



City of Richmond

Report to Committee

To: General Purposes Committee

Date: April 6, 2022

From: Claudia Jesson
Director, City Clerk's Office

File: 12-8125-90

Re: **Election Procedure Amendment Bylaw for Mail Ballot Voting**

Staff Recommendation

That "Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 10349" be introduced and given first, second, and third readings.

Claudia Jesson
Director, City Clerk's Office
(604-276-4006)

CJ: mo

Att. 1

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER 	
SENIOR STAFF REPORT REVIEW	INITIALS:
APPROVED BY CAO - Acting 	

Staff Report

Origin

At its regular meeting held December 6, 2021 Council adopted the following resolution:

- (1) *That a divisional-voting approach to the 2022 election, which is consistent with the current Civic Election Administration and Procedure Bylaw No. 7244, and as generally described in the staff report dated November 4, 2021 from the Director, City Clerk's Office, be approved; and*
- (2) *That mail ballot eligibility be expanded to all electors in Richmond, as noted in Option 2 of the staff report titled, "Advance Planning for the 2022 Election", dated November 4, 2021, from the Director, City Clerk's Office.*

This report supports Council's Strategic Plan 2018-2022 Strategy #8 An Engaged and Informed Community:

Ensure that the citizenry of Richmond is well-informed and engaged about City business and decision-making.

Findings of Fact

The next General Local and School Elections will be held in all local jurisdictions across BC on October 15, 2022. Council adopted the 2022 election budget in December, 2021 with funding to support mail ballot voting for all electors.

In accordance with part (2) of the above resolution endorsed by Council, staff have prepared an amendment to Civic Election Administration and Procedure Bylaw No. 7244. Proposed bylaw No. 10349 also includes a number of procedural updates to accommodate an increase in mail ballot turnout.

Recent amendments to the *Local Government Act* under Bill 10 – 2021: Municipal Affairs Statutes Amendment Act, 2021 gave municipalities the option to expand mail ballot voting to all voters by amending their respective election bylaws.

Analysis

The City of Richmond has for many years offered mail ballot voting to electors who met the previous criteria under the *Local Government Act*, having either a physical disability that affected their ability to vote in-person, or with an expectation to be absent from the municipality on voting days.

In the City's 2018 General Local Elections 360 mail ballots were cast, amounting to less than 1% of total ballots. By comparison, the turnout for mail ballot voting in the 2021 By-Election was 1,895

mail ballots, out of 12,984 votes overall, representing 14.5% of the total. The option was made available in 2021 to all voters under Ministerial Order M148, which was a temporary measure to make voting more accessible in light of the COVID-19 pandemic. Mail ballot voting also increased significantly during the 2020 provincial election and the 2021 federal election, where all voters were similarly provided with the option for the first time. These increases suggest that voters will continue to use mail ballot voting in the future.

Proposed amendment Bylaw No. 10349 would effectively establish the same procedures as used in the 2021 By-Election. The intention of the amendments is to enable all voters the opportunity to vote by mail, outline clear procedures for the processing of mail ballots, and to provide necessary flexibility to ensure timely reporting of the unofficial election results. The bylaw includes the following updates:

1. Expanded eligibility for all electors to vote by mail, in accordance with the recent amendments to the *Local Government Act*.
 - This change occurs under subsection 5.1.2. Requirements for a physical disability, illness, injury, or absence from the municipality are removed in accordance with the *LGA*, enabling any elector to vote by mail.
2. Authorization for Chief Election Officer to establish time limits in relation to mail ballot voting.
 - This update under subsection 5.1.3 fulfills the authority in the *Local Government Act* for the Chief Election Officer to establish time limits. Such wording is typically included in local government election bylaws.
 - Time limits established by the Chief Election Officer would apply to procedural aspects of mail ballot voting, such as the deadline to request a mail ballot package, or the deadline to request a package using the City's online portal, rather than in-person or via telephone.
 - This does not affect the final deadline of 8:00 pm, General Voting Day, for voters to deliver a completed mail ballot package, which is established under the *Local Government Act* and reiterated in the City's bylaw.
3. Updated procedures enabling mail ballots received prior to the close of voting on General Voting Day to be tabulated by a vote counting unit.
 - Due to the expanded availability of mail ballot voting, staff must prepare for an unprecedented mail ballot turnout of at least 7000-8000 electors, based on existing data.
 - To accommodate the increase in the 2021 By-Election, the Chief Election Officer established a series of mail ballot advance tabulation sessions, under the authority of Ministerial Order M148, and consistent with the practice used by other local governments during the COVID-19 pandemic.

- These procedures would be included in Section 5.5 of the City’s bylaw. The wording replicates the process for advance voting, where ballots are tabulated and secured until 8:00 pm, General Voting Day. The process is also open for scrutineers to observe in the same manner as any voting opportunity.
 - In the absence of this process, staff would be required to open thousands of sealed envelopes and tabulate all mail ballots after the close of voting on General Voting Day, which would significantly delay the preliminary election results.
4. Updated mail ballot procedures for the close of voting.
- These updates under sections 5.6 and 5.7 provide extensive clarity for how the mail ballot results are to be generated after the close of voting on general voting day.
5. Updated definitions regarding mail ballot procedures.
- For clarity, the proposed bylaw includes new definitions for “Mail Ballot” and “Mail Ballot Advance Tabulation Session”.

Other Jurisdictions

Staff have confirmed that several neighboring local governments will also consider expanded access to mail ballot voting. In particular, the City of Vancouver recently amended its Election Bylaw (pursuant to similar recent changes in the *Vancouver Charter*) to provide mail ballot voting for all electors, and to establish advance tabulation of mail ballots.

Financial Impact

There is no financial impact. The 2022 election budget includes funding for mail ballot voting to be expanded to all electors.

Next Steps

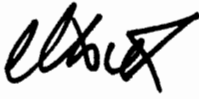
Should Amendment Bylaw No. 10349 receive the required readings and eventual final adoption, the City’s Election website will be updated to outline the mail ballot voting process and associated deadlines. Similar to the 2021 By-Election, at the appropriate time an online mail ballot application module will be launched enabling voters to request mail ballot packages. As with all election-related initiatives, public messaging will be undertaken to ensure the public is fully informed on all voting options.

Conclusion

In accordance with Council direction, staff have prepared an amendment to Civic Election Administration and Procedure Bylaw No. 7244. The proposed bylaw also includes a number of procedural updates to accommodate an increase in mail ballot turnout.

April 6, 2022

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A handwritten signature in black ink, appearing to read "Matt O'Halloran".

Matt O'Halloran
Manager, Legislative Services
(604-276-4098)

MO



**Civic Election Administration and Procedure Bylaw No. 7244,
Amendment Bylaw No. 10349**

The Council of the City of Richmond enacts as follows:

1. Civic Election Administration and Procedure Bylaw No. 7244, as amended, is hereby amended as follows:
 - a) Delete subsection 4.6.2 (b).
 - b) Delete subsection 4.6.3 and replace it with a new subsection 4.6.3 as follows:

4.6.3 Upon the fulfilment of the provisions of subsections 4.6.1 and 4.6.2, and sections 5.6 and 5.7, the Chief Election Officer must, to obtain the election results, direct an election official to insert the **memory packs** from each **vote counting unit** into the **memory pack receiver (accumulator)** in order to obtain the totals of the votes.
 - c) Delete Section 5.1.2 and replace it with a new subsection 5.1.2 as follows:

5.1.2 In accordance with the *Local Government Act* and this bylaw all electors are permitted to vote by **mail ballot** and to register by mail in conjunction with **mail ballot** voting.
 - d) Insert a new subsection 5.1.3 as follows:

5.1.3 The Chief Election Officer is authorized to establish time limits in relation to voting by **mail ballot**.
 - e) Delete subsection 5.2.1 and replace it with a new subsection 5.2.1 as follows:

5.2.1 A person wishing to vote by **mail ballot** must apply to the Chief Election Officer in writing, using the form and providing the information required by the Chief Election Officer.
 - f) Delete subsection 5.2.2 (a) and replace it with a new subsection 5.2.2 (a) as follows:
 - a) Make available to the applicant a **mail ballot** package; and

- g) Delete subsection 5.3.2 (d) and replace it with a new subsection 5.3.2 (d) as follows:
- (d) mail, or have delivered, the outer envelope and its contents to the Chief Election Officer at the address specified by the Chief Election Officer so that it is received no later than the close of voting on General Voting Day.
- h) Delete subsections 5.5.4 and 5.5.5 and replace with new subsections 5.5.4 and 5.5.5 as follows:
- 5.5.4 The Chief Election Officer is authorized to establish one or more **mail ballot advance tabulation sessions**, to be held no earlier than 9 a.m. on the twelfth day before General Voting Day, where certification envelopes accepted under subsection 5.5.1 are to be opened, and the secrecy envelopes contained within the certification envelopes are also to be opened, under the supervision of the presiding election official for mail ballot voting, and in the presence of at least one other person present, where:
- (a) such certification envelopes were received from persons whose right to vote using a mail ballot has not been challenged; or
- (b) such challenge has been resolved, and the challenged person has been permitted to vote.
- 5.5.5 **Vote counting units** are to be used for all **mail ballot advance tabulation sessions**, and the **mail ballots** contained within the secrecy envelopes must be inserted into a **vote counting unit** designated for such purpose.
- i) Insert new subsections 5.5.6, 5.5.7, 5.5.8, 5.5.9 and 5.5.10 as follows.
- 5.5.6 Any **mail ballot** accepted by the **vote counting unit** is valid, and any acceptable marks contained on such **ballots** will be counted in the election, subject to any determination made under a judicial recount.
- 5.5.7 Any **mail ballot** which is returned by the **vote counting unit** when being inserted, must, through the use of the **ballot** return over-ride procedure and under the supervision of the presiding election official for mail ballot voting, be reinserted into the **vote counting unit** to ensure that any acceptable marks are counted.
- 5.5.8 During any period that a **vote counting unit** being used in a **mail ballot advance tabulation session** is not functioning, the provisions of subsections 4.4.1 to 4.4.3 inclusive apply, so far as applicable.
- 5.5.9 After all **mail ballots** have been inserted into the **vote counting unit** under subsection 5.5.5 the presiding election official for mail ballot voting must ensure that the voting counting unit and election materials are secured in accordance with the requirements in subsection 4.5.3, so far as applicable.

5.5.10 The Chief Election Officer must provide written notice to all candidates and official agents of any **mail ballot advance tabulation sessions**.

j) Delete Section 5.6 and replace with a new section 5.6 as follows:

5.6 Mail Ballot Procedures After the Close of Voting – Unopened Certification Envelopes

5.6.1 As soon as possible after 8:00 pm on General Voting Day all of the unopened certification envelopes accepted under subsection 5.5.1 are to be opened, and the secrecy envelopes contained within the certification envelopes are also to be opened, under the supervision of the presiding election official for mail ballot voting, in the presence of at least one other person, where:

(a) such certification envelopes were received from persons whose right to vote using a mail ballot has not been challenged; or

(b) such challenge has been resolved, and the challenged person has been permitted to vote.

5.6.2 **Vote counting units** are to be used to tabulate **mail ballots** processed under subsection 5.6.1, and the mail ballots contained within the secrecy envelopes must be inserted into a **vote counting unit** designated for such purpose.

5.6.3 Any **mail ballot** accepted by the **vote counting unit** is valid, and any acceptable marks contained on such **ballots** will be counted in the election, subject to any determination made under a judicial recount.

5.6.4 Any mail ballot which is returned by the **vote counting unit** when being inserted, must, through the use of the **ballot** return over-ride procedure and under the supervision of the presiding election official for mail ballot voting, be reinserted into the **vote counting unit** to ensure that any acceptable marks are counted.

5.6.5 During any period that a **vote counting unit** being used to tabulate mail ballots is not functioning, the provisions of subsections 4.4.1 to 4.4.3 inclusive apply, so far as applicable.

5.6.6 Upon the fulfilment of the provisions of subsections 5.6.1 to 5.6.5 inclusive the presiding election official for mail ballot voting must:

(a) ensure that any remaining **ballots** in the emergency ballot compartment are inserted into the vote counting unit;

- (b) secure the **vote counting unit** so that no more ballots can be inserted;
- (c) generate two copies of the **results tape** from the **vote counting unit**;
- (d) remove the **memory pack** from the **vote counting unit** and deliver it, along with one copy of the **results tape**, to the Chief Election Officer at **election headquarters**;
- (e) complete the ballot account to account for the voted ballots, unused ballots, spoiled ballots and unaccounted for ballots, and place ballot account in the election night returns envelope;
- (f) place the voted ballots into the election materials transfer box;
- (g) place any spoiled ballots in a sealed envelope and place the envelope into the election materials transfer box;
- (h) seal the election materials transfer box;
- (i) place one copy of the **results tape** into the Chief Election Officer envelope; and
- (j) deliver:
 - (i) the sealed election materials transfer box
 - (ii) the **vote counting unit**;
 - (iii) the election night returns envelope; and
 - (iv) the Chief Election Officer envelope,

to the Chief Election Officer at election headquarters.

- k) Delete Sections 5.7 and 5.8 and replace with new Sections 5.7, 5.8 and 5.9 as follows:

5.7 Mail Ballot Procedures After the Close of Voting – Mail Ballot Advance Tabulation Sessions

- 5.7.1 As soon as possible after 8:00 pm on General Voting Day, the Chief Election Officer must direct the presiding election official for mail ballot voting to generate the **results tape** and secure the voting materials for all **mail ballot advance tabulation sessions** in accordance with the provisions of clauses (a) to (j) inclusive of subsection 5.6.6.

5.8 Challenge of Elector

5.8.1 A person exercising the right to vote by mail ballot may be challenged in accordance with, and on the grounds specified in, the *Local Government Act*.

5.9 Elector's Name Already Used

5.9.1 Where, upon receiving a request for a mail ballot, the Chief Election Officer determines that another person has voted or has already been issued a mail ballot in that elector's name, the provisions of the *Local Government Act* apply, so far as applicable.

1) Amend Subsection 9.1 as follows:

i) Delete the following definition:

PORTABLE BALLOT BOX means a **ballot** box which is used in the election where a **vote counting unit** is not being used at the time of voting.

ii) Insert the following definition and re-order the remaining definitions accordingly:

MAIL BALLOT means a **ballot** used for mail ballot voting.

**MAIL BALLOT
ADVANCE ADVANCE
TABULATION SESSION** means an event established by the Chief Election Officer in which **mail ballot** certification envelopes and secrecy envelopes are opened and inserted into **vote counting units** to be tabulated, without a results tape generated.

2. This Bylaw is cited as "Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 10349".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating dept. <i>MS</i>
APPROVED for legality by Solicitor <i>ACI</i>