



Corporate Report

NO: R100

COUNCIL DATE: June 16, 2008

REGULAR COUNCIL

TO: Mayor & Council
DATE: June 9, 2008

FROM: City Clerk
FILE: 4200-01

SUBJECT: 2008 General Local Election

RECOMMENDATIONS

1. Register of Electors
 - (a) That, pursuant to Section 59 of the *Local Government Act*, Council cancel the existing Register of Electors;
 - (b) That Council direct the City Clerk to establish a new Register of Electors based on the most current available Provincial list of voters prepared under the *Election Act*.
2. Advance Voting Days

That Council authorize five advance voting days for the 2008 municipal election, namely the mandatory advance voting day ten days before general voting day (Wednesday, November 5th) as well as Saturday, November 1, Monday, November 3, Tuesday, November 4 and Thursday, November 6th, such voting opportunities to be held at the Fleetwood Community Recreation Centre at 15996 – 84 Avenue and at South Surrey Recreation Centre at 14601 – 20 Avenue from 8:00 a.m. to 8:00 p.m.
3. Special Voting Opportunities

That Council approve the special voting opportunities listed in the attached bylaw.
4. Mail Ballots

That Council approve mail ballot voting and mail elector registration in the 2008 Local General Election, and instruct the City Clerk to bring forward the appropriate bylaw for the required readings.

5. Ballot Name Order

That Council take no action with respect to ballot name order, 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. Number of Scrutineers at Voting Places

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

8. Nomination Deposits

That Council direct that a bylaw not be introduced requiring a deposit for the nomination of Mayor or Councillor.

9. Polling Divisions

That Council approve for the 2008 General Local Election the establishment of 74 voting divisions as listed in the bylaw attached to this report with boundaries as shown on the map attached to this report.

10. Number of Qualified Nominators

That Council direct that a bylaw not be introduced increasing the number of qualified nominators to 25.

11. Public Inspection of Nomination Documents

That Council direct staff to continue with the past practice of only making nomination documents available for inspection rather than posting all nomination documents on the internet or by means of photo copies as the nomination documents contain personal information, i.e. addresses and telephone numbers, and there is no provision in the legislation to sever personal information.

12. Public Inspection of Disclosure Statements and Supplementary Reports

Instruct the City Clerk to draft a bylaw for Council's consideration, providing for the posting of Disclosure Statements and Supplementary Reports on the internet.

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 4, 2008.

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* may be used as 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 – in 2008 this is Wednesday, November 5th, and the other to be established by by-law. The City has provided for 5 advance voting days in past elections and it is recommended that 5 advance voting days be scheduled for the 2008 election at two separate locations.

3. Special Voting Opportunities

Section 99 of the *Local Government Act* provides for the establishment of Special Voting Opportunities (e.g., mobile polls). The main purpose of mobile polls is to give patients in hospitals as well as residents 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) to include new seniors/care facilities constructed since the last election.

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 the City to attend all such facilities and therefore only those facilities with over 50 residents will be included on the list of SVO's. Vancouver also uses the criteria of 50 or more resident/patients.

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 previously was limited to only

those persons having a physical disability, illness or injury that affects their ability to use other available voting opportunities. Recent amendments to the *Local Government Act* expanded S.100 to include “persons who expect to be absent from the municipality on general voting day and at the times of all advance voting opportunities.”

During the 2005 Election, Legislative Services had a number of complaints from residents, who were leaving the city for warmer climates at the end of October or the beginning of November, about missing all of the advance voting opportunities and general voting day. Mail ballots would help address this concern. Therefore, it is recommended that Council instruct the City Clerk to bring forward a bylaw allowing for mail ballots for Council’s consideration.

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. Given the above, it is recommended that no by-law be introduced with respect ballot name order.

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". Otherwise, a tie election vote will require a runoff election in accordance with Section 142 of the *Local Government Act*. It is recommended that a bylaw be introduced to break election ties by “Lot” in accordance with Section 141.

7. 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 during the 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. It is recommended that this practice not be changed.

8. 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 the nomination deposit may be different for 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 2005 election, and it is recommended that no change be made in this regard.

9. Voting Divisions

Pursuant to Section 103 of the *Local Government Act*, Council may, by bylaw establish voting divisions, or authorize the designated municipal officer or Chief Election Officer to establish municipal voting divisions. It is recommended that 74 voting divisions be established for the 2008 general election as listed in the bylaw attached to this report and as illustrated on the map attached to this report. The 2005 general local election was held using 74 voting divisions in the City. No changes have been made to the number of polling divisions; however, the polling division boundaries have been adjusted to accommodate areas of growth.

BILL 7 – NEW AUTHORITY TO DEAL WITH OTHER LOCAL GENERAL ELECTION MATTERS

10. Number of Qualified Nominators

Pursuant to Section 71 of the *Local Government Act*, Council may, by bylaw, set the number of required qualified nominators from 2 qualified nominators to 25 qualified nominators. However, the legislation also stipulates that even if one or more of the nominators is not qualified in accordance with S.71, a nomination is valid as long as the nomination is made by at least the minimum number of qualified nominators (minimum number is 2).

It is recommended that Council not adopt a bylaw requiring 25 nominators per candidate.

11. Public Inspection of Nomination Documents

Pursuant to Section 73 of the *Local Government Act*, Council may, by bylaw, provide for public access to nomination documents until 30 days after the declaration of the election results by any manner the local government considers appropriate, including by the internet or other electronic means. If Council does not adopt a bylaw in this regard, then the documents would be available for public inspection only. No copies would be given out, nor would the documents in their entirety be placed on the internet.

Legislative Services has not had many requests from previous elections for copies of nomination documents.

It is recommended that Council direct staff to continue with the past practice of only making nomination documents available for inspection rather than posting all nomination documents on the internet or by means of photo copies as the nomination documents contain personal information, i.e. addresses and telephone numbers, and there is no provision in the legislation to sever personal information.

12. Public Inspection of Disclosure Statements and Supplementary Reports

Pursuant to Section 93 of the *Local Government Act*, Council may, by bylaw, provide for public access to Disclosure Statements and Supplementary Reports by any manner the local government considers appropriate, including by the internet or other electronic means. If Council does not adopt a bylaw in this regard, then the documents would be available for public inspection only. No copies would be given out, nor would the documents in their entirety be placed on the internet.

Legislative Services receives numerous requests for paper copies of the Disclosure Statements and Supplementary Reports, but they have only been available for public inspection. To give more access to the Disclosure Statements, it is recommended that Council instruct the City Clerk to draft a bylaw for Council's consideration providing for the posting of Disclosure Statements and Supplementary Reports on the Internet.

Margaret Jones
City Clerk