



CITY OF VANCOUVER

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ADMINISTRATIVE REPORT

A11

Report Date: April 7, 2008
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VanRIMS No.: 08-1000-02
Meeting Date: May 13, 2008

TO: Vancouver City Council
FROM: City Clerk
SUBJECT: Amendments to Election By-law

CONSIDERATION

- A. THAT the Election By-law No. 9070 be amended to require that a nomination for office as a member of Council be made by 25 qualified nominators;

FURTHER THAT Council authorize the Director of Legal Services to bring forward the necessary amendments to the Election By-law, generally in accordance with Part 1 of Appendix A, for enactment by Council.

RECOMMENDATION

- B. THAT the Election By-law No. 9070 be amended to require the City Clerk to make the following documents more open and accessible to the public by posting them to the City's web site and making photocopies available to citizens:

- 1) Nomination documents for Mayor, Councillors and Park Commissioners (starting with the 2008 civic election documents), and
- 2) Campaign Financial Disclosure Statements for Mayor, Councillors and Park Commissioners (starting with the 2008 civic election statements);

FURTHER THAT Council authorize the Director of Legal Services to bring forward the necessary amendments to the Election By-law, generally in accordance with Part 2 of Appendix A, for enactment by Council.

CITY MANAGER'S COMMENTS

The City Manager advances A for CONSIDERATION and RECOMMENDS B.

COUNCIL POLICY

On October 19, 2004, Council resolved to request that the provincial government change the *Vancouver Charter* to require that all persons that want to run for any elected office in the City of Vancouver be required to have 20 Vancouver residents sign their nomination form.

On March 15, 2005, Council resolved to request the City Clerk to make the following forms at City Hall more open and accessible to the public by posting to the City's web site and making photocopies available to citizens:

- 1) Nomination documents for Mayor, Council and Park Commissioners with names and addresses of nominating electors obscured (starting with the 2005 civic election documents)
- 2) Financial Disclosure Forms for Mayor and Council (starting with the 2005 civic election forms and 2006 annual filings)
- 3) Campaign Financing Disclosure Statements for Mayor, Council and Park Commissioners with names and addresses of individual contributors obscured (starting with the 2005 civic election statements) and that authority be sought to publish the names and addresses of individual contributors on the internet.

PURPOSE

This report discusses several optional amendments to the Election By-law.

BACKGROUND

City elections are conducted in accordance with the *Vancouver Charter*, the Election By-law, and related City by-laws. The City Clerk, as chief election officer, carries the largest responsibility for the conduct of elections. City Council has, however, a number of statutory responsibilities and may exercise some discretion to recognize specific needs and to establish rules and procedures for specific circumstances as provided by the Charter.

The *Local Government Statutes Amendment Act, 2008* (Bill 7) received Royal Assent on March 31, 2008. Bill 7 amends Parts I and II of the *Vancouver Charter* pertaining to the conduct of elections and other voting in the city.

This report discusses several procedural changes that have been authorized by Bill 7. If Council wishes to make these changes, this would require an amendment to the Election By-law.

DISCUSSION

1. Minimum Number of Qualified Nominators

Previously, section 43 of the *Vancouver Charter* stated that a nomination for office as a member of Council must be made in writing by 2 persons who are electors of the City. Section 43 has now been amended to authorize Council to raise the number of qualified nominators to 25. This means that Council has a choice between leaving the number of nominators at 2 or increasing the number to 25. Council is not authorized to set a number of nominators other than 2 or 25.

If Council decides to increase the required number of nominators, this requirement will automatically apply to candidates for all offices (Mayor, Councillor, Park Commissioner and School Trustee). Increasing the number of nominators will probably reduce the number of candidates filing their nomination papers, thereby diminishing the size of the ballot.

2. Access to Nomination Documents and Campaign Financial Disclosure Statements

Previously, nomination documents and campaign financial disclosure statements were available for in-person inspection at City Hall. Before viewing these documents, an individual was required to sign a statement promising not to inspect or use the information included in them except for the purposes of the *Vancouver Charter*.

Before the 2005 civic election, Council resolved to post these documents on the Internet. However, for privacy reasons, the posted copies had to be edited to remove the names and addresses of private individuals. Therefore, Council requested the provincial government to provide authority to publish the names and addresses of individual contributors on the Internet.

Bill 7 has removed the privacy-related restrictions on access to nomination documents and campaign financial disclosures. Beginning with the 2008 civic election, Council may provide for public access to complete, unedited documents in any manner the Council considers appropriate, including by Internet or other electronic means. Individuals inspecting these documents are no longer required to sign a statement. The documents will be accessible for the following time periods:

- for nomination documents, from the time of delivery until 30 days after the declaration of the election results, and
- for campaign financial disclosure statements, from the time of delivery until 7 years after general voting day.

In recent years, we have received many requests from the media and members of the public to post unedited versions of these documents on the Internet. Therefore, it is recommended that the Election By-law be amended to make these documents more open and accessible to the public by posting them to the City's web site. It is also recommended that photocopies should be made available to citizens.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Under the amendments introduced in Bill 7, Council has the option to make some changes to election procedures by amending the Election By-law.

Amending the by-law to increase the number of nominators to 25 will probably reduce the number of candidates filing their nomination papers, thereby diminishing the size of the ballot. This option is offered for consideration.

Amending the by-law to provide for increased access to nomination documents and campaign financial disclosures will promote transparency.

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PART 1 - Consideration

In section 5 of the Elections By-law, add:

"Number of nominators

The minimum number of qualified nominators is 25."

PART 2 - Recommendations

In section 1 of the Election By-law, add:

"nomination documents" mean the documents required under subsection (1) and (2) of section 44 of the *Vancouver Charter*;

"campaign financial disclosure statements" mean the disclosure statements, supplementary reports and signed declarations required under sections 62 and 62.1 of the *Vancouver Charter*;

In a new section of the Election By-law entitled "AVAILABILITY OF DOCUMENTS", add:

"Availability of nomination documents

"From the time of the delivery of any nomination documents to the chief election officer until 30 days after the declaration of the election results, the City Clerk is to:

- (a) make copies of nomination documents available at City Hall during regular business hours on request by any person; and
- (b) post nomination documents on the public website."

"Availability of campaign financial disclosure statements

"From the time of the filing of the campaign financial disclosure statements with the City Clerk until seven years after general voting day, the City Clerk is to:

- (a) make copies of campaign financial disclosure statements available at City Hall during regular business hours on request by any person; and
- (b) post campaign financial disclosure statements on the public website."