



Committee of the Whole Report For the Meeting of October 5, 2023

To: Committee of the Whole **Date:** August 9, 2023
From: Curt Kingsley, City Clerk
Subject: 2022 General Local Election - Lessons Learned

RECOMMENDATIONS

That Council:

1. Approve the Election Policy Guidelines.
2. Direct staff to reserve the Victoria Conference Centre, or a similar facility, for the 2026 general local election for advance voting and general voting day.
3. Direct staff to report back on options to enhance privacy concerns with electronic access of candidate nomination papers.

EXECUTIVE SUMMARY

Part of the City's continuous improvement process is to provide Council with lessons learned after major projects are completed. The purpose of this report is to outline lessons learned in conducting the 2022 General Local Election; identify changes anticipated for the next election in 2026; and offer Council an opportunity to provide suggestions based on their own participation and feedback from voters.

Total voter turnout was 27,452 or 37.98% of registered voters, a decrease from 43.5% in 2018.

The City provided the following voting opportunities:

- 13 voting places on general voting day.
- 5 advanced voting opportunities, at City Hall (3), UVic (1), and Our Place Society (1).
- Mail ballot voting.
- Special voting opportunities to 13 care facilities in the city with more than 50 residents.

For individuals with accessibility needs, the City provided:

- Wheelchair accessible voting places for all general voting and advance voting.
- Designated curbside voting available upon request, with designated signed spaces in front of all polling stations, including all advance polls.
- An accessible voting machine at Central Middle School on general voting day and at City Hall for advance voting.
- Mail ballots for all electors and special voting opportunities at participating care facilities.

2,685 mail ballots were cast. This is an increase over 2018 when 197 mail ballots were cast and an increase over the 2020 by-election when 2,285 mail ballots were cast.

Five advance voting opportunities were held, three at City Hall, one at Our Place Society and one at UVic. The total advance voting ballots cast was 4,633, a decrease from 4,791 in 2018.

Most voting locations were busy, and the main public feedback was about the length of time for line ups and the size of voting places. Long waits also occurred in Saanich and Lower Mainland municipalities. In addition, staff received comments from the public expressing concern about:

- The appropriateness of advance voting locations a UVic and Our Place Society.
- City Hall as an advance voting location.
- Staffing shortages at voting locations.
- Utilizing a voter card system.
- The online availability of nomination documents.

The City used social media channels and other non-statutory promotion materials to encourage voting such as mailing voter cards, mailing the Connect Newsletter to all households, a “Victoria Votes” App and publishing a Candidate Profile Guide.

Election administration is complex given the logistics of multiple voting locations, the staffing, and the complexity of ballots with numerous candidates for numerous offices. Continuous assessment and improvements result from thoughtful analysis of lessons learned each time. Opportunities for further improvement in the next election have been examined and a summary of issues and recommendations related to each area is included in the report. These will be further reviewed, along with any directions Council may have in preparation for the next election.

PURPOSE

The purpose of this report is to review the 2022 general local election and present the lessons learned from it, and to provide Council the opportunity to bring forward issues for consideration.

BACKGROUND

The City's election process is a multi-faceted and multi-departmental undertaking with numerous components, contributors, and participants.

General voting was held October 15, 2022, and voter turnout was 37.98%. This was a decrease from 2018 when turnout was 43.5%. A total of 27,452 of 72,284 eligible voters cast ballots. Voter turnout was generally down across the Capital Region with Victoria having the third highest.

The City had 13 voting locations on general voting day, as shown in Attachment A, an increase from 12 in 2018. Five advance voting opportunities were held, three at City Hall, one at Our Place Society and one at UVic in partnership with Saanich. The total number of ballots cast during advance voting was 4,633, a decrease from 4,791 in 2018.

Special voting opportunities were held at 13 care facilities with 50 or more residents and 306 ballots were cast. This is also lower than 2018 when 403 ballots were cast at 14 facilities; however, some facilities alternatively chose to vote by mail due to ongoing concerns with COVID-19.

In 2021, changes to the *Local Government Act* permitted all eligible voters to vote by mail if permitted in an election bylaw. The City's Election Procedures Bylaw permits mail ballot voting and outlines the procedures. 2,685 mail ballots were cast. This is an increase over 2018 when 197 mail ballots were cast and an increase over the 2020 by-election when 2,285 mail ballots were cast (the Province temporarily expanded mail ballot eligibility for the 2020 by-election due to COVID-19).

Ballots cast at each of the voting locations is identified in the table below:

Voting Location	Ballots Cast	%Turnout
Advance City Hall	3,948	5.46%
Advance UVic	376	0.52%
Advance Our Place Society	309	0.43%
Special Voting – Care Facilities	306	0.42%
Mail Ballots	2,685	3.71%
Central Baptist	1,225	1.69%
Central Middle School	1,934	2.68%
Cook Street Village Activity Centre	1,354	1.87%
George Jay Elementary School	1,392	1.93%
Glenlyon Norfolk Secondary School	1,766	2.44%
James Bay Community School	1,682	2.33%
James Bay New Horizons Centre	1,387	1.92%
Margaret Jenkins Elementary School	1,624	2.25%
Oaklands Elementary School	1,976	2.73%
Quadra Elementary School	1,495	2.07%
SJ Burnside Education Centre	997	1.38%
Sir James Douglas Elementary School	1,348	1.86%
Victoria West Elementary School	1,639	2.27%
Total	27,452	37.98%

ISSUES & ANALYSIS

Election Regulations

There are prescribed and rigid requirements governing the conduct of local elections under the *Local Government Act* and the *Local Elections Campaign Financing Act* with certain discretion to local procedures that may be established by bylaw and policy. The City's Election Procedures Bylaw is included as Attachment B.

During the May 12, 2022, Committee of the Whole Meeting, Council directed staff to develop policy guidelines to apply to all general elections to ensure there is equitable and convenient access to polling locations in each neighbourhood of the city aligned with City equity values. Policy guidelines can complement election bylaws as there are no legislated deadlines for adoption or amendment and it gives Council the ability to adjust things in future years as new technologies or circumstances arise. Staff reviewed lessons learned from recent elections, as outlined in this report, and developed election policy guidelines to be considered when conducting a local election. The proposed policy guidelines are included as Attachment C.

Recommendation:

- 1. That Council approve the Election Policy Guidelines.**

Voting Opportunities

Advance Voting

The *Local Government Act* mandates at least two advance voting opportunities. The Chief Election Officer has the discretion to establish additional advance voting opportunities and the City held five.

Advance voting at City Hall was busy and public feedback received was about long line ups and the size of City Hall as a voting place. The 2020 by-election conducted advance voting at Crystal Gardens instead of City Hall because it was available during the pandemic. The City was unable to secure this facility for the 2022 election because it is currently servicing many bookings. Large

venues like the Victoria Conference Centre can service more voters at a time because they have the space for additional registration tables and privacy screens.

Additional advance voting was also held at UVic and Our Place Society. UVic was done in partnership with Saanich. Staff received feedback from some members of the public expressing concerns about holding a voting location outside of the municipal boundaries and the safety of Our Place Society. However, these facilities were a continuation of previous election proceedings and there were no issues at either location.

Special Voting Opportunities

Special voting opportunities were held at participating care facilities over six days. Voter turnout was as expected, and the costs associated for specialized teams to attend these sites was higher than other voting.

Mail Ballot Voting

Mail ballot voting is not a requirement under the *Local Government Act* and many Capital Region municipalities either do not offer mail ballot voting or require voters to pay for return postage. The City's Election Procedures Bylaw permits mail ballot voting and outlines the application and voting processes. The City prepaid for all postage in Canada so voters only had to drop their return envelopes into a mailbox, which made mail ballot voting more accessible in Victoria.

The City's Election Procedures Bylaw outlines a method for staff to process mail ballots received before general election day, as observed by a candidate, or their official agent or scrutineer. This was the first general election using these processes and it successfully ensured mail ballots were counted in a timely manner on election night.

The *Local Government Act* requires the candidate nomination process to be concluded before ballots can be ordered, printed, packaged, and delivered to voters as the names of the candidates are required to be printed on the ballots. Due to these limitations, the first vote by mail packages were not sent out until September 26. Further, due to mail delivery schedules, the City did not send packages after October 6 and advised eligible voters not to return their packages by mail after this date. Instead, eligible voters could pick up and drop off their vote by mail packages at City Hall.

170 mail ballots were not counted because they were received after the legislated deadline of 8:00 p.m. on general voting day. The dates to send/receive mail ballots will always be tight unless the Province amends the legislated timeline for the nomination process. The City previously advocated to the Province to make the nomination period occur earlier or to make an allowance for provisional ballots, however, the Province indicated no desire to make a legislative change.

General Voting

As part of the recommendations from the 2018 Lessons Learned Report, the City secured an additional voting location for 2022. 13 voting locations geographically distributed across the City were used, an increase from 12 in 2018. All locations were accessible, and staff accommodated curbside voting for those with difficulty accessing the voting station.

Each voting location had a minimum of two voting machines, and line-ups to cast a ballot in the voting machine were minimal. Electronic voter check-in, first introduced in 2014, also continued in this election, providing several benefits including automatically updating the voter list reducing the possibility of an elector voting twice, increased confidentiality, audit functions, and access to demographic information of voters. This also facilitates a "vote anywhere" model, as opposed to designated voting locations that can be an inconvenient barrier for voters.

The main concern from the public was the length of time spent in line. 45-60 minutes was common at some locations. Based on feedback, some voting locations were too small to service voters. A large ballot for the 2022 general local election also caused some voters to take up to five minutes to complete their ballot. While 13 voting locations distributed across the City reduced travel, some neighbourhoods could only offer small facilities that resulted in long lines outside.

The City also had challenges recruiting enough experienced presiding officials for 13 voting locations. 13 voting locations may not be sustainable for future elections. Labour shortages and last-minute illnesses led to higher wait times and lower service levels. Staff observed a trade-off between the number of polling stations the City offers and the level of service that can be provided at each station. There is a limited number of experienced people who apply to work as election officials or to serve as presiding officials, particularly in a general local election where the City is in competition with neighbouring municipalities. The more polling stations, the fewer staff can be provided to each station. Scaling back the number of voting locations and selecting larger facilities would provide more flexibility for the City; more staff could be assigned to each location and the City could redeploy staff to busy locations to scale up the level of service to reduce wait times.

Securing large facilities for elections requires Council direction because they are more costly, must be reserved well in advance and in the case of City-owned properties, there is a loss of revenue opportunities when private bookings cannot be made during the election. As a downtown City property, the Victoria Conference Centre is an ideal location for future voting opportunities. It offers large rooms and alternatives like the Crystal Gardens. Staff propose that Council give them direction to work with the Conference Centre on making it a 2026 voting location.

Recommendation:

- 2. That the Victoria Conference Centre, or a similar facility, be reserved for the 2026 general local election for advance voting and general voting day.**

Election Administration

The Chief Election Officer is authorized under the Election Procedures Bylaw to provide public access to nomination documents and publish the nomination documents online. It is a common practice across B.C. and the City experienced no issues prior to the 2022 election. Concerns were brought forward by some nominators, who wanted their addresses redacted, and by some candidates who requested their residential addresses be redacted. The concerns were raised due to reported harassment on social media and at their place of residence. The reports came to staff's attention in the middle of the nomination period. Since the process is established by bylaw, it was too late to change the practice and maintain fairness and consistency between candidates. Staff recommend Council consider the practice and options to revise it to address privacy concerns.

Recommendation:

- 3. That Council direct staff to report back on options to enhance privacy concerns with electronic access of candidate nomination papers.**

Community Engagement

In addition to the prescribed advertising requirements in the *Local Government Act*, the City has been a leader in public engagement. The City used social media channels and other non-statutory promotion materials to encourage voting such as mailing voter cards to registered electors under the provincial voting list, mailing the Connect Newsletter to all households, a free Victoria Votes App and publishing a Candidate Profile Guide.

Other public information activities included:

- Advertising (statutory and non-statutory) in both print and online media.

- A “wrap” on the front of the Times Colonist.
- Signage on City-owned communication channels, including parking pay stations and digital screens.
- Voting day encouragements, including the “I Voted” stickers.
- Animated video on “Everything you Need to Vote”.
- e-Newsletters and earned media.
- Future Voter program, including “Future Voter” sticker and colouring contest.
- Live cast results on election night at the close of polls.

Voter Cards

Unlike most municipalities, the City utilized a voter card system. Each voter card contains a barcode to expediate voting. When scanned, the voter’s information appears in the digital voting book and saves some time from doing a manual search. The intent of using voter cards was to increase efficiency as they are not required to vote. However, some voters thought they were necessary and were frustrated that they did not receive one in the mail. Voter cards were mailed to registered electors under the provincial voting list, so if a resident’s information was not up to date with Elections BC, they did not receive one, or they may have received one addressed to a previous resident. The City also batched voter cards, meaning if there were three registered voters in a household, three voter cards were sent in one envelope. While this saved the City significant postage costs, many residents expressed further dissatisfaction as they were accustomed to receiving individual voter cards in provincial and federal elections.

General mailouts are more beneficial than voter cards as they can provide more election information with less voter dissatisfaction. This practice also aligns with most municipalities as they send postcards that are not personally addressed and contain information on how, where and when to vote. General mailouts also prevent return mail when information is out of date. The City has received hundreds of out-of-date voter cards in the mail since the conclusion of the election. Staff recommend for future elections that a minimum of two general mailouts be sent to each household instead of voter cards and this is outlined in the Election Policy Guidelines.

OPTIONS & IMPACTS

Option 1 – Approve staff’s recommendations in this report.

This option would establish these recommendations for the 2026 general local election:

1. That Council approve the Election Policy Guidelines.
2. That the Victoria Conference Centre, or a similar facility, be reserved for the 2026 general local election for advance voting and general voting day.
3. That Council direct staff to report back on options to enhance privacy concerns with electronic access of candidate nomination papers.

Implications:

- Streamlined processes based on the lessons learned from the 2022 general election.
- Larger voting facilities will have financial implications.
- Staff will report back to Council before the next election regarding privacy concerns.

Option 2 – That Council provide alternate direction to staff.

This option would require Council to provide direction to staff on the components they would like to see implemented and the components they would not like to see implemented.

Implications:

- Improvements based on lessons learned would not be implemented.
- Requires additional staff time to develop a new framework.

- Additional resourcing may still be necessary to fully enforce Council's desired regulations.

Accessibility Impact Statement

Provisions in legislation permit assistance to be offered to voters who may have difficulty voting without assistance or entering the voting place where curbside voting is an option. In addition, mail ballot and curbside voting is an opportunity available to anyone.

Impacts to Financial Plan

The net overall budget for election proceedings and election engagement activities in the Financial Plan was \$420,000. The budget is net the 1/3 of total cost contribution from School District No. 61 to compensate the City for conducting the School Board Trustee election in conjunction with the general local election. The overall cost of the 2022 election was \$582,742.35 and the net cost after 1/3 compensation from School District 61 is \$388,494.90.

Future elections may require additional staffing to mitigate population growth and to reduce waiting times at voting locations. Larger venues will also require bookings in advance and will likely have a higher cost than venues used in 2022. These recommendations do not have an impact on the current financial plan and would be costed, if approved, for the 2026 budget.

CONCLUSIONS

Continuous assessment and improvements for election processes result from thoughtful analysis of lessons learned each time. Opportunities for further improvement in the next election have been examined and a summary of issues and recommendations related to each area is included in the report. These will be further reviewed, along with any suggestions Council may have in preparation for the next election.

Respectfully submitted,

Barrie Nicholls
Legislation 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: 2022 General Voting Locations
Attachment B: Election Procedures Bylaw
Attachment C: Election Policy Guidelines