



Committee of the Whole Report For the Meeting of May 12, 2022

To: Committee of the Whole
From: Curt Kingsley, City Clerk
Subject: Election Procedures Bylaw updates
Date: May 4, 2022

RECOMMENDATION

That Council direct staff to

1. Bring forward the *Election Procedures Bylaw 22-051* for first, second, and third readings.
2. Forward the recommendation to the daytime Council meeting.

EXECUTIVE SUMMARY

The next local general election will occur on Saturday, October 15, 2022. The Province requires local governments to adopt any changes to local election procedures by July 4th, 2022. The last Council meeting to adopt any changes to local election procedures is on June 30th, 2022.

The purpose of this staff report is to seek Council direction on changes staff recommend to the *Election Procedures Bylaw 02-013* based on lessons learned following the 2018 general local election and the 2020 by-election. The changes would improve accessibility by expanding eligibility to vote by mail and adapting vote by mail administration procedures.

During the 2020 by-election, the City worked with the Province to obtain a Ministerial Order allowing temporary changes to local and provincial election procedures and requirements. As part of the temporary changes, the City was able to allow all eligible electors to vote by mail and changed vote by mail administration procedures to accommodate a higher volume of mail ballots.

In June 2021 the Province empowered local governments to decide whether or not to allow all eligible electors to vote by mail, by bylaw. This would require an amendment to local election procedures under the *Election Procedures Bylaw 02-013* which currently only provides the option to vote by mail to:

- persons with a physical disability, illness, or injury that impacts their ability to vote,
- residents of care facilities without a special voting opportunity, and
- persons who will be absent from the municipality on relevant dates.

The staff recommendation is to proceed with the proposed *Election Procedures Bylaw 22-051* (Attachment C). The proposed changes would allow all eligible electors to vote by mail, enable electors to request mail ballots until the close of voting day rather than until Thursday at 4 p.m., and allow for earlier determination of preliminary election results.

In addition to proposed changes to vote by mail eligibility and administration, staff have brought forward updates to align local election procedures with updates to the *Local Government Act* and housekeeping amendments to improve organization and plain language. These changes also enhance accessibility by making it easier to understand bylaws.

PURPOSE

The purpose of this staff report is to seek Council direction on changes staff recommend to the *Election Procedures Bylaw 02-013* based on lessons learned following the 2018 general local election and the 2020 by-election.

BACKGROUND

Regulatory Framework

The *Local Government Act* (LGA) establishes regulations for local government elections and by-elections.

The City's *Election Procedures Bylaw 02-013*, included as Attachment A, establishes rules for general, advanced and special voting opportunities, automated voting, mail ballot voting, election signage, and other matters.

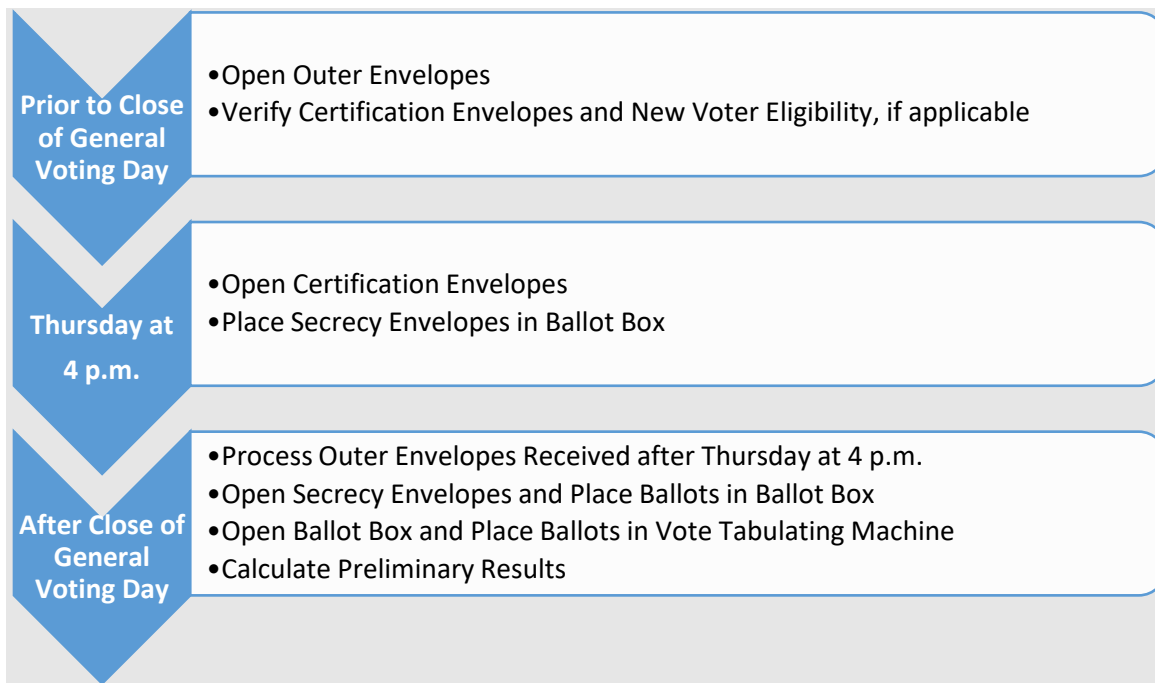
Vote by Mail Administration

The LGA regulates vote by mail and allows local governments to set vote by mail procedures by bylaw.

The *Election Procedures Bylaw 02-013* establishes vote by mail administration. It authorizes mail ballot voting and registration, establishes eligibility to vote by mail, sets application and voting procedure for vote by mail, regulates vote by mail administration, and other matters.

The LGA requires that a mail ballot be enclosed in outer, certification, and secrecy envelopes to ensure that the mail ballot is returned, the elector is eligible to vote, and the elector's voting decision remains anonymous. Table 1 outlines the process in the *Election Procedures Bylaw 02-013* for counting mail ballots. The most time-consuming steps occur after the close of general voting day.

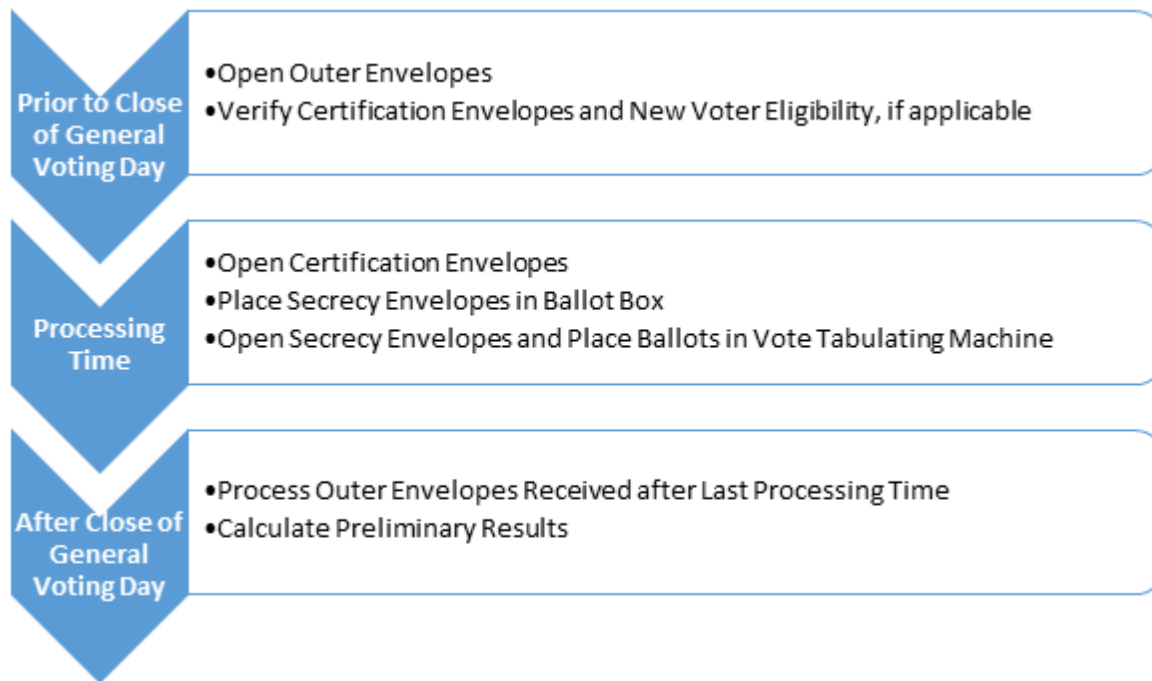
Table 1 – Current Process for Counting Mail Ballots



For the 2020 by-election, Ministerial Order 405/2020, included as Attachment B, enabled Council to adopt temporary changes to the process for counting votes. Table 2 outlines the proposed process for counting mail ballots similar to the process used in the 2020 by-election. The temporary changes enabled the chief election officer to establish regular scheduled processing times in the week prior to general voting day. This enabled election staff to process a significantly higher volume of mail ballots and obtain preliminary election results sooner than in the 2018 general local election because the most time-consuming steps occur before the close of general voting day.

See Table 3 for vote by mail data.

Table 2 – Proposed Process for Counting Mail Ballots



Vote by Mail Eligibility

The Province adopted changes to the LGA on June 17th, 2021, which permit local governments by bylaw to expand eligibility to all electors to vote by mail. Prior to this change, the only electors who were eligible for mail ballot voting were those who would be absent, who had an illness, injury or disability, or who resided in a specified remote area of a regional district.

Drafted under the previous provincial regulatory framework, the City's *Election Procedures Bylaw 02-013* presently limit vote by mail to:

- Persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity;
- Residents of a care facility where a special voting opportunity is not being conducted; and,
- Persons who expect to be absent from the municipality on general voting day and at times of all advance voting opportunities.

For the 2020 by-election, Ministerial Order 405/2020 from the Minister of Municipal Affairs and Housing permitted the City to offer vote by mail to all eligible voters to provide a safe, secure, and timely way to vote during the Covid-19 pandemic.

On November 5th, 2020, Council approved the use of Ministerial Order 405/2020 for use in the 2020 by-election.

Other local jurisdictions have recently expanded mail ballot voting to all eligible electors, including New Westminster, Kamloops, and Prince George.

Vote by Mail Trends

In the 2020 by-election, the City received 3,315 requests to vote by mail. 2,285 mail ballots were cast (18.5% of total votes cast).

By contrast, in the 2018 local general election, 197 mail ballots were cast (0.29% of votes cast).

Table 3 – Summary of Vote by Mail Data in 2018 and 2020 Elections

Election	Mail Ballots Cast	Late Mail Ballots	Preliminary results available (approximately)
2018 GLE	197	N/A	1:00 a.m.
2020 By-Election	2285	1030	9:30 p.m.

1,030 mailed ballots were returned after the close of voting on general voting day on December 12, 2020, and could not be counted in the election results due to the limits under the LGA which stipulate that ballots must be received by the close of voting on general voting day.

ISSUES AND ANALYSIS

Improving efficiency of vote by mail administration

For the 2020 by-election, Council gave the chief election officer the ability to set dates and times for the counting mail ballots. The proposed changes to the *Election Procedures Bylaw* would provide a similar process. It establishes a bigger window of time to count mail ballots, which offers flexibility to conduct vote by mail administration based on volume of mail ballots, while providing clarity about potential date and times.

The proposed bylaw limits the hours of administering mail ballots to between Monday and Friday the week before general voting day between 9 a.m. and 6 p.m. The chief election officer would provide information about the planned dates and times to administer mail ballots to each candidate at least 24 hours in advance.

The proposed process will allow election staff to calculate preliminary election results more quickly after the close of general voting day. This is achieved by completing the most time-consuming steps in the process before the close of general voting day. Inserting mail ballots into a vote tabulating machine is the most time-consuming activity involved in counting mail ballots.

Improving accessibility by expanding eligibility

Staff anticipate more vote by mail requests in future elections and by-elections compared to the 2018 general local election.

Allowing all voters to vote by mail improves accessibility of voting and may have a positive impact on voter turnout and may reduce waiting times at voting locations.

Election staff have experience administering voting by mail with full eligibility from the 2020 by-election. It would be possible to support from a resource perspective. However, it would be necessary to adopt the proposed vote by mail administration process, described above, in order to enable efficient administration of the vote by mail process.

Updates to the Election Procedures Bylaw

The City's *Election Procedures Bylaw 02-013* refers to sections of the LGA which are no longer current. The proposed *Election Procedures Bylaw 22-051* includes changes that would align it with current LGA references and requirements. In addition, staff have made further changes to improve the organization of the bylaw's provisions, use of plain language, and to remove gendered language.

Staff have also identified some substantive changes that would improve administration of mail ballot voting including:

- Enabling the chief election officer to start receiving requests to vote by mail sooner
- Enabling the chief election officer to provide more methods to request to vote by mail (in person, telephone, online)
- Enabling eligible electors to request to vote by mail until the close of general voting day rather than on Thursday at 4 p.m. before election day

The proposed *Election Procedures Bylaw 22-051* is included as Attachment C.

OPTIONS AND IMPACTS

Option 1 – Approve all changes to the Election Procedures Bylaw (Recommended)

This option would direct staff to bring forward the *Election Procedures Bylaw 22-051* for first, second, and third readings and then adoption.

Implications:

- Offers mail ballot service to all electors
- Earlier determination of preliminary election results
- Potential to improve waiting times at voting locations, in addition to other initiatives
- Simplifies bylaw
- Removes gendered language in bylaw
- More efficient and strategic use of election staff

Option 2 – Adopt house-keeping changes to Election Procedures Bylaw

This option would direct staff to bring forward a new Election Procedures Bylaw containing only house-keeping changes.

Implications:

- Fewer requests to vote by mail and mail ballots to count
- Mail ballot voting will continue to be limited to a specific set of voters and will not be available after 4 p.m. on the Thursday two days before general voting day.
- Less efficient use of election staff
- Delays in determination of preliminary election results
- Simplifies bylaw
- Removes of gendered language in bylaw

Accessibility Impact Statement

The recommended option improves accessibility by enabling all eligible electors to have the option to vote by mail, by making vote by mail an option until the close of general voting day, and greater use of plain language and gender neutral language in bylaw drafting improves ease of understanding and removes barriers when reading the bylaw.

CONCLUSION

The City's Election Procedures Bylaw establishes regulations for general local elections, by-elections, and other elections. The proposed *Election Procedures Bylaw 22-051* addresses lessons learned from the 2018 general local election and 2020 by-election by expanding mail ballot voting, enhancing vote by mail administration, and updating the Bylaw with plain language and current legislative references. This proposed Bylaw will result in improved accessibility for voters and more efficient local election procedures.

Respectfully submitted,

Monika Fedyczkowska
Legislative and Policy Analyst

Curt Kingsley
City Clerk

Susanne Thompson
Deputy City Manager

Report accepted and recommended by the City Manager

List of Attachments

Attachment A: Election Procedures Bylaw 02-013

Attachment B: Ministerial Order 405/2020

Attachment C: Election Procedures Bylaw 22-051