![City of Vancouver logo](CITY OF VANCOUVER)

ADMINISTRATIVE REPORT

Report Date:	January 24, 2014
Contact:	Janice MacKenzie
Contact No.:	604.871.6146
RTS No.:	10407
VanRIMS No.:	08-2000-20
Meeting Date:	February 18, 2014

TO: Vancouver City Council

FROM: City Clerk

SUBJECT: Proposed Amendments to Election By-Law No.9070

RECOMMENDATION

> THAT Council approve the proposed amendments to Election By-Law No. 9070 as set out in Appendix A;

> FURTHER THAT the Director of Legal Services be instructed to prepare an amending by-law for enactment substantially in the form of the by-law attached as Appendix A.

REPORT SUMMARY

The purpose of this report is to obtain Council approval of the proposed amendments to Election By-Law No. 9070. The proposed amendments will align the language around voting places and voting divisions, remove Remembrance Day as a 2014 advance voting day, extend the vote-by-mail period to provide voters with more time to use this option, and ensure personal information is severed from nomination documents posted to the City website.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- The authority for conducting an election in the City of Vancouver is contained in the Vancouver Charter and the Election By-Law.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager supports the by-law amendments as set out in Appendix A.

REPORT

Background/Context

As staff plan the November 15, 2014 election, they have identified a number of housekeeping amendments to Election By-Law No. 9070 that will improve election operations in November. Those amendments are reflected in the proposed Election By-law attached as Appendix A.

Voting divisions/places

Section 75(1) of the Vancouver Charter allows Council to authorize the City Clerk or chief election officer to establish voting divisions. Section 2.1 of the Election By-Law, authorizes the chief election officer to establish voting divisions. Each voting division may have one or more designated voting places. Under the Election By-law, the chief election officer is required to program a vote counting unit for each voting division. The Election By-law is not clear that a voting machine should be programmed for each voting place if there is more than one voting place in a voting division. Staff are proposing a minor amendment to the Election By-law to clarify this, and to make other incidental amendments.

The sections of the Election By-law impacted are as follows:

Existing Election By-law	Proposed Election By-law
S6.2 The chief election officer must program a vote counting unit for each voting division, advance and special voting opportunity, and mail balloting.	The chief election officer must program a vote counting unit for each voting place, advance and special voting opportunity, and mail balloting.
S6.44 The chief election officer may order the conduct of a recount for any one or more voting division, advance or special voting opportunity.	The chief election officer may order the conduct of a recount for any one or more voting place, advance or special voting opportunity.
S6.45 The chief election officer must conduct any recount using the automated vote counting system and must arrange for: (b) the designation of vote counting units for each voting division, advance or special voting opportunity affected; (c) the removal of all ballots from the sealed ballot transfer cases for the voting division concerned, except spoiled ballots, and re-insertion in the appropriate vote counting units under the supervision of the chief election officer.	S6.45 The chief election officer must conduct any recount using the automated vote counting system and must arrange for: (b) the designation of vote counting units for each voting place, advance or special voting opportunity affected; (c) the removal of all ballots from the sealed ballot transfer cases for the voting place concerned, except spoiled ballots, and re-insertion in the appropriate vote counting units under the supervision of the chief election officer.

Advance voting

Section 69(2) of the Vancouver Charter requires two days of advance voting – one on the 10th day before general voting and another set by-law. Section 3.2 of the Election By-Law, sets the 4th day before general voting as the second required day for advance voting.

In November 2014, Remembrance Day will fall on the 4th day before general voting. As such, advance voting will be required to take place from 8 a.m. to 8 p.m. on November 11 unless the second required day as set by the by-law is changed. Staff are proposing that the by-law be amended to remove the requirement to hold advance voting on November 11, 2014 out of respect for Remembrance Day observances. Instead, when the 4th day for advance voting falls on Remembrance Day, advance voting will be held the day before Remembrance Day. The proposed amendment is a follows:

Existing Election By-law	Proposed Election By-law
S3.2 Required advance voting opportunities - Required advance voting opportunities are to occur on each of the 10th day and the 4th day before general voting day.	Required advance voting opportunities are to occur on each of the 10th day and the 4th day before general voting day, unless the 4th day before general voting day is a holiday, in which case it shall be the first day immediately prior to the 4th day which is not a holiday.

Mail ballot

As voters look for more convenient ways to vote, vote-by-mail offers an option that appeals to electors who are out of town, in a care or health facility or others who welcome the convenience of a mail ballot.

Section 72 of the Vancouver Charter provides the vote-by-mail option and section 4.3 of the Election By-Law specifies the period of availability, beginning on the 12th day before general voting.

Under the existing Election By-law, the ballot must be requested by the voter, supplied and returned to the election office within the 12-day window. Mail service and any delay requesting a ballot can reduce the appeal and usefulness of this option.

The proposed Election By-law amendment would increase the vote-by-mail period to 18 days and make ballots available immediately after the nomination and challenge periods close and the ballots are printed. This additional time will increase the appeal of the service and provide more time for voters to use the option.

Existing Election By-law	Proposed Election By-law
S4.3 Mail ballot package - Upon receipt of an application for a mail ballot, the chief election officer, during the period that begins on the 12th day before general voting day and ends at 8:00 p.m. on general voting day must (a) make available to the applicant a mail ballot package.	Upon receipt of an application for a mail ballot, the chief election officer, during the period that begins on the 18th day before general voting day and ends at 8:00 p.m. on general voting day must (a) make available to the applicant a mail ballot package.

Nomination documents

Section 45 (6) and (7) of the Vancouver Charter requires nomination documents to be available for public inspection. In 2008, Council approved Election By-Law amendments to require the posting of the nomination documents on the City's website.

Persons viewing nomination documents in the City Clerk's office are required to sign a form agreeing to the restricted use of the information contained in the nomination materials. No such restriction is in place for online viewing.

The proposed Election By-law amendment will require the severing of personal information from the nomination documents posted online consistent with the *Freedom of Information and Protection of Privacy Act*.

Existing Election By-law	Proposed Election By-law
S7.1 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 nomination documents available for public inspection at City Hall during regular office hours on request by any person; and (b) post nomination documents on the public website.	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 nomination documents available for public inspection at City Hall during regular office hours on request by any person; and (b) post nomination documents on the public website, except that the place of residence, e-mail address and other personal information on the nomination documents may be redacted.

Implications/Related Issues/Risk (if applicable)

Financial

• There are no financial implications.

CONCLUSION

The proposed Election By-law amendments are considered minor housekeeping amendments. The Election By-law amendments will support the efficient operation of the municipal election.

* * * * *

BY-LAW NO. _____

A By-law to amend Election By-law No. 9070

THE COUNCIL OF THE CITY OF VANCOUVER, in a public meeting, enacts as follows:

1.   This By-law amends the indicated provisions of or adds provisions to the Election By-law.

2.   Council strikes section 3.2 and replaces it with:

"3.2   Required advance voting opportunities are to occur on each of the 10th day and the 4th day before before general voting day, unless the 4th day before general voting day is a holiday, in which case it shall be the first day immediately prior to the 4th day which is not a holiday."

3.   Council strikes "12th" from section 4.3 and replaces it with "18th".

4.   Council strikes section 6.2 and replaces it with:

"6.2   The chief election officer must program a vote counting machine for each voting place, advance and special voting opportunity, and mail balloting."

5.   Council strikes section 6.44 and replaces it with:

"6.44 The chief election officer may order the conduct of a recount for any one or more voting place, advance or special voting opportunity."

6.   Council strikes sections 6.45 (b) and 6.45 (c), and replaces them with:

"(b)   the designation of vote counting units for each voting place, advance or special voting opportunity affected;

(c)   the removal of all voted ballots from the sealed ballot transfer cases for the voting place concerned, except spoiled ballots, and re-insertion in the appropriate vote counting units under the supervision of the chief election officer;"

7.   Council strikes section 7.1(b) and replaces it with:

"(b)   post nomination documents on the public website, except that the place of residence, e-mail address and other personal information on the nomination documents may be redacted."

8.   A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

9.   This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this   day of   ,
2014

_____
                                                                Mayor

_____
                                                            City Clerk