



Corporate Report

NO: R120

COUNCIL DATE: May 18, 2005

REGULAR

TO: Mayor & Council DATE: April 26, 2005
FROM: City Clerk FILE: 4200-02
SUBJECT: 2005 General Local Election

RECOMMENDATION

1. Register of Electors

(a) That pursuant to Section 59 of the *Local Government Act*, the existing Register of Electors be cancelled;

(b) That the City Clerk be directed to prepare a new Register of Electors based on the most current available Provincial list of voters.

2. Advance Voting Days

That Council authorize five advance voting days for the election, namely the mandatory advance voting day ten days before general voting day (Wednesday, November 9th), as well as Saturday, November 5, Monday, November 7, Tuesday, November 8, Thursday, November 10th. Such voting opportunities to be held at the Fleetwood Community Recreation Centre, 15996 – 84 Avenue, and at Elgin Heritage Park (Threshing Shed), 13723 Crescent Road from 8:00 a.m. to 8:00 p.m.

3. Special Voting Opportunities

That Council approve the special voting opportunities attached as Appendix “A”.

4. Mail Ballots

That mail ballot voting and mail elector registration not be provided in the 2005 Local General Election.

5. Ballot Name Order

That Council take no action in this regard, as in the absence of a bylaw to determine candidate names on a ballot, the *Local Government Act* requires the names to be listed in alphabetical order.

6. Election Ties

That Council instruct the City Clerk to bring forward a bylaw that states that if, on completion of a mandatory judicial recount, two or more candidates have an equal number of votes, the result of the election shall be determined by lot, in accordance with Section 141 of the *Local Government Act*.

7. Neighbourhood Constituencies

Not applicable

8. Number of Scrutineers at Voting Places

That Council establish that one scrutineer per candidate will be permitted to be present for each ballot box.

9. Nomination Deposits

That Council not introduce a bylaw requiring a deposit for the nomination of Mayor or Councillor.

PURPOSE

The *Local Government Act* provides Council with the authority to deal with a number of local general election matters through different optional approaches. Council must exercise this authority by by-law. The purpose of this report is to document the options that are available and to make recommendations for Council's consideration in each case. The *Local Government Act* requires that election by-laws be adopted by August 5, 2005.

1. **Register of Electors**

Section 59 of the *Local Government Act* provides that instead of maintaining an ongoing register of resident electors, a local government may, by bylaw, provide that the most current available Provincial list of voters prepared under the Election Act is to be the register of resident electors. Any previous register of resident electors of the jurisdiction is cancelled, effective at the time the Provincial list of voters becomes the register. Since 1987 Council has authorized the Provincial list to form the basis of Surrey's Register of Electors with the intent always being to provide the most up-to-date list at the most economical cost to the municipality.

2. **Advance Voting Days**

Pursuant to Section 97 and Section 98 of the *Local Government Act*, at least two advance voting opportunities must be held for an election, with one of these having to be on the tenth day before general voting day - Wednesday, November 9th, and the other to be established by by-law. The City has provided for 5 advance voting days in the past, and it is recommended that 5 advance voting days be scheduled for the 2005 election at two separate locations.

3. **Special Voting Opportunities**

Section 99 of the *Local Government Act* provides for the establishment of Special Voting Opportunities. The main purpose of mobile polls is to give those patients in the hospital as well as those who are resident in seniors' homes the

opportunity to vote. All of our 74 main voting places will provide "curbside" voting when requested by a voter. This will enable those to vote who would be unable to enter a voting place because of a physical disability or impaired mobility.

Staff has reviewed the Special Voting Opportunities (SVO'S) with a view to updating the SVO's to take into consideration new facilities constructed since the last review.

There are a number of care facilities in the City ranging in size from a capacity of 2 residents, up to 350 residents. Short time lines do not permit us to attend to all facilities, and therefore, we have established a criteria of including those facilities with over 50 residents in our SVO's. (Vancouver also uses the criteria of 50 or more resident/patients).

Surrey Memorial Hospital is not shown as a SVO at this time, as they were unable to commit to the service at this time. If Surrey Memorial Hospital can confirm that we will be able to provide the service by mid July, an amending bylaw will be brought forward to include the Surrey Memorial Hospital as a Special Voting Opportunity.

4. Mail Ballots

Section 100 of the *Local Government Act* provides that Council may permit both mail ballot voting and mail elector registration. This section applies only to those persons having a physical disability, illness or injury that affects their ability to use other available voting opportunities. As the main voting places will provide "curbside" voting, mail ballots are not being recommended.

5. Ballot Name Order

Pursuant to Section 107 of the *Local Government Act*, Council may, by bylaw, direct that the order of candidate names on a ballot be determined by "Lot". Alternatively, in the absence of such a bylaw, candidate names will be arranged alphabetically by surname on the election ballot.

To establish the order of the candidate names by "Lot" it is necessary to have all candidates in attendance during the draw. Given the tight time frames between the close of nominations and the end of the challenge of nomination period, arranging a meeting with all the candidates would leave little time to ensure that the ballots are properly printed and ready for the election. This option is also available in relation to the election of School Trustees. Staff will be in contact with the School District staff in this regard.

6. Election Ties

Pursuant to Section 141 of the *Local Government Act*, Council may, by bylaw, provide that if, on completion of a mandatory judicial recount, two or more candidates have an equal number of votes, the result of the election will be determined by "Lot" in accordance with Section 141. Otherwise, a tie election vote will require a runoff election in accordance with Section 142 of the *Local Government Act*.

7. Neighbourhood Constituencies

The term "neighbourhood constituencies" was formerly known as "wards". Section 36.1 of the *Local Government Act* indicates that municipalities may provide that all or some of their Councillors be elected on a neighbourhood constituency basis. The by-law would have to specify areas of the neighbourhood constituency and would have to be approved by the Lt. Governor in Council prior to adoption. If there is no provision by bylaw, then members are to be elected at large.

8. Number of Scrutineers at Voting Places

Pursuant to Section 110(3) of the *Local Government Act*, Council may, by bylaw, increase the number of scrutineers

permitted to be present for each ballot box. If no by-law is adopted, only one scrutineer per candidate is permitted to be present for each ballot box in use for that election.

Since the City now uses automated ballot counting machines, and since there will be only one ballot having a separate section for Councillors, the Mayor and School Trustees, there will only be one ballot box per voting place. Since the 1993 local government elections, each candidate has been allowed only one scrutineer per ballot box.

9. Nomination Deposits

Pursuant to Section 72.1 of the *Local Government Act*, Council may, by bylaw, require that a nomination for Mayor, Councillor, or electoral Area Director, be accompanied by a nomination deposit. The amount of nomination deposit may be different for the different offices, but must not be greater than \$100. The deposit is only forfeited if the nominated person does not file a Disclosure Statement as required by S.90 of the *Local Government Act*. Council did not adopt a by-law under this Section in the 2002 election.

Margaret Jones
City Clerk