



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: General Purposes Committee
FROM: J. Richard McKenna
City Clerk
RE: **2001 Civic By-Election**

DATE: June 13, 2001
FILE: 8125-25-01

STAFF RECOMMENDATION

That the City Clerk prepare a Civic Election Administration and Procedure Bylaw to authorize the following:

- (a) the use of the Provincial Voters List;
- (b) voting at large;
- (c) the use of the automated vote counting system;
- (d) the extended use of mail ballots and the elimination of "mobile polls"; and
- (e) the Chief Election Officer to establish advance voting days,

and take no further bylaw action on the following:

- (i) random ordering of names on ballot;
- (ii) limiting the number of scrutineers;
- (iii) establishing additional general voting opportunities;
- (iv) resolving a tied vote by "lot draw"; and,
- (v) requiring nomination deposits.

J. Richard McKenna
City Clerk

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	SIGNATURE OF GENERAL MANAGER
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

STAFF REPORT

ORIGIN

In preparation for the 2001 Civic By-Election, decisions must be made on a number of issues which must be enacted by bylaw.

ANALYSIS – PART ONE – Issues to be included in election procedure bylaw

In addressing each of the issues in this section of the report for inclusion in the Election Procedure Bylaw, Council is confirming, except as otherwise indicated, Richmond's existing election practices on the following:

Use Of The Provincial Voters List

Section 59(1) of the *Local Government Act* states that if the Provincial Voters List is to be used for a civic election, this decision must be made by bylaw. Up until about 1990, the City was required to maintain its own voters list. This was a time-consuming, costly and frustrating experience, not to mention a duplication with the parallel work performed by the Provincial Government for their voters list. The decision to allow municipalities, (especially those with boundaries which are co-terminus with one or more Provincial ridings such as Richmond) to abandon their own voters lists and formally adopt the Provincial Voters List, was legislatively authorized in 1993. For the last three civic elections Council sanctioned the use of the Provincial Voters List, and I recommend that this practice continue.

Voting "At Large"

Section 103 of the *Local Government Act* gives Council the option of establishing voting divisions within the City, and all general local and school elections in Richmond have been carried out on a divisional basis for many years. In the case of a by-election, however, voting divisions are not necessary, and for the by-elections in 1990 and 1992, voting was held on an "at large" basis. Therefore, for the 2001 civic by-election, I recommend that voting again be held "at large" and for this by-election, at the following 15 locations:

- | | | |
|-----|-------------------------|------------------------|
| 1. | Anderson Elementary | 9460 Alberta Road |
| 2. | Blundell Elementary | 6480 Blundell Road |
| 3. | Boyd Secondary | 9200 No. 1 Road |
| 4. | Burnett Secondary | 5011 Granville Avenue |
| 5. | Byng Elementary | 3711 Georgia Street |
| 6. | Garden City Elementary | 8311 Garden City Road |
| 7. | Hamilton Elementary | 5180 Smith Drive |
| 8. | McNair Secondary | 9500 No. 4 Road |
| 9. | McNeely Elementary | 12440 Woodhead Road |
| 10. | McRoberts Secondary | 8980 Williams Road |
| 11. | Quilchena Elementary | 3760 Moresby Drive |
| 12. | Steveston Secondary | 10440 No. 2 Road |
| 13. | Talmey Elementary | 9500 Kilby Drive |
| 14. | Westwind Elementary | 11371 Kingfisher Drive |
| 15. | Library/Cultural Centre | 100 – 7700 Minoru Gate |

These locations have been chosen with the following criteria in mind. First, they are easily accessible, being for the most part, on, or adjacent to, arterial roads. Mostly prominent schools have been chosen because of the adequacy of their parking and easy recognition by area residents. All 15 meet accessibility requirements for persons with disabilities, but most important they have been chosen to accommodate the areas with the highest voter turnout at the 1999 civic election. In addition, the Library/Cultural Centre has been chosen since it is a central location for the hundreds of people who take advantage of the cultural and recreational facilities in that area on a Saturday. Regardless of where they live in the City, voters can use any voting place most convenient for their day's activities as voting is "at large".

In the 1990 and 1992 single trustee by-elections, 11 and 9 voting places were established, with voter turnouts of 5.8% (3,173 voters) and 6.6% (4,010 voters) respectively. 2001 will be a much more important by-election for a number of reasons, and although I do not anticipate the 23,000 voter turnout from the Civic Election of 1999, I do think that the turnout will be significant for this by-election, hence the recommendation for 15 voting places, strategically located across the City.

Voting Procedures Used Under An Automated Vote Counting System

Section 102 of the *Local Government Act* requires that if an automated vote counting system is used at an election, the system and the procedures followed must be authorized by bylaw. The system is readily accepted, is voter friendly, and is very reliable, and should most definitely be used for this by-election.

Voting By Mail Ballot

Section 100 of the *Local Government Act* authorizes Council to establish voting by mail ballot for those who have a physical disability, illness or injury which affects their ability to vote at a voting place on election day. Although the number of electors using this method is currently very small, I recommend not only that it be continued but that the practice be expanded, through greater publicity, to eliminate the need for "mobile polls" for this by-election and perhaps subsequently for the 2002 General Local Election. By way of background, "mobile polls" using automated vote counting equipment at The Richmond Hospital, and at five intermediate and long-term care facilities in the City prove very administratively difficult and expensive to operate, in terms of the number of votes which result. Typically only about 80 votes are received by this means at a full civic election. Since this number would be even lower, even with the scale of this by-election, I believe that with adequate advance notification and with personal contact at the facilities where "mobile polls" are usually held, the mail ballot option, along with "curbside voting" and insured accessibility to all voting places, will adequately address the concerns of those with special voting needs.

Establishment Of Advance Voting Dates

Section 98 of the *Local Government Act* gives Council the option of establishing, by bylaw, additional advance voting days beyond the mandatory two days, one of which must be on the Wednesday, 10 days before the by-election. For the main Civic Election, a total of four days of advance voting are usually established, and for by-elections, two days. The establishment of these days has usually been done by Council as part of the Election Procedure Bylaw. However, Council does have the option of delegating the establishment of additional advance voting days to the Chief Election Officer. This would have the advantage of not requiring a bylaw change every election or by-election, and I am recommending that advance voting days be established this way from this election on. In effect, Council would still have input into which days are chosen, but now as part of the election report (being considered at this meeting), rather than as part of the Election Procedure Bylaw which is to follow.

Given the above background, I am recommending that the two days of advance voting for the by-election be on Wednesday, October 3rd (mandated) and Wednesday, October 10th, 2001.

ANALYSIS – PART TWO – Issues NOT to be Included in Election Procedure Bylaw

The following five issues are those on which Council has an option under the *Local Government Act*. If no action is taken, the provisions of the *Local Government Act* with regard to those issues apply.

Issue No. 1 – Order of Names on Ballot

Sections 106 and 107 of the *Local Government Act* state that the candidates' names would be arranged alphabetically on the ballot, unless Council adopts a bylaw to have the name order determined by "lot". I am not recommending a ballot name order process, as I believe that the electorate is better served by having candidates' names listed alphabetically.

Issue No. 2 – Limiting the Number of Scrutineers

Section 110(2) of the *Local Government Act* states that only the official agent of a candidate and one scrutineer per candidate is permitted at each voting place, unless a bylaw is adopted to increase the number of scrutineers. Under an automated vote counting system, the role of scrutineers is greatly diminished, especially during the vote counting process – hence my recommendation to continue permitting only the official agent of the candidate plus one scrutineer per candidate to be present at each voting place.

Issue No. 3 – Additional General Voting Opportunities

Section 96 of the *Local Government Act* allows Council, by bylaw, to establish, or to authorize the Chief Election Officer to establish what are known as "additional general voting opportunities". This is to authorize "shopping mall voting", and to set up voting places outside the City boundaries (meant to accommodate a community such as Whistler). Richmond has not required such opportunities in the past.

Issue No. 4 – Tied Vote Options

Sections 141 and 142 of the *Local Government Act* give Council a choice on how to determine the results of an election where, after a judicial recount, there is a tie in the number of votes between two or more candidates. If no bylaw action is taken, then a subsequent run-off election must be held at the expense of the City on the same basis as the main election. If, however, Council opts for the use of a lot (draw) to resolve a tied vote, then provisions for determining a tied vote by a lot draw must be included in the Election Procedure Bylaw. Council has opted not to enact this provision in past elections.

Issue No. 5 – Nomination Deposits

Section 72.1 of the *Local Government Act* gives Council the option of requiring a nomination deposit of up to \$100 per candidate. Council has declined to exercise this option in the past.

FINANCIAL IMPACT

The by-elections held in 1990 and 1992 for a single School Trustee seat in each case, cost approximately \$50,000 and when developing the 2001 budget some months ago, that same amount was budgeted for what was then an anticipated by-election. Now that more details are known about the scope of the 2001 Civic By-Election, it is obvious that there will be considerably more public interest and therefore a somewhat higher cost is anticipated because of an increased number of voting places, etc. Although I will minimize election expenditures as much as possible, I anticipate costs to exceed the \$50,000 budgeted; however, this can be drawn from the \$75,000 per year annual election provision.

CONCLUSION

Upon receiving direction from committee on the content of the bylaw, I will prepare a new "Civic Election Administration and Procedure Bylaw" which will govern both this by-election and next year's full Civic Election. The bylaw will be presented to Council for first, second, and third readings on Monday, June 25th, and for adoption on July 9th.



J. Richard McKenna
City Clerk

JRM:fja