CITY OF VICTORIA

Committee of the Whole Report
For the Meeting of September 17, 2020

To:	Committee of the Whole	**Date:**	September 14, 2020
From:	Chris Coates, City Clerk		
Subject:	By-election		

RECOMMENDATION

1. That Council direct staff to report back with a budget request and process for conducting a by-election during the pandemic once the planning has occurred.

2. That Council request the Minister of Municipal Affairs and Housing for a Ministerial Order to expand Mail Ballot Voting opportunities for anyone interested in using that option.

EXECUTIVE SUMMARY

The purpose of this report to is provide information on the re-start of a by election to fill the vacant position on Council.

In November 2019, Councillor Laurel Collins resigned her position upon her election as the Member of Parliament for Victoria. A by-election was scheduled for April 4, 2020 to fill the vacant position on Council.

Ministerial Order M074 of the Minister of Municipal Affairs and Housing was made March 18, 2020 cancelling the by-election on the advice of Chief Medical Health Officer and his further recommendation that "the by-election be postponed until the pandemic is declared over".

The effect of the cancellation of the by-election due to this order means that the whole process must re-start from the beginning including the appointment of a Chief Election Officer when the time is appropriate to do so.

Until very recently staff were operating on the premise contained in the Ministerial Order that until the pandemic is declared over, it was not suitable to conduct the by-election. However more recently, the Province signalled that there had been a change in that approach and that local governments should determine whether they can safely and appropriately conduct voting during the pandemic.

Late last week staff participated in a meeting convened by the Ministry of Municipal Affairs and Housing with the City of Burnaby, Ministry staff and staff from Elections BC. We have had an ongoing dialogue with the City of Burnaby on how best to approach voting and are actively pursuing a number of issues together to establish safe, and effective processes for a by-election. Burnaby and Victoria are currently the two largest jurisdictions facing a by-election and it is recognized that the large number of eligible voters creates much different circumstances than in

recognized that the large number of eligible voters creates much different circumstances than in smaller jurisdictions, some of whom are moving forward at this time. During the meeting, we requested the Province to provide suitable windows, in relation to modelling for the "ripples" of virus outbreaks, in which planning for the by-elections could occur with a lower risk of having to suspend the proceedings as occurred earlier this year.

Election planning by the City is typically focused at the time of an election, with general election dates a certainty, workload for them is factored into the annual work flow. By-elections do not provide this planning ahead opportunity. This is different from provincial level planning where provincial governments have a full-time election planning staff, such as Elections BC in British Columbia. So as noted in the previous reports on the by-election process, staff have to stop doing other work in order to move a by-election process forward. The pandemic creates additional considerations that weren't accounted for in the previous by-election scheduling and budget.

Initial analysis has identified that expanded mail ballot voting authority would be a suitable alternative to in-person voting for those who may prefer an alternative. Currently, the Local Government Act only permits mail ballot voting by those who will be absent from the municipality at general or advance voting opportunities or have an illness, injury or physical disability that effects their ability to vote at another voting opportunity. Ministry staff indicated that Ministerial Orders will be considered to enable changes to occur due to the Pandemic. Staff are recommending that Council request expanded mail ballot voting opportunities for the by-election now to help with the planning activities we need to undertake.

Staff anticipate several more weeks of planning before being able to come back to Council with budget requests and timing of the by-election. It is important to note, that once Council appoints a Chief Election Officer general voting day must occur within 80 days of that appointment. That time is necessary to go through all of the process requirements including updating the voters list. It does not allow time to plan logistical considerations which need to be done before the formal process commences.

In the intervening time between that appointment, staff need to assess, among other things:

- Available voting locations including re-assessing the number of voting locations based on social distancing requirements
- Create safety plans for each location
- Identify costs for additional supplies for public health protection for voters and workers
- Identify legislative changes that may need to occur by either amendments to the City's Election Procedures Bylaw or through a Ministerial Order.

The budget estimated for the April 4th by-election was $170,000. Approximately $90,000 was spent when the by-election was cancelled. Some of these expenditures will lessen the cost of the new by-election but most certainly there will be significant extra costs to conduct voting during the pandemic.

At this point, timelines are challenging to predict and typical election planning for voting tends to stay away from holidays. It is possible that a by-election may not be able to be safely planned and delivered until Q1 of 2021. Nonetheless, we are moving forward and interested in gaining deeper insight from the Province in relation to suitable windows to focus our planning toward.

Respectfully submitted,

Chris Coates
City Clerk

Susanne Thompson
Deputy City Manager/CFO

Report accepted and recommended by the City Manager:

Date: Sept 14, 2020

List of Attachments:

Attachment A – Ministerial Order M074