



ADMINISTRATIVE REPORT

Report Date: June 27, 2014
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RTS No.: 10672
VanRIMS No.: 08-2000-20
Meeting Date: July 22, 2014

TO: Vancouver City Council
FROM: City Clerk
SUBJECT: Consequential Election By-Law Amendments

RECOMMENDATION

- A. THAT Council approve the proposed amendments to the Election By-Law No. 9070 as set out in Appendix A of this Administrative Report.
- B. 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 consequential amendments to the Election By-Law No. 9070 following the BC Government's recent passage of the *Local Elections Campaign Financing Act* and the *Local Elections Statutes Amendment Act*.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

The authority for conducting an election in the City of Vancouver is contained in the *Local Elections Campaign Financing Act*, the *Vancouver Charter* and the Election By-Law 9070.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

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

REPORT

Background/Context

The *Local Elections Statutes Amendment Act* has amended the *Vancouver Charter* by repealing the sections setting out the duty for each candidate, elector organization and campaign organizer to file campaign financing disclosure statements and supplementary reports with the City Clerk.

Under the *Local Elections Campaign Financing Act*, Elections BC will oversee and enforce new disclosure requirements and receive and post the disclosure statements from each candidate, elector organization and campaign organizer on the Elections BC website.

Therefore, the Election By-law requires amendment to reflect:

- a change in terminology and resulting definitions from campaign financial disclosure statements to disclosure statements;
- a change of a heading from campaign financial disclosure statements to disclosure statements; and,
- the removal of references to the filing of campaign financial disclosure statements with the City Clerk to instead reflect the creation of a link on the City website to the disclosure statements posted on the Elections BC website.

These are required amendments to the Election By-law that flow from the passage of the *Local Elections Campaign Financing Act* and the *Local Elections Statutes Amendment Act* and the transfer of responsibility for campaign electoral finance to Elections BC.

Existing Election By-Law	Proposed Election By-Law
1.2 "campaign financial disclosure statements" means the disclosure statements, supplementary reports and signed declarations required under sections 62 and 62.1 of the <i>Vancouver Charter</i> .	1.2 "disclosure statement" means a disclosure statement required under section 46 of the <i>Local Elections Campaign Financing Act</i> .
7.2 (heading) Availability of campaign financial disclosure statements	7.2 (heading) Availability of disclosure statements
7.2 From the time of the filing of the campaign financial disclosure statements with the City Clerk until seven years after voting day, the City Clerk is to (a) make copies available for public inspection at City Hall during regular office hours on request and (b) post campaign financial disclosure statements on the public website.	7.2 From the time any disclosure statement by any candidate, elector organization or campaign organizer related to the City of Vancouver is available on the Elections BC authorized internet site, the City Clerk is to (a) make copies of those statements available for public inspection at City Hall during regular office hours on request and (b) ensure a link is created on the City of Vancouver website to connect to the disclosure statements provided to Elections BC by each candidate, elector organization and campaign organizer in the municipal election.

Implications/Related Issues/Risk (if applicable)

Financial

- There are no financial implications.

CONCLUSION

The proposed Election By-law amendment is considered consequential and aligns the by-law with changes to the *Vancouver Charter* and enactment of the *Local Elections Campaign Financing Act* and the *Local Elections Statutes Amendment Act*.

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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 from section 1.2 the following definition:

“campaign financial disclosure statements” mean the disclosure statements, supplementary reports, and signed declarations required under sections 62 and 62.1 of the Vancouver Charter;” and”.
3. Council inserts in section 1.2 the following definition in the correct alphabetical order:

“disclosure statement” means a disclosure statement required under section 46 of the Local Elections Campaign Financing Act;”
4. Council strikes section 7.2, including the heading, and replaces it with:

“Availability of disclosure statements

7.2 From the time any information in a disclosure statement related to the City of Vancouver is made available on the Elections BC authorized internet site pursuant to section 58 (1) (a) of the *Local Elections Campaign Financing Act*, the City Clerk shall:

 - (a) make that information available for public inspection at City Hall during regular office hours on request; and
 - (b) ensure a link is created on the City of Vancouver website to connect to the information related to the City of Vancouver provided on the Elections BC authorized internet site.”
5. 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.
6. 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