government Act*, the most current Provincial list of voters prepared under the *Election Act*, available at the time an election or other voting is to be held, is the register of resident electors for the City.
- (2) The Provincial list of voters becomes the register of resident electors no later than 52 days before general voting day for each election or other voting.
- (3) A person who, on the basis of the Provincial list of voters, appears to meet the qualifications to be registered as a resident elector of the City is deemed to be registered as a resident elector of the City.

Voting divisions

- 4.1 The chief election officer is authorized to establish municipal voting divisions in accordance with section 103 of the *Local Government Act*.

Voter identification

- 5 (1) The chief election officer or the presiding election official is authorized to require an elector to produce identification in the form of any class of document set out in section 3 of B.C. Regulation 380/93 [*Local Government Elections Regulation*].
- (2) The chief election officer or the presiding election official may take other reasonable precautions to ensure that an elector is qualified to vote and votes only once in an election.

Additional general voting opportunities

- 6 As authorized under sections 96, 158, and 163 of the *Local Government Act*, the Council authorizes its chief election officer to
- (a) establish additional voting opportunities for general voting day for each election and other voting; and
- (b) designate the voting places and voting hours, within the limits set out in subsection 96(2) of the *Local Government Act* for the additional general voting opportunities.

Required advance voting opportunities

- 7 As required under section 97(2), 158(2) and 163 of the *Local Government Act*, advance voting opportunities must be held, for each election and for other voting, on the following days before general voting day:
- (a) on the 10th day before general voting day; and
- (b) on the Monday immediately preceding general voting day.

Additional advance voting opportunities

- 8 As authorized under section 98, 158, and 163 of the *Local Government Act* the chief election officer, in addition to the dates referred to in section 7 of this bylaw, is authorized to establish dates for additional advance voting opportunities and to designate the voting places and set the dates and voting hours for those additional advance voting opportunities.

Special voting opportunities

- 9 (1) As authorized under section 99, 158 and 163 of the *Local Government Act*, the chief election officer must establish the dates and voting hours when and the places where special voting opportunities will be conducted for each election or other voting.

- (2) The only electors who may vote at a special voting opportunity are electors who, on the date on which the special voting opportunity is held and before the end of the voting hours for that special voting opportunity, have been admitted as patients to the hospital at which the special voting opportunity is held.
- (3) The voting hours for a special voting opportunity must not be earlier than 9:00 a.m. or later than 4:00 p.m. of the day on which the special voting opportunity takes place.
- (4) Subject to section 99(3) of the *Local Government Act*, the Council authorizes the chief election officer to limit the number of candidates' representatives who may be present at a special voting opportunity.

PART 3 – AUTOMATED VOTING

Use of voting machines

- 10 Voting may be conducted in a general local election and other voting in the City by using an automated vote counting system.

Automated voting procedures

- 11 (1) As soon as an elector enters a voting place, including those for advanced voting opportunities, and before a ballot is issued to the elector, the presiding election official for that voting place must offer and, if requested by the elector, must direct an election official to provide a demonstration to the elector of the method for voting by using an automated vote counting system, including the use of a secrecy sleeve.
- (2) After declining the offer or receiving a demonstration under subsection (1), an elector must proceed as instructed to the election official responsible for issuing ballots.
- (3) The election official responsible for issuing a ballot to an elector
 - (a) must ensure that the elector
 - (i) is qualified to vote in the election, and
 - (ii) completes the voting book as required by the *Local Government Act*; and
 - (b) after satisfying paragraph (a), must give to the elector a ballot, a secrecy sleeve if the elector requests it, and any further instructions requested by the elector.
- (4) After receiving a ballot, an elector
 - (a) must proceed immediately to a voting compartment;
 - (b) may vote only by making an acceptable mark on the ballot

- (i) beside the name of each candidate of choice up to the maximum number of candidates to be elected for the office of mayor and for each office of councillor, and
 - (ii) beside either 'yes' or 'no' in the case of each question;
- (c) must place the marked ballot into a secrecy sleeve, if applicable, proceed to the vote tabulating unit, and under the supervision of the election official in attendance insert the ballot directly into the vote tabulating unit without exposing the acceptable marks on the ballot; and
- (d) may request a replacement ballot from the election official in attendance if
 - (i) before inserting a ballot into the vote tabulating unit the elector decides that she or he made a mistake when marking the ballot, or
 - (ii) a ballot is returned by the vote tabulating unit.
- (5) The presiding election official or alternate presiding election official must carry out the following procedures if an elector requests a replacement ballot in accordance with subsection (4)(d):
 - (a) issue the replacement ballot to the elector;
 - (b) mark as "spoiled" the ballot that is being replaced; and
 - (c) retain all spoiled ballots separately from all other ballots.
- (6) Spoiled ballots must not be included in the counting of votes on ballots.
- (7) For the purpose of counting acceptable marks, the presiding election official must reinsert a returned ballot into the vote tabulating unit by using the ballot return override procedure if the elector
 - (a) has not damaged the returned ballot to the extent that it cannot be reinserted; and
 - (b) does not want a replacement ballot.
- (8) A ballot counted by the vote tabulating unit is valid and all acceptable marks contained on that ballot must be counted subject to a determination made under a judicial recount.
- (9) An elector must immediately leave the voting place after the vote tabulating unit indicates that the elector's ballot has been accepted.
- (10) The election official supervising a vote tabulating unit must insert into a portable ballot box all ballots delivered by electors during a time when the vote tabulating unit is not functioning and is not replaced.

- (11) An election official must carry out the following procedures under the supervision of the presiding election official as soon as is reasonably possible after a nonfunctioning vote tabulating unit becomes operational or is replaced with another vote tabulating unit:
 - (a) remove the ballots contained in the portable ballot box that temporarily replaced the nonfunctioning vote tabulating unit; and
 - (b) insert into the functioning vote tabulating unit the ballots removed under paragraph (a).
- (12) For the purpose of counting acceptable marks after the close of voting on general voting day for an election, and under the supervision of the presiding election official, an election official must use the ballot return override procedure to reinsert into a vote tabulating unit ballots that were temporarily stored in a portable ballot box under subsection (10) and that are treated as returned ballots by the vote tabulating unit into which they were placed under subsection (11).
- (13) A ballot used in an automated vote counting system may be in the form set out in Schedule A.

Advance voting opportunity procedures

- 12 (1) Vote tabulating units must be used to conduct the vote at all advance voting opportunities.
- (2) Voting procedures at advance voting opportunities must follow as closely as possible those described in section 11.
- (3) At the close of voting at each advance voting opportunity the presiding election official must ensure that
 - (a) no additional ballots are inserted in the vote tabulating unit;
 - (b) the portable ballot box is sealed to prevent insertion of any ballots;
 - (c) the register tapes in the vote tabulating unit are not generated; and
 - (d) the memory card of the vote tabulating unit is secured.
- (4) At the close of voting at the final advance voting opportunity the presiding election official must
 - (a) ensure that any remaining ballots in the portable ballot box are inserted into the vote tabulating unit;
 - (b) secure the vote tabulating unit so that no more ballots can be inserted; and
 - (c) deliver the vote tabulating unit together with the memory card and all other materials used in the election to the chief election officer at election headquarters.

Special voting opportunity procedures

- 13 (1) A portable ballot box must be used for all special voting opportunities unless the chief election officer determines that it is practical to use a vote tabulating unit.
- (2) The presiding election official at a special voting opportunity must proceed in accordance with
 - (a) sections 11(2), (3), and (4)(a), (b), and (c) to the extent that they are applicable when a portable ballot box is being used; and
 - (b) section 12 when a vote tabulating unit is being used.
- (3) The presiding election official at a special voting opportunity
 - (a) must ensure that a portable ballot box is secured when not in use; and
 - (b) at the close of voting at the final special voting opportunity must seal a portable ballot box and return it together with all other election materials to the chief election officer.

Mail ballot voting and registration authorized

- 14 (1) Voting by mail ballot and elector registration by mail in conjunction with mail ballot voting are authorized.
- (2) In accordance with the provisions of section 100(2) of the *Local Government Act* the only electors who may vote by mail ballot are:
 - (a) persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity, and
 - (b) persons who expect to be absent from the municipality on general voting day and at the times of all advance voting opportunities.
- (3) Once a mail ballot package has been accepted by the chief election officer, that voter may only vote by mail ballot.

Application procedure for mail ballot

- 15 (1) A person wishing to vote by mail ballot must apply by providing their name and address to the chief election officer or to an election official designated by the chief election officer for such purposes, during the period commencing fourteen (14) days before the first day of advance voting, and ending at 4:00 p.m. on the Thursday two days before general voting day.
- (2) Upon receipt of a request for a mail ballot, the chief election officer or designated election official must, between the first day of advanced voting and 4:00 p.m. on the Thursday two days before general voting day:
 - (a) make available to the applicant, a mail ballot package as specified in section 100(7) of the *Local Government Act*, together with:

- (i) a statement advising the elector that the elector must meet one or more of the mail ballot requirements specified in subsection 14(2) of this bylaw, and that they must attest to such fact; and
 - (ii) where required, an elector registration application;
- (b) immediately record and, upon request, make available for inspection:
 - (i) the name and address of the person to whom the mail ballot package was issued; and
 - (ii) information as to whether or not the person is registered as an elector.

Voting procedure for mail ballot

- 16 (1) In order to vote using a mail ballot, the elector must mark the ballot in accordance with the instructions contained in the mail ballot package provided by the chief election officer.
- (2) After marking the mail ballot, the elector must:
- (a) place the mail ballot in the secrecy envelope provided, and seal the secrecy envelope;
 - (b) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
 - (c) place the certification envelope, together with a completed elector registration application, if required, in the outer envelope, and then seal the outer envelope; and
 - (d) mail, or have delivered, the outer envelope and its contents to the chief election officer at the address specified so that it is received no later than the close of voting on general voting day.

Mail ballot acceptance or rejection

- 17 (1) Until 4:00 p.m. on the Thursday two days before general voting day, upon receipt of the outer envelope and its contents, the chief election officer or designated election official must immediately record the date of such receipt and must then open the outer envelope and remove and examine the certification envelope and the completed elector registration application, if applicable, and if satisfied as to:
- (a) the identity and entitlement to vote of the elector whose mail ballot is enclosed; and
 - (b) the completeness of the certification; and
 - (c) the fulfillment of the requirements of section 55 of the *Local Government Act* in the case of a person who is registering as a new elector;

the chief election officer or designated election official must mark the certification envelope as "accepted", and must retain all such certification envelopes in custody to deal with any challenges made in accordance with section 18 of this bylaw.

- (2) The unopened certification envelopes must remain in the secure custody of the chief election officer or designated election official until 4:00 p.m. on the Thursday two days before general voting day, at which time the certification envelopes containing the secrecy envelopes must be opened in the presence of at least one other person, including any scrutineers present.
- (3) At 4:00 pm on the Thursday two days before general voting day, the chief election officer or designated election official must place all secrecy envelopes received up until that time into a ballot box specified for such purpose, where such secrecy envelopes were received from persons whose right to vote using a mail ballot has not been challenged, or where such challenge has been resolved and the challenged person permitted to vote.
- (4) Where an outer envelope and its contents are received by the chief election officer or designated election official between 4:00 p.m. on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of section 17(1) of this bylaw with regard to ballot acceptance apply and the chief election officer or designated election official must retain such envelope in custody until the close of voting and at that time must open such certification envelopes in the presence of at least one other person, including any scrutineers present, and place the secrecy envelope containing the ballot into the ballot box containing the other unopened secrecy envelopes.
- (5) After all of the secrecy envelopes have been placed in the ballot box designated for that purpose, and following the close of voting on general voting day, the following procedures must be followed:
 - (a) under the direction of the chief election officer the ballot box containing the secrecy envelopes must be opened;
 - (b) the secrecy envelopes must be removed and opened and the ballots contained in those envelopes inserted for counting into a vote tabulating machine; and
 - (c) after the procedures set out in paragraphs (a) and (b), the procedures set out in section 21(1) must be followed to the extent that they are applicable.
- (6) Where:
 - (a) upon receipt of an outer envelope, the chief election officer is not satisfied as to the identity of the elector whose mail ballot is enclosed; or
 - (b) in the case of a person required to complete an application for registration as an elector, such application has not been completed in accordance with section 55 of the *Local Government Act*; or

- (c) the outer envelope is received by the chief election officer after the close of voting on general voting day,

the certification envelope must remain unopened, and the chief election officer must mark such envelope as "rejected", and must note his or her reasons for doing so, and the mail ballot contained in such envelope must not be counted in the election.

- (7) Any certification envelopes and their contents rejected in accordance with section 17(6) of the bylaw must remain unopened and are subject to the provisions of section 150(6) the *Local Government Act* with regard to their destruction.

Challenge of elector

- 18 (1) A person exercising the right to vote by mail ballot may be challenged in accordance with, and on the grounds specified in section 116 of the *Local Government Act* until 4:00 p.m. on the Thursday two days before general voting day.
- (2) The provisions of section 116(2) to (5) of the *Local Government Act* apply, so far as applicable, where a challenge of an elector voting by mail ballot has been made.

Elector's name already used

- 19 Where, upon receiving a request for a mail ballot, the chief election officer determines that another person has voted or has already been issued a mail ballot in that elector's name, the provisions of section 117 of the *Local Government Act* apply, so far as applicable.

Replacement of spoiled ballot

- 20 (1) Where an elector unintentionally spoils a mail ballot before returning it to the chief election officer, the elector may request a replacement ballot by advising the chief election officer or designated election official of the ballot spoilage and by mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the chief election officer or designated election official.
- (2) The chief election officer must, upon receipt of the spoiled ballot package, record such fact, and must proceed to issue a replacement mail ballot package in accordance with section 15 (2) of this bylaw.

Procedures after close of voting on general voting day

- 21 (1) After the close of voting on general voting day, each presiding election official at a voting opportunity, other than advance and special voting opportunities, where a vote tabulating unit was used in an election must
 - (a) ensure that any remaining ballots in the portable ballot box are inserted into the vote tabulating unit;

- (b) secure the vote tabulating unit so that no more ballots can be inserted;
 - (c) generate three copies of the register tape from the vote tabulating unit; and
 - (d) deliver one copy of the register tape together with the vote tabulating unit to the chief election officer at election headquarters.
- (2) After the close of voting on general voting day, each alternate presiding election official at a voting opportunity, other than advance and special voting opportunities, where a vote tabulating unit was used in an election must
- (a) account for the unused, spoiled and voted ballots and place them, packaged and sealed separately, into the election materials transfer box along with one copy of the register tape;
 - (b) complete the ballot account and place the duplicate copy in the election materials transfer box;
 - (c) seal the election materials transfer box;
 - (d) place the voting books, the original copy of the ballot account, one copy of the register tape, completed registration cards, keys and all completed administrative forms into the chief election officer portfolio; and
 - (e) transport all equipment and materials to election headquarters.
- (3) At the close of voting on general voting day the chief election officer must direct the presiding election official for the advance voting opportunity and any special voting opportunities where vote tabulating units were used, to proceed in accordance with subsections (1) and (2).
- (4) At the close of voting on general voting day the following procedures must be followed:
- (a) under the direction of the chief election officer all portable ballot boxes used in the election must be opened;
 - (b) all ballots in portable ballot boxes must be removed and for counting be inserted into a vote tabulating unit;
 - (c) after the procedures set out in paragraphs (a) and (b), the procedures set out in subsections (1) and (2) must be followed to the extent that they are applicable.

Recount procedure

- 22 If a recount is required it must be conducted under the direction of the chief election officer using the automated vote counting system and generally in accordance with the following procedures:
- (a) the memory cards of all vote tabulating units must be cleared;

- (b) vote tabulating units must be designated for each voting place;
- (c) all ballots must be removed from the sealed ballot boxes; and
- (d) all ballots, except spoiled ballots, must be reinserted in the appropriate vote tabulating units under the supervision of the chief election officer.

PART 4 – GENERAL

Tie Votes after Judicial Recount

- 23 A tie vote that exists after a judicial recount will be resolved by conducting a lot in accordance with section 141 of the *Local Government Act*.

Repeal

- 24 Bylaw No. 93-146, the Election Procedures Bylaw, is repealed.

Electronic disclosure of financial statements

- 25 The chief election officer is authorized to provide public access to documents referred to in section 93(1) of the *Local Government Act* by electronic means from the time of filing until seven years after the general voting day for the election to which they relate and, without limiting the generality of the foregoing, may publish them on the Internet.

READ A FIRST TIME the **14th** day of **February** 2002

READ A SECOND TIME the **14th** day of **February** 2002

READ A THIRD TIME the **14th** day of **February** 2002

ADOPTED by an affirmative vote of at least 2/3 of the votes cast
on the **28th** day of **February** 2002

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“ALAN LOWE”
MAYOR

Schedule A
Form of Ballot for Automated Vote Counting System

<p>City of Victoria (General Voting Day Date)</p>																																																																																								
<p>Three year term</p>																																																																																								
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Governance and Priorities Committee Report

For the Meeting of September 3, 2015

To: Governance and Priorities Committee **Date:** August 26, 2015
From: Robert Woodland, Director, Legislative and Regulatory Services
Subject: Lessons Learned from the 2014 Municipal Election and Proposed Improvements for 2018

RECOMMENDATION:

That Council

- a) Receive this report for information,
- b) Provide feedback and any additional suggested improvements for consideration,
- c) Direct staff to
 - a. Write to the Provincial government requesting that the *Local Government Act* be amended to increase the amount of time between the end of the nomination period and the start of the advance election dates, and prepare a Council Resolution to submit to AVICC recommending this action, and
 - b. Bring forward amendments to the *Election Procedures Bylaw* by December 31, 2015.

EXECUTIVE SUMMARY

The purpose of this report is to outline lessons learned in conducting the 2014 Municipal Election, identify changes anticipated for the next election in 2018, and offer Council an opportunity to provide suggestions for improvements based on their own participation and feedback from voters.

Despite voting places being significantly busier than past elections, with an unprecedented voter turnout, the 2014 municipal election ran smoothly, capitalizing on new initiatives in a number of areas. The most notable enhancements were expanded citizen engagement and the use of technology to streamline previously manual processes.

Cumulatively, an increased awareness of the election, greater access to voting, and simplified voting process for both voters and election staff, contributed to the substantial increase in voter turnout. The issues and candidates in any election also have a significant influence on voter turnout.

The 2014 Municipal Election presented an opportunity to move from a statutory approach to communicating election activities and requirements, to one that resonated more with voters. It removed barriers and built relationships not only between City departments in support of the election, but also with staff across neighbouring municipalities, and with new facilities and associations.

Inspired to increase voter turnout, build positive relationships between the municipality and current and future voters, and remove barriers to voting, a suite of improvements were introduced. Victoria, Saanich, Oak Bay and Esquimalt municipalities collaborated on a creative approach to motivate voters, resulting in a bold full wrap of the daily newspaper to maximize voter reach and budgets to support General Election Day. It included a map and could be simply removed and used by voter throughout day. Many voters appeared at the polls with the wrap in hand.

For the first time, polls were located outside of the municipal borders on the Uvic campus, as well as at Our Place, an inner city community centre. This assisted in reaching Victoria's largest age demographic, renters, and vulnerable citizens who are traditionally less likely to vote.

A Councillor Candidate Guide created a one-stop location for candidate information, responsive to consistent feedback from voters during previous elections.

Studies indicate that those who vote once are more likely to vote again, so creating a positive opportunity could encourage greater desire and understanding when eligible to vote. A "Future Voter" program was a simple and cost effective way to engage younger demographics in the election by encouraging parents to bring children to polls. Children received a "future voter" sticker to wear proudly alongside their parents "I voted" sticker. This is a long term strategy to engage youth in the elections process and remove barriers for parents on voting day. A colouring contest with a prize of "Mayor for the Day" provided opportunity for winners to learn about local government services.

A creative social media strategy was initiated to encourage voters to share their experience with peers, and reach broader demographics. The simple "I voted" sticker created a cost effective visual cue that was promoted as the "must have accessory on voting day". Voters were encouraged to share their pictures and experiences. Hundreds of voters shared photos and videos of stickers on jackets, hats, bike helmets, car bumpers and pets.

For the first time, webcasting of results at the close of polls, occurred. However the technology was less than satisfactory and will need to be improved for 2018 election.

Overall, the important lessons learned included:

- Innovative public engagement activities can significantly improve voter turnout and build long term relationships
- Cooperation between municipalities in publicizing and administering municipal voting improves the voting experience for people; and
- The use of new technology can improve the voting experience and streamline voting administration. Technology is also a critical risk in the elections process.

Election administration is an area of continuous improvement. Opportunities for further improvement in the next election have been examined for each of the following areas:

1. Voting Locations and signage
2. Additional Voting Opportunities
3. New Technology (Electronic Voter Check-in) and improved webcasting
4. Voter Engagement
5. Budget
6. Campaign Signage
7. Issues to Raise with Province and Elections BC
8. Proposed *Election Procedures Bylaw* Amendments
9. Additional Changes Proposed for 2018

A summary of issues and recommendations related to each area is included in the report. These will be further reviewed, along with Council's suggestions, while preparing the budget in 2017 for the 2018 municipal election.

PURPOSE

The purpose of this report is to outline the lessons learned in conducting the 2014 Municipal Election, identify key changes anticipated for the 2018 election, and invite Council to offer suggestions for improvements based on their own election participation and feedback from voters.

BACKGROUND

The City of Victoria Municipal Election held November 15, 2014 saw a 39% voter turnout, an increase of 43% from the 2011 election (26% turnout). A total of 24,665 voters cast ballots, over 7,000 more than in 2011. This is a significant increase and appears to be the largest turnout ever recorded in a Victoria election. Voter participation was high across the region, with the District of Saanich recording 35% turnout, the District of Oak Bay 43% and the Township of Esquimalt 30%.

Twelve voting places were in operation on General Voting Day. Four advance voting opportunities were held – two at City Hall (November 5 and 10), one at the University of Victoria, in partnership with Oak Bay and Saanich (November 6), and one at Our Place Society (November 7). The total number of ballots cast during advance voting was 3,144, an increase of 1,400, or 80%, from the two advance polls held in the 2011 municipal election.

Voters were also offered the opportunity to cast a mail ballot if they were unable to vote at an advance voting location or on General Voting Day, either due to mobility issues or absence from the municipality. A total of 266 mail ballots were cast, more than double the 2011 total of 111.

The conduct of the election is regulated by the *Election Procedures Bylaw* and is administered under the authority of the Chief Election Officer (CEO), appointed prior to every municipal election.

Recent legislative changes have set the next municipal election for October 2018.

ISSUES & ANALYSIS

A comprehensive voter engagement strategy that included process improvements and improved information and tools, was introduced to support the 2014 municipal election.

As part of the post-election evaluation, staff met with the Presiding Election Officials from each of the voting places to receive feedback on their experience and gather ideas for future improvements. Many of the comments related to methods for further improving traffic flow and faster processing of voters in the voting places generally, while others were unique to specific locations or related to the impacts of the unprecedented voter turnout. These improvements have been noted and will be incorporated into planning for 2018. Election management staff have also participated in post-election debriefings with other municipalities and election service providers and anticipate a number of valuable new tools and services to be introduced for the next election.

Specific examples of changes or improvements made in 2014, and opportunities noted for further development in 2018, are outlined below.

1. Voting Locations

The City typically uses the same voting locations for each election, these being a combination of community centres, church halls and schools. Of the 12 voting places, two were new locations that replaced schools that were either permanently closed or temporarily unavailable. The St. Barnabas Church Hall replaced the recently shut down Sundance Elementary School, and Vic High was used in place of George Jay Elementary, which was closed for seismic repairs in 2014. The majority of locations appeared to be suitable in terms of size, layout and parking, but all will be reviewed before the final determination of voting places is made. Signage denoting voting places will be improved in future for both wayfinding and quality.



Appendix A – Voting Locations and Ballots Cast

Voting Location	Ballots Cast	
	#	%
Advance City Hall 1	1,033	4%
Advance City Hall 2	1,260	5%
Advance UVic	268	1%
Advance Our Place Society	583	2%
Burnside Campus	934	4%
Mail ballots	266	1%
Central Baptist Church	1,637	7%
Cook Street Village Activity Centre	2,568	10%
James Bay Community School	1,546	6%

James Bay New Horizons	2,086	8%
Margaret Jenkins School	1,882	8%
Oaklands School	2,407	10%
Quadra Elementary School	1,513	6%
St. Barnabas Church	937	4%
Sir James Douglas School	2,194	9%
Victoria High School	1,604	7%
Victoria West School	1,947	8%

Total ballots cast = 24,665 100%

Additional Voting Opportunities

The City has administered various types of voting opportunities in the past and will be expanding upon this in 2018. The following additional voting opportunities accounted for 13% of total voter turnout.

a) Special Voting (1% of voter turnout)

Special voting opportunities are enabled to accommodate specific groups, for example, residents of long term care facilities or hospitals. In 2014 there was a great demand from seniors' care homes for the City to establish specific voting opportunities at their institutions for the convenience of their residents, instead of relying on the mail ballot process. A bylaw amendment is required to enable short term voting opportunities at larger institutions, at the discretion of the CEO. Some Lower Mainland municipalities offer special voting opportunities in shopping malls or other locations frequented by large groups of people. Staff will examine the feasibility of including this type of voting. Additional special voting opportunities beyond what is currently offered would incur greater cost as additional staff and materials are required. This will be reviewed in 2017 and incorporated in the 2018 Election budget request.

b) Advance Voting (11% of voter turnout)

Two advance voting opportunities are mandated by the *Local Government Act*. The Chief Election Officer has discretion to establish additional advance voting polls. Given the success of the two extra advance polls offered in 2014, staff will be seeking to expand advance voting in the next election. Costs to administer additional advance voting places will be included in the 2018 budget request.

c) Mail Ballots (1% of voter turnout)

Mail balloting was introduced in Victoria to ensure that residents who could not leave their homes or lived in long-term care facilities were still given the opportunity to vote. The City has administered a mail ballot process for three elections. Eligible voters are provided with the option to vote by mail if they are unable to attend in person at a voting place due to a physical disability, illness or injury, or are absent from the municipality on General Voting Day and at the times of all advance voting opportunities. There was great take-up of this process in 2014 and it will be offered again for the next election. A few issues were experienced with respect to the mail ballot program, notably that the deadline for the nomination period was too close to the beginning of the voting period, making it difficult to provide ballots early enough to voters who would be away during voting. Staff recommend that the provincial government amend legislation to establish an earlier nomination period that would enable mail ballots to be made available earlier.

2. New Technology – Electronic Voter Check-in

The use of electronic voter check-in technology for the first time in 2014 proved very successful in streamlining the check-in process for 99% of voters. A manual voter registration process is required for mail ballot voting.

Two laptops and a bar code scanner were deployed to each location. Individuals presenting voter cards had their name checked off an electronic voters list, which enabled them to move directly to a separate station to sign the voting book and receive a ballot. Electors without cards were manually checked in using the digital voters list and their identification. This type of electronic check-in is common in other large municipalities, including Vancouver, Burnaby, Surrey and several Okanagan municipalities.

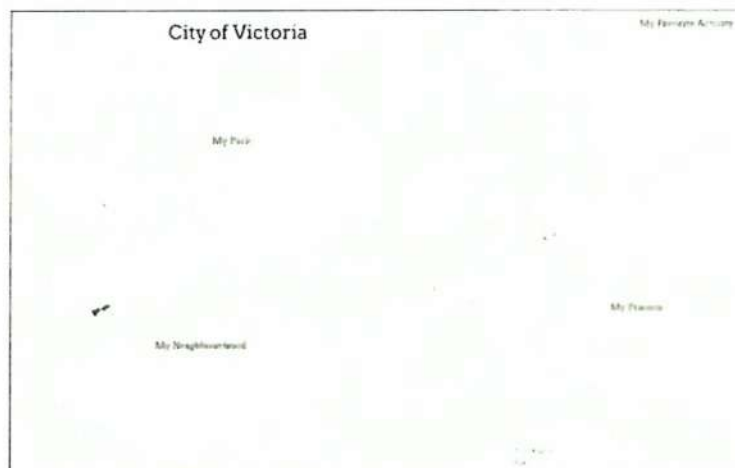
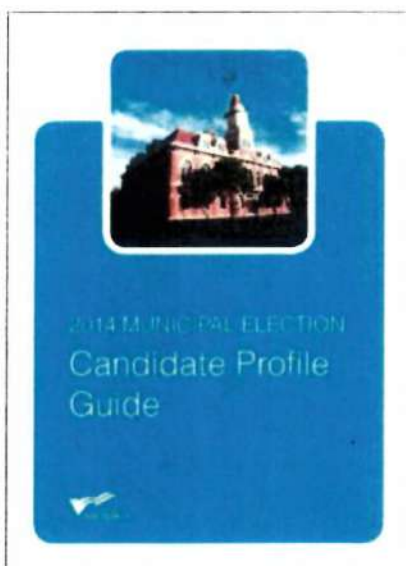
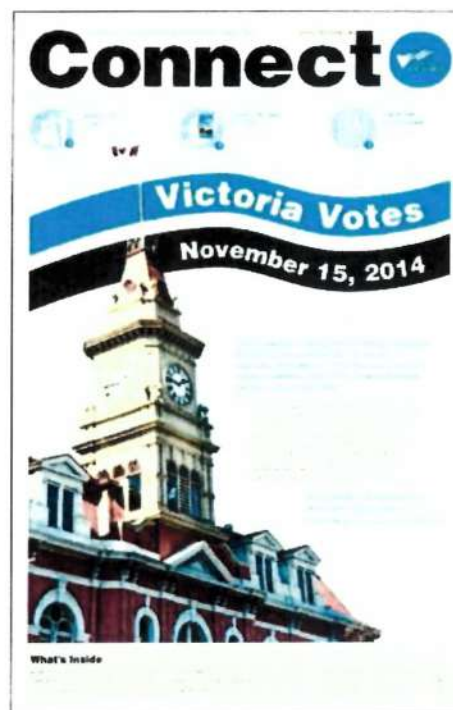
Electronic voter check-in has many benefits, including:

- faster and more streamlined check-in process
- ability to update the voters list after advance voting
- simple way to audit the voters list post-election
- ability to monitor if an elector has tried to vote more than once
- secrecy of the ballot is protected as there is no way to connect the elector information on the bar code to a ballot
- ability to produce a set of voter demographics based on the participation of registered voters (e.g., age, gender by voting place, time of attendance at voting places). The information collected will assist in selecting voting places, determining staffing levels and focusing engagement activities for the next election.

The use of this technology facilitates a "vote anywhere" model, as opposed to one based on designated voting locations. This is more convenient for voters and eliminates the need for voting divisions.

3. Voter Engagement

With a view to engaging potential voters, the City designed and implemented a number of outreach and informational campaigns.



New engagement activities in 2014 included:

- Candidate Profile Guide on website, with bios and contact information provided by candidates
- "Future Voter Program", including "Future Voter" stickers and a colouring contest. Three participants were selected through a draw to visit City Hall as "Mayors for the Day" in February
- Full-page wrap in the Times Colonist on the Thursday before the election, in coordination with Esquimalt, Oak Bay and Saanich. It included a map and could be simply removed and used by voter throughout day. Many voters appeared at the polls with the wrap in hand.
- Use of electronic billboard outside of Save-On-Foods Memorial Arena to promote voting, leading up to election day

- Blog post on election day encouraging voters to show off their "I Voted" stickers
- Live webcasting of results at the conclusion of voting

Other well-received initiatives were continued:

- "I Voted" sticker for voters
- Elections issue of the Connect newsletter
- Awareness information on parking kiosks
- Strong social media presence leading up to and on voting day on both Facebook and Twitter
- iPhone App
- Continually updated website, including a listing of candidates' meetings
- Additional printed material, including rack cards

The wide-ranging awareness activities were well-received and generated a lot of interest. The significant increase in voter turnout can likely be attributed to the expanded range of awareness initiatives and increased access to information.

Most of the feedback staff received was related to the Times Colonist wrap and the Candidate Profile Guide, both of which were viewed very favourably.

In the lead-up to Election Day traffic was high on all of the election webpages, with the City's highest ever one day visitor count occurring on Election Day. This was specifically directed at the Candidate Profile Guide, suggesting that many voters accessed this information shortly before voting. In addition, viewership of the live election results webcast was substantially higher than for any previous event.

The Candidate Guide was an important learning experience in terms of trying ways to make information about candidates more accessible for voters. It has initially been planned for online only, but was soon recognized that print versions were necessary for those without computers.

The new "Future Voter" program proved very popular with families and offers great potential for expansion. This program made the voting experience more welcoming for families and provided an opportunity for parents to talk about and model the importance of voting. Staff underestimated the popularity of this initiatives and some voting places ran out of stickers and colouring posters early in the day. More stickers and posters will be ordered next election.

In terms of traditional means of communicating the election information, the City has historically been very been cautious in approach. There was some initial reluctance among staff to be too creative or use social media broadly in communicating elections activities. It was felt there was risk to the election process and that the specific legal requirements of the election might be lost. There was extensive dialogue internally to address concerns and agree to a new approach.

It was also recognized that in the Capital Region, with 13 municipalities, there was duplication of not only effort to reach voters, but costs. At the same time, there are consistent requirements for elements like voter identification and voting times.

With a shared desire to see increased voter turnout in all municipalities and recognizing that some municipalities do not have the same staff or tools available to communicate, Victoria proposed collaborating on the creative approach to engaging voters as well as advertising costs. Esquimalt, Saanich and Oak Bay partnered with the City.

Although other regional municipalities – outside of those noted- did not formally participate in joint efforts, it was felt that it was in the interest of all residents of the Region to benefit from shared

information. In the spirit of regional partnership, information for all municipalities was available in the advertising.

Live webcasting of the polling results, was offered for the first time. This resulted in the highest website and webcasting visitation the City has experienced. However, the quality was less than satisfactory and significant improvements to the reporting technology and webcasting integration will be required.

4. Budget

The budget allocation for the 2014 election was \$267,500. This included an additional \$25,000 from contingency that was approved by Council in June 2014 to fund electronic voter check-in technology and the administration of additional advance voting opportunities.

The primary expenditures in 2014 were for:

- Election personnel (including advance and election days, support staff): \$108,000
- Contracted services (voter cards, electronic check-in software/hardware, etc.): \$92,000
- Communications (including statutory notices, awareness materials, etc.): \$27,000

The expenditure for the 2014 municipal election was \$247,000. Historically, the City has administered voting for the Greater Victoria School District (SD61) School Trustee election and included that race on the ballot. For this service, the City charges the school district up to one-third of the costs of voting administration. In 2014, this amounted to about \$49,000.

After recovery of the school district portion the net cost to administer the election was approximately \$198,000. This does not include staff time for the Chief Election Officer and two Deputies, or City departments who assumed additional work to support election requirements in the months leading up to and following the election.

5. Campaign Signs

Signs are a primary communication tool used by candidates during the election period and are frequently put up in City rights of way and boulevards. To protect public safety and public amenities, the City provides candidates with a list of specific locations where election signs are not allowed.

During the election period, and on Voting Day, election officials received numerous complaints from the public and from candidates about campaign signs being placed in inappropriate and unauthorized locations. City staff respond to these complaints by contacting the applicable campaign office to relocate the sign within 24 hours. If there is an immediate safety concern or damage is being caused to City property, the City will impound the sign and then contact the campaign office to retrieve it. Other signs not relocated by the campaign office within 24 hours are impounded by the City for pick-up by campaign workers.

Regulations are required to manage the impacts of these signs on traffic and pedestrian safety, and mitigate damage to underground infrastructure, trees and plantings, as well as traffic control signs and devices. Amendments to the current provisions are proposed to provide greater clarity about the rules. Signage requirements will also be proactively communicated more broadly early in the election process to assist candidates and the community in understanding the regulations.

6. Issues to Raise with Province and Elections BC

The provincial Ministry of Community Sport and Cultural Development administers the *Local Government Act*, which governs municipal elections, and Elections BC administers the financial disclosure rules for municipal elections under the *Local Elections Campaign Financing Act* (LECFA).

During the 2014 election period issues arose relating to access to the voters list and voting information. Some candidates' agents had experience with these matters during provincial or federal elections and made some assumptions about what is allowed in municipal elections. Several municipalities reported problems with agents pursuing this access aggressively, with some citing incidences of hacking or attempted hacking of election records.

While enabled under the *Elections Act* for provincial elections, clarification is needed from the Province as to whether the *Local Government Act* authorizes the following activities:

- Scrutineers recording and transmitting elector information from voting places,
- Candidates receiving updated voters' lists showing who had voted during Advance Voting,
- Candidates receiving access to real-time voter check-in info online.

The *Local Government Act* (LGA) does not authorize access to voters' personal information in the same manner as provincial legislation. The Act requires that election records created during election proceedings be kept secure and provided for inspection only after the declaration of official results.

In 2014, the *Local Elections Campaign Financing Act* was adopted, assigning responsibility for the financial disclosure process for municipal elections to Elections BC. The information provided to candidates and their representatives on the new requirements and correct submission processes appeared to be unclear or inconsistent to many candidates and their agents. City election officials experienced some challenges in providing advice on the process and legislation, and engaged frequently with Ministry of Community, Sport and Cultural Development or Elections BC staff to understand the interpretation and application of LECFA.

7. Proposed Election Procedures Bylaw Amendments

At the December 18, 2014 Council meeting, Council directed staff to "bring forward for Council's consideration proposed amendments to the City's *Election Procedures Bylaw* that would improve future elections." With a view to continuously enhancing the election process and improving service to voters and candidates, the following bylaw amendments are proposed:

- **Additional Voting Opportunities:** Staff will bring forward bylaw amendments needed to expand special and advance voting opportunities at the discretion of the Chief Election Officer. The City would seek to expand special voting in a manner that balances cost and the availability of mail ballots. Some Lower Mainland municipalities offer advance voting opportunities in shopping malls or other locations attended by large groups of people.
- **Mail Ballots and Special Voting:** It is proposed that mail ballots be used for individuals and smaller nursing and care facilities and that special voting be conducted at facilities with a larger (i.e., 50+) number of residents.
- **Voting Divisions:** Security of the voting process and voter convenience are best enabled through electronic voter check-in technology that facilitates a "vote anywhere" model. Consequently, there is no longer a need to assign voters to a particular voting location to

reduce the likelihood that a voter casts more than one ballot, so the bylaw section related to voting divisions can be repealed.

- Campaign Signage: Bylaw amendments will be proposed to specifically regulate election signage. The amendments will prescribe where election signs are permitted, required setbacks from intersections, how they can be erected on public property, the penalties for not removing the signs, including those within 100m of voting locations, and the procedures for removing signs following the election.

Other bylaw amendments will likely be identified as staff work through the bylaw update, and these will be highlighted for Council when the bylaw comes forward for first reading.

8. Additional Lessons Learned for 2018

In addition to the bylaw amendments proposed, staff also suggest the following updates be made to election administration procedures in 2018:

- While most voting locations will likely be retained, all locations will be re-evaluated before the next election.
- Pre-scored ballots will be ordered for the mail ballot program to avoid the issues with the electronic reading of folded ballots that were encountered in 2014.
- Staff will examine the feasibility of extending advance voting opportunities to different types of locations (e.g., shopping malls) in advance of the 2018 municipal election, and will discuss further partnership opportunities with neighbouring municipalities.
- It is anticipated that electronic check-in would continue, with the potential for more equipment at each location. For example, the higher volume voting places should have a third laptop and additional scanner to process voters more quickly. The use of additional check-in software features such as electronic registration would also assist in processing voters more efficiently.
- Staff participate in a network comprised of election officials from other jurisdictions and election service providers to stay involved in discussions of proposed enhancements for future elections. One subject staff will be investigating is an improved option for the reporting of results and live streaming on election night. With webcasting of election results in 2014 for the first time, it was noted that the software currently offered by the City's elections support company is cumbersome and outdated, does not provide users the ability to customize reports and does not lend itself well to live streaming.
- There may be an opportunity to take advantage of other technological advances in the intervening four years, if enabled by Provincial legislation. These include digital signature capture, electronic voter cards, and allowing online access to the voters list by candidates and their representatives.
- A similar approach will be taken with the voter engagement program in 2018. Many initiatives will continue and new concepts are likely to emerge. The mobile App will be redesigned for greater effectiveness and the City will continue to take advantage of low cost, wide reaching technological and social media tools, including those that emerge over the next four years.

- Improved webcasting and reporting of electronic results at City Hall at the close of the polls will be explored in preparation for the election in 2018.
- Staff will liaise with the following organizations to provide and obtain information:
 - Elections BC - to seek clarification on the financial disclosure rules and recommend clarification of their candidate materials to facilitate a candidate's completion of the required documents.
 - Ministry of Community, Sport and Cultural Development - to seek clarification on providing access to the voters list during voting.
 - Ministry of Community Sport and Cultural Development and AVICC/UBCM - to recommend legislative changes that would allow more time between the end of the nomination period and the beginning of the election period, to facilitate the administration of the mail ballot process.

OPTIONS & IMPACTS

Staff recommended amendment of the *Election Procedures Bylaw* to enable voting process improvements and to expand the opportunities for voting. Other service improvements, including enhanced engagement activities can be implemented without bylaw amendments.

The *Election Procedures Bylaw* lays out many of the specific authorities that are used to administer an election. Bylaw regulations must be consistent with the provincial authority found in the *Local Government Act*. Amendments to the *Election Procedures Bylaw* and other consequential bylaw amendments will be presented to Council by December 2015, including:

- Allowing for special voting opportunities at locations with a large number of voters who may have difficulty attending a regular voting opportunity, such as assisted living/care facilities and hospitals
- Enabling technological solutions such as electronic signature capture and online access to the voters list during voting opportunities, as enabled by legislation, and
- Changes to regulations respecting election signage.

An updated bylaw would ensure that the rules governing how an election is conducted are clear to candidates, their representatives and voters.

A draft budget for the 2018 election will be developed once the technological and other support needs are known; however the next budget can be expected to increase by at least the \$25,000 to provide the same level of service as the 2014 election. This would be directed to additional electronic integration, an increase in supplies, and costs to support expanded special voting and additional advance voting opportunities.

CONCLUSIONS

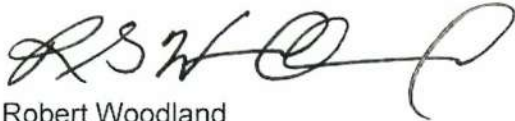
A number of new tools and processes were introduced during the 2014 election period and important experience gained with new technology, a broader voter engagement program and the implementation of additional voting opportunities. From a high-level viewpoint, the important lessons learned included:

- Innovative public engagement activities can significantly improve voter turnout and build long term relationships
- Cooperation between municipalities in publicizing and administering municipal voting improves the voting experience for people; and

- The use of new technology can improve the voting experience and streamline voting administration.

City Staff will build on these successes in preparation of the next election, and seek opportunities for further improvements in 2018. These will be outlined when the proposed election budget is presented to Council in 2017 as part of the annual financial planning process.

Respectfully submitted



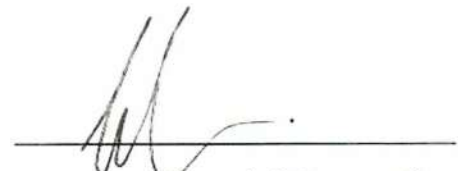
Robert Woodland
Director, Legislative and Regulatory Services



Katie Hamilton
Director, Citizen Engagement and Strategic Planning

Report accepted and recommended by the City Manager:

Date:


August 28, 2015