



## Committee of the Whole Report For the Meeting of December 12, 2019

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**To:** Committee of the Whole  
**From:** Chris Coates, City Clerk  
**Subject:** 2020 By-election

**Date:** December 4, 2019

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### RECOMMENDATION

That Council direct staff to proceed with Option 1 a modified by-election process and report back on final timing, cost estimates and appointment of a Chief Election Officer in January 2020.

### EXECUTIVE SUMMARY

The resignation of Councillor Laurel Collins was received on November 4, 2019. At the November 7, 2019 daytime Council meeting, Council received a brief staff report, attached as Appendix A, noting that a further report would be coming forward in connection with issues and process for moving forward to fill the vacant position.

The purpose of this report is to review the election process to determine the level of both voting opportunities and communications appropriate to the circumstances of a by-election for one seat on City Council.

The general election was a significant undertaking in 2018. The total costs exceeded \$360,000. One-third of the total cost of the election was shared by School District 61. A significant component of these costs were related to staffing. There were 12 general voting day locations; significant community engagement including mailed voting cards to each household; remote advance voting locations and special voting opportunities at Care Homes with populations of over 50 residents.

A full analysis of the 2018 General Election was provided in a Lessons Learned Report attached as Appendix B.

Typically, by-elections tend to attract a lesser number of voters. A recent comparison is the 2017 Saanich by-election for a single council position that resulted in an approximately 17% voter turnout compared to 34% in the 2018 general election in Saanich. The voter turnout in the 2018 general election in the City was more than 43%.

Staff are recommending a modified approach to the by-election:

- Maximizing advance voting opportunities during normal business hours.
- Providing 4 geographically strategic locations for general voting day.
- Limiting special voting opportunities to mail ballot voting.
- Utilizing existing communication channels.

Council gave direction at the September 19<sup>th</sup> Council meeting to make an accessible voting machine available for the next municipal election or by-election on polling day and that it be located at City Hall or another equally central polling location and to widely publicize these accessibility options well in advance of polling day. This direction at minimum, will be part of the by-election process.

Pre-planning for a general local election commences many months before general voting day to arrange for the staffing, facilities and infrastructure necessary to fulfill the process requirements. The City makes a concerted effort to increase voter awareness through a proactive communications campaign. Once Council appoints a Chief Election Officer (CEO), general voting day must occur within 80 days of that appointment. Once the specifics of the voting are confirmed, staff can report back on the appointment of a CEO.

The recommendations in this report are intended to seek a balance, ensuring that statutory obligations are met and that an appropriate level of voting opportunities and communications are provided while seeking to limit the impacts on the core service delivery, Council's strategic priorities, and City financial resources.

Regardless of the direction on the scope and timing provided by Council, a number of strategic initiatives and operational service delivery items will require schedule re-adjustments for 2020 to accommodate this unplanned project.

#### **PURPOSE**

The purpose of this report is to seek direction for conducting the by-election for the recently vacated position on Council, resulting from the resignation of Councillor Laurel Collins.

#### **BACKGROUND**

Councillor Laurel Collins officially resigned effective November 4, 2019. At the November 7, 2019 daytime Council meeting, the staff report attached as Appendix A was received by Council.

The Local Government Act provides that when a position becomes vacant Council must appoint a Chief Election Officer as soon as practicable and notify the Minister of Municipal Affairs and Housing of the election. Once a Chief election Officer is appointed, general voting day must occur within 80 days of the appointment. The *Local Government Act* prescribes the majority of conditions for conducting elections and others that may be included in the Election Procedures Bylaw, which is attached as Appendix C.

City elections are complex and involve a significant amount of pre-planning to address logistical considerations, staffing and infrastructure necessary to conduct the election process and undertake additional communications to raise awareness of the election for the voting public. For these reasons, the appointment of the Chief Election Officer should only occur after due regard for these considerations has occurred and the necessary pre-planning undertaken. The scale of the voting locations, special voting opportunities and engagement significantly impact the costs and time required to plan.

In addition, with an ambitious Strategic Plan and core service delivery responsibilities, staff in Legislative Services, Corporate Initiatives, and Engagement Departments are operating at capacity. With this in mind, careful consideration of ways in which to scale the election to minimize impacts on existing commitments are being presented for Council to consider. Understandably this approach also lessens the cost for undertaking the by-election.

Over the past ten years, the City has held three general elections (2011, 2014 and 2018), and one by-election in 2010. The by-election was unique in that it also included a referendum question on the Johnson Street Bridge. Given the referendum, a decision was made at that time to heavily promote public participation to vote on this large municipal expenditure, which resulted in a scope of work similar to that of a regular General Election

## **ISSUES & ANALYSIS**

A detailed overview of the 2018 election process and associated data contained in the Lessons Learned report attached as Appendix B. Decision points for the by-election are:

### **Advance Voting**

There are two required, 12 hour advance voting opportunities for any election. Increasing advanced voting can lessen the impact on voting places on general voting day and provide voters with multiple dates and times to vote. Conducting these at City Hall can lessen the burden both in terms of financial implications, as well as resource implications. In addition to the two required advance voting opportunities held at City Hall in past elections, external locations at UVIC, Camosun Interurban Campus and Our Place were other locations for advance voting in 2018. There were five in total during the 2018 election, and 7% (4791 people) cast ballots at advance voting opportunities with the vast majority at the City Hall opportunities.

Staff are recommending holding up to eight advance voting opportunities all of which would be located at City Hall.

### **Special Voting Opportunities**

Special voting opportunities are costly, labour intensive and produce limited results in terms of increasing voter turnout. Limiting special voting opportunities to mail ballots, available to any eligible voter wishing to use that method is an effective and inclusive way to vote without attending a voting place. This is helpful to persons who prefer not to, or have challenges attending a voting place. Despite being labour intensive mail ballot voting is less so than the other alternatives such as attending care homes with mobile teams that occurred in 2018. In 2018 mail ballot voting was utilized by 0.3% of voters (197 people). Mobile voting at the 14 Care Homes visited was utilized by 0.6% of voters (403 people)

Staff are recommending conducting Mail Ballot voting as the special voting opportunity.

### **General Voting**

The last by-election in the City was in 2010 and involved the Johnson Street Bridge borrowing referendum, and council vacancy. Because of the significance of the referendum the more standard election process including 12 general voting day locations were used.

In a 2017 by-election in Saanich, four voting day locations were used. Saanich had a 17% voter turnout in that by-election compared to 34% voter turnout at the 2018 general election. The staffing requirements are high and recruiting staff for that many locations on general voting day is a significant exercise.

Lessons Learned from the 2018 election process also suggested that more than one voting machine at each voting location would speed up the process. It is intended that each voting location would

have at minimum, two voting machines. Additionally, it is likely that a single-sided ballot would be used which would further reduce the time needed to process ballots at the voting places.

Staff are recommending four general voting day locations, spread out geographically, to cover the City and a minimum of two voting machines be located at each voting place.

### **Non- statutory Advertising/Communication**

The *Local Government Act* prescribes required advertising for:

- being added to the list of electors
- notice of nomination period
- notice of election by voting

In addition to this, the City has been proactive in terms of reaching out to eligible voters as follows during general elections as follows with a suite of Communications activities, noted in the Lessons learned Report (Appendix B):

### **OPTIONS AND IMPACTS**

The planning, coordination and execution of a by-election will have a number of impacts beyond financial considerations, particularly on staff time to deliver on strategic initiatives and maintain regular operations in select areas of the City. Over the past two months, in addition to regular Committee of the Whole Meeting and Council meetings, there have been four Special Meetings to deliberate the draft 2020 Financial Plan, and an evening Budget Town Hall. Looking forward to 2020, there are ten scheduled Committee and Council meetings through the month of January, as well as minimally four additional meetings to further deliberate on the 2020 budget and Strategic Plan amendments. The impacts of additional staff time spent preparing agendas and attending these meetings, along with the need to produce minutes which will be delayed throughout Q1 as a backlog is expected given the volume of new work.

Other impacts beyond the day to day Council meeting management are outlined in the two options below.

### **Option 1 – Modified Election Process (*Recommended*)**

#### Details

General Voting Day Locations – 4 Stations  
City Hall Advance Voting Opportunities – 8 Stations  
Mail Ballot Voting

Utilize existing communications channels like:

- Election information posted on Victoria.ca
- Connect Newsletter
- E-Newsletter
- Social Media to compliment statutory advertising
- Media Alerts

#### Resource Implications

The modified election process could be undertaken with impacts on existing projects consisting of delaying by three months:

- The Noise Bylaw Review

- Fencing Regulations for Deer Management
- Rise and Report Policy
- Lobbyist Registry
- Open Government Strategy
- Website Accessibility Improvements
- General ability to review and compile Committee and Council minutes in a timely manner through Q1 and Q2 2019

#### Probable Cost Range

\$140,000 – 170,000

#### **Option 2 – Standard Election Process (Not Recommended)**

##### Details

General Voting Day Locations – 12 Stations

City Hall Advance Voting opportunities – 5 Stations

Mail Ballot Voting

Special Voting Opportunities at Care Homes - 14

- Advertising (non-statutory) in both traditional and online media
- Times Colonist front page wrap, in coordination with other core municipalities
- Voter card mail-out to each household in the City  
Promotion through social media, parking pay station signage, digital signage, E-Newsletter and Connect Newsletter
- Post information on Victoria.ca, including Candidate Profile Guide
- Voting day encouragements, including the “I Voted” stickers
- Election app to receive quick access to all relevant election information
- Posters and rack cards

##### Resource Implications

The more standard election process could be undertaken with impacts on existing projects consisting of delaying by three months items identified for Q1 of 2020:

- Fencing Regulations for Deer Management
- Rise and Report Policy
- Website Accessibility Improvements

Delaying further Q1 and Q2 items:

- Lobbyist Registry
- Video Submissions to Public Hearings and Request to Address Council
- Noise Control Bylaw Review
- Open Government Strategy
- General ability to review and compile Committee and Council minutes in a timely manner through Q1 and Q2 2019

In addition, departments would be impacted, most notably Human Resources for recruitment election staffing, Payroll for compensation for election staffing. Legislative Services staff would have minimal capacity to support other departments requiring policy advice and assistance.

## Probable Cost Range

\$320,000 – 360,000

## **Timing for General Voting Day**

As noted above, once Council appoints a CEO, general voting day must be held (on a Saturday) within 80 days of the appointment. Any suggestion of reducing from the 80 days exacerbates the impacts on workload.

In relation to the options for conducting the voting presented in this report, there likely 4 additional weeks, needed to undertake Option 2 compared to the reduced process suggested in Option 1. Spring Break begins March 16<sup>th</sup> and finishes March 27<sup>th</sup>. The Easter holidays are April 10 and 13. It is a best practice to avoid voting or critical advertising during these times. Based on Council's direction, staff would report back with final timing. At this point estimates put Option 1 at March 14<sup>th</sup> and Option 2 at April 18<sup>th</sup>.

## *Accessibility Impact Statement*

Election processes are not yet barrier free. However, Council's direction to employ an accessible voting machine, mail ballot voting, curbside voting add to the statutory requirement to permit assistance in ballot marking to occur, provide a way to accommodate different accessibility considerations to enable most citizens who wish to vote the ability to do so.

Council gave direction at the September 19<sup>th</sup> Council meeting to:

1. Make an accessible voting machine available for the next municipal election or by-election on polling day and that it be located at City Hall or another equally central polling location;
2. Widely publicize these accessibility options well in advance of polling day.

## *2018 – 2022 Strategic Plan*

The election process is a statutory function and as such is not specifically represented in Council's Strategic Plan. Elements of public engagement, good governance, accessibility are woven through the City's process in addition to the legislated requirements.

## *Impacts to Financial Plan*

Funding for the by-election is not currently included in the Financial Plan. Funding, potentially from one-time surplus will be required.

## *Official Community Plan Consistency Statement*

Election procedures are established in the Election Procedures Bylaw and are not referenced in the Official Community Plan.

## **CONCLUSIONS**

The City's election process is complex, and the number of voting locations and staff requirements is a significant impact not only on the costs of the election but also on existing city staff resources. The City has been a leader in the region to supplement the required advertising with electronic and social media-based initiatives with the goal of continuing to increase voter turnout. The growth in voter turnout over the last two elections has been significant and highlights that infrastructure to support the process should be reviewed to ensure that service levels are where Council would like them to be, and that voter experience is positive which leads to greater turnout with each election. A by-election is likely to attract a reduced number of voters and as such, Council may wish to



consider a modified process that will reduce human and financial resource implications from that of a general election while still achieving a variety of voting methods and opportunities as well as proactive engagement that uses existing processes already available.

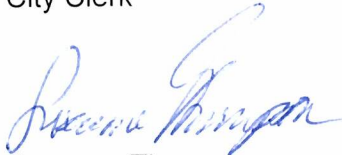
Respectfully submitted,



Chris Coates  
City Clerk




Mandi Sandhu  
Head of Service Innovation and Improvement

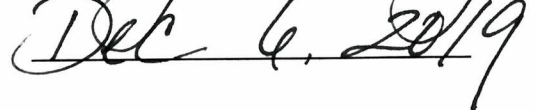


Susanne Thompson  
Deputy City Manager

**Report accepted and recommended by the City Manager:**



**Date:**



**List of Attachments:**

- Attachment A – November 5, 2019 Staff Report
- Attachment B – February 25, 2019 Lessons Learned Report
- Attachment C – Election Procedures Bylaw