



City of Richmond

Report to Committee

TO General Purposes - June 16, 2008

To: General Purposes Committee

Date: May 30, 2008

From: David Weber
Director, City Clerk's Office

File: 12-8125-50-01/2008-Vol
01

Re: 2008 General Local and School Election

#: 12-8060-20-8386

Staff Recommendation

1. That Civic Election Administration and Procedure Bylaw No. 7244, Amendment Bylaw No. 8386 be introduced and given first, second and third readings.
2. That a copy of the 2008 General Local and School Election report (dated May 30, 2008 from the Director, City Clerk's Office) be forwarded to the Richmond Board of Education for information.

David Weber
Director, City Clerk's Office
(604-276-4098)

Att. 2

FOR ORIGINATING DEPARTMENT USE ONLY		
CONCURRENCE OF GENERAL MANAGER		
<i>[Signature]</i>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
REVIEWED BY CAO (Acting)	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Staff Report

Origin

On March 31, 2008, the *Local Government Statutes Amendment Act, 2008* was enacted, introducing a number of changes to the election provisions of the Local Government Act. These amendments will present several opportunities to improve the way in which the election will be administered in 2008 and will also require consideration of various amendments to the City's Civic Election Administration and Procedure Bylaw.

This report will also respond to the following Council referral which was made after the last local government election in 2005:

That staff comment and make recommendations regarding possibility of holding an earlier Advance Poll or expanding the period of time for holding the Advance Polls for the 2008 General Local and School Election.

In addition, this report provides general information regarding the civic election process in a separate *FAQ (Attachment 1)*.

Analysis

When the *Local Government Statutes Amendment Act* was introduced, it was described as improving accountability and transparency as well as improving access to voting opportunities for residents. The amendments responded to some very specific feedback received by the provincial government following the 2005 local government elections, in particular, the changes were made to:

- a) expand advance voting opportunities;
- b) expand mail ballot opportunities;
- c) simplify the non-resident property elector registration requirements; and
- d) create a new requirement for "campaign organizers" (individuals or organizations who don't endorse candidates on the ballot, but incur election expenses) to file campaign financing disclosure statements.

Aside from a consequential bylaw amendment that is required and recommended in order to make the mail ballot procedures outlined in the City's election bylaw consistent with the new legislative requirements, these legislative amendments now apply province-wide.

Also described below are two legislative changes that **provide options** for local governments to implement by bylaw. Specifically, these options relate to:

- a) the number of required nominators per candidate, and
- b) the electronic accessibility of nomination documents and disclosure statements.

Part 1 - Legislative changes that apply province-wide to all local government elections**1. Expansion of advance voting opportunities**

Previously, people who wished to vote at an advance voting opportunity could only do so if their particular circumstances came within at least one of the permitted reasons outlined in the Act, for example, if the elector was not able to attend a voting place on general voting day for reasons beyond their control or if the elector could not vote on general voting day for reasons of conscience.

The legislation further required each elector voting at an advance voting opportunity to sign a solemn declaration attesting to the fact that they met the circumstances outlined in the legislation. The additional paperwork and the time required for this declaration often resulted in delays and frustration at the voting place and the prescribed early voting circumstances meant that only a fraction of the local electorate could participate in an advance voting opportunity.

The new legislative amendments have eliminated the prescribed circumstances for voting early, thus opening the advance voting opportunities to all qualified electors. In addition, because the related written declaration is no longer required, the voting process at the advance voting opportunities will be much more efficient.

No bylaw amendments are required in relation to the expansion of advance voting opportunities.

2. Expansion of mail ballot voting opportunities

Prior to the recent legislative changes, the opportunity to vote by mail-in ballot was limited to qualified electors who could not vote at a usual voting place due to physical disability, illness, or injury affecting their mobility. Richmond is one of a small minority of municipalities which has offered the option of the mail-in ballot in previous years. The City has implemented the mail-in ballot process in order to better serve the mobility impaired as well as to provide a more customized voting opportunity at long-term care facilities. However, the limitations prescribed in the Act meant that we were not able to extend this voting opportunity to other qualified electors who, for example, happened to be travelling out of town during the election period or who happened to be stationed outside of Richmond while serving with the Canadian Armed Forces.

The new legislative amendments have addressed this issue by extending the opportunity to vote by mail ballot to electors who expect to be absent from the municipality on general voting day and at the times of all advance voting opportunities. Therefore, the mail-in ballot option will be available not only for people who are mobility impaired, but for those travelling out of town or serving with the military.

A consequential bylaw amendment is required and recommended in order to make the mail ballot procedures outlined in the City's bylaw consistent with the new legislative requirements.

3. Stream-lining of non-resident property elector registration requirements

The requirement for non-resident property electors to obtain a certificate from the Chief Election Officer in advance of voting has been eliminated. Previously, the requirement for the certificate meant that someone wishing to vote as a non-resident property elector had to make an additional visit to the Election Office in advance of voting in order to have all the appropriate documentation checked. Now, the non-resident property elector may submit the required documentation directly to the election staff at a voting place at the time of voting, thus eliminating the requirement for the certificate and the additional visit to the Election Office. This amendment will require a minor change to our election staff training program, but it will simplify the voting process for non-resident property electors.

No bylaw amendments are required in relation to this legislative change.

4. Application of campaign financing disclosure regulations to “campaign organizers” (third parties)

Previously, the requirement to file campaign financing disclosure statements applied only to candidates and to elector organizations that officially endorsed candidates on the ballot. The recent legislative changes have created a new category of organization called “campaign organizers.” Campaign organizers are individuals or organizations that mount an election campaign and accept campaign contributions, intend to accept campaign contributions, or incur expenses in support of an election campaign. The primary difference between an elector organization and the newly-defined campaign organizer is that the campaign organizer does not officially endorse candidates on the ballot, but nevertheless, mounts an election campaign.

An “election campaign” is a campaign in relation to an election for any of the purposes listed below, including a campaign undertaken before a person is nominated or declared a candidate. An election campaign is defined broadly and may be undertaken:

- to promote or to oppose the election of a candidate;
- to approve or to disapprove of a course of action advocated by a candidate;
- to promote or to oppose an elector organization or campaign organizer or its program;
- to approve or to disapprove of a course of action advocated by an elector organization or campaign organizer; or
- to promote or to oppose the selection of a person to be endorsed by an elector organization.

The new regulations for campaign organizers in terms of accepting and accounting for monies received and spent parallel those in place for candidates and elector organizations. Campaign financing disclosure statements for candidates, elector organizations and campaign organizers must be filed with the local government within 120 days following the election.

It is noted for information that the election regulations that apply at the local government level do not include limits on spending, nor will the recently-enacted amendments to the

provincial Election Act apply to local government elections or local government election campaigns.

No bylaw amendments are required in relation to this legislative change.

Part 2 - Legislative changes that provide an option to local governments to implement by bylaw

1. Number of required nominators per candidate

The legislative amendments provide local governments with the option to increase the number of nominators required for each candidate to 10 or, for communities with populations over 5,000, the option of increasing the requirement to 25 nominators. In the absence of an increased number of nominators established by bylaw, the long-standing default number would remain at 2 nominators for any given candidate.

The rationale behind this new option is that it may provide a means for communities to address previous experiences with inordinately long and confusing ballots or the candidacy of what might be considered by some as less than serious or fringe candidates, for example, when cartoon characters dressed in costumes run for public office. By providing this as an option, the legislation gives local governments a choice to heighten the requirements for candidates in order to offset the negative effects of an otherwise relatively unencumbered nomination process. As Richmond has not had a history of problems in this regard, and since an increase in the requirement would run counter to other efforts to streamline and simplify processes, no change to the number of nominators is being recommended.

No bylaw amendments are needed unless the number of nominators is to be increased to 10 or 25. Staff recommend that the number of nominators remain at the number it has been for many years (2 nominators per candidate).

2. Electronic accessibility of nomination documents and disclosure statements

Previously, local government election officials were required to maintain control over public access to nomination documents and campaign financing disclosure statements such that photocopies of these documents could not be released, nor could the documents be made available electronically, even though there is a clear legislative requirement that the documents be available for public inspection.

The new legislative amendments have clarified and relaxed these requirements in order to implement greater accessibility and transparency of these public documents. The previous impediment to providing photocopies of nomination documents and campaign financing disclosure statements has been removed. These documents will continue to be made available for public inspection at City Hall as they always have been, and starting with the 2008 election, any interested person will be permitted to have a photocopy of these documents upon request.

The legislation also provides the option for local governments to make these documents accessible by authorizing, by bylaw, the publication of nomination documents and campaign financing disclosure statements through a web site or through other electronic means.

For communities that have the technical means to maintain a web site, this option would provide a degree of accessibility that is consistent with such documents at the federal and BC provincial level. At the federal and BC provincial level, campaign financing disclosure statements are published on-line through the Elections BC and the Elections Canada websites and the content of the statements are searchable and available for download using sophisticated on-line databases.

In considering the impact that this broader electronic access may have on individual privacy, it is noted that campaign financing disclosure statements do not include addresses of any individual contributors, and do not include the names of individuals who contribute less than \$100. In addition, in order to further mitigate the potential impact to privacy that broader on-line access may bring, it would be advisable and consistent with privacy best practices to omit any individual's residential address and personal telephone number that may appear in these documents. For example, the residential addresses of candidates and nominators are required data elements on the nomination documents, however, it is recommended that this personal information be omitted from the documents when published on the internet. For clarity, however, where this information is required by statute to be made available for public inspection, the documents must be made available for inspection in their entirety in the local government offices in accordance with the *Local Government Act*.

As a public service, the electronic accessibility of these documents improves transparency, is more efficient for the end user, and the broader accessibility enhances public confidence in the election process. The availability of these documents by way of a more modern means is also consistent with the other legislative changes which promote openness and transparency of process. Finally, electronic publication through the official local government office would ensure that the complete set of these public documents are consistently and accurately published and would avoid any misrepresentation that might occur if another third party took it upon themselves to electronically publish some or all of these documents after receiving hard-copies as now permitted. Staff therefore recommend that the availability of these documents through the local government office be expanded to include electronic publication, taking into account the limits recommended to protect individual privacy.

A bylaw amendment is recommended and required in order to authorize electronic publication of nomination documents and disclosure statements.

Part 3 – Response to the referral on advance voting opportunities

Following the official reporting on the results of the 2005 general local and school election, the issue of advance voting opportunities was raised by Council in response to complaints and comments received from residents who had planned to be away from the City through the election period, and therefore could not vote because they were scheduled to leave prior to the first advance voting opportunity. As a result of the discussion, staff were asked to: *comment and make recommendations regarding the possibility of holding an earlier*

Advance Poll or expanding the period of time for holding the Advance Polls for the 2008 General Local and School Election.

The earliest date that Richmond plans to hold an advance voting opportunity is November 5th, 2008, which is the date that all municipalities are required by statute to hold advance voting. To hold other advance voting dates earlier than November 5th is not recommended as the availability of ballots and other necessary preparations cannot be reasonably guaranteed before that time. Specifically, the ballot cannot be finalized until after the end of the nomination challenge period and until after the declaration of election is made on October 21st. Once the ballot is finalized, printed and delivered later in October, the required testing must be performed on all of the automated vote counting equipment. This is followed by final preparations and printing of the voters lists and other required election materials to be used on advance voting and general voting day. This activity is scheduled to take place right up until the end of October and into the first few days of November. These preparations are critically important, take time to complete, and must be carried out with a very high standard of care and accuracy. Expediting this work to meet an even earlier advance voting opportunity deadline would carry risk and is not recommended.

However, even though an earlier advance voting date is not recommended, the new legislative changes which expanded the rules around the use of mail-in ballots, will go a long way to addressing the concern that was at the centre of the referral. Because the eligibility for mail-in ballots has been expanded, "snowbirds" and members of the military stationed elsewhere may vote using the mail-in ballot. Therefore, even though the advance voting days cannot reasonably be scheduled any earlier, these residents have now been provided - for the first time - with a way to exercise their right to vote despite their absence from the City.

The dates for advance voting are:

November 5, 2008 (Wednesday) 8am-8pm

November 6, 2008 (Thursday) 8am-8pm

November 8, 2008 (Saturday) 8am-8pm

November 12, 2008 (Wednesday) 8am-8pm

November 13, 2008 (Thursday) 8am-8pm

Richmond has traditionally held four days of advance voting. However, because the eligibility restrictions on advance voting have been lifted, a fifth day has been added for 2008 in anticipation of a greater demand for advance voting opportunities.

Financial Impact

None.

Conclusion

The new legislative changes that came into effect in March of this year have provided opportunities to enhance the openness and transparency of the election process and to provide expanded voting opportunities for the public. In addition, the expanded voting opportunities have also addressed long-standing concerns raised by residents who happened to be away from the City during the election period. While most of these changes are now in place through

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statute, other changes, specifically those relating to the availability of public documents on-line and mail-in ballot eligibility, along with a housekeeping change relating to the close-of-voting procedures for advance voting, are recommended for implementation by bylaw. As the November election is also an election for the Trustees on the Board of Education for School District No. 38 (Richmond), it is further recommended that this report be forwarded to the Board for information.

A handwritten signature in cursive script that reads "David Weber". The signature is written in black ink and is positioned above the typed name and title.

David Weber
Director, City Clerk's Office
(604-276-4098)

Richmond General Local and School Election 2008

Frequently-Asked-Questions / General Overview

When is election day?

General Election Day is November 15, 2008.

What are the dates for advance voting?

The proposed dates for advance voting are:

- November 5, 2008 (Wednesday) 8am-8pm
- November 6, 2008 (Thursday) 8am-8pm
- November 8, 2008 (Saturday) 8am-8pm
- November 12, 2008 (Wednesday) 8am-8pm
- November 13, 2008 (Thursday) 8am-8pm

Richmond has traditionally held four days of advance voting. Because the eligibility restrictions on advance voting have been lifted, a fifth day has been added for 2008 in anticipation of a greater demand for advance voting opportunities. The proposed dates provide both weekday and weekend advance voting opportunities. Advance Voting will be held at Richmond City Hall.

Do voters have to register in advance of General Election Day?

No.

People who are not already registered on the voters list, or who did not register during the advance registration period, may still register to vote at the time of voting. Eligible electors who have never before registered may register to vote in advance provided they do so before September 23, 2008. After this date, eligible electors who are not yet registered to vote, must register at the time of voting.

How do electors register to vote?

If you are not already on the voter's list, you can register at the Election Office at City Hall during the voter registration period (from now until September 23, 2008). You will be able to check whether you are registered to vote on the City web site. If you don't register to vote in advance, don't be concerned - you can always register at the voting place just before you vote. Remember, registration in advance of General Election Day is

not required. In order to register, a person must meet the eligibility requirements and present acceptable identification (see below for details).

Do voters have to re-register to vote for each election?

No.

If you voted in the last provincial, federal or civic election, then it is very likely that you are already registered to vote for the 2008 General Local and School Election. The City uses the provincial voters list for civic elections, which is based on election registration data from both the provincial and federal voters lists. Elections BC maintains and updates the voters list between elections, however, if you have recently moved, and have not updated your registration information with Elections BC, then you may wish to do so during the advance registration period to ensure that your current registration information for Richmond is incorporated into the voters list. Again, there is no need to be concerned if you have not updated your registration information in advance of General Election Day - an Election Official can easily process a change of address or registration update immediately before you vote at the voting place.

Who is eligible to vote?

You may vote in the Richmond General Local and School Election as a **resident elector** if you:

1. are a Canadian citizen;
2. are, or will be, 18 years of age or more on General Voting Day (Saturday, November 15, 2008);
3. have lived in BC for at least 6 months prior to registration (May 13, 2008 is the last day to meet residency requirement if registering on General Voting Day);
4. have lived in Richmond (or owned property in Richmond for a **non-resident elector**) for at least 30 days prior to registration (October 15, 2008 is the last day to meet local residency requirement if registering on General Voting Day); and
5. are not disqualified from voting by the Local Government Act or any other enactment.

What is the identification requirement in order to vote?

If a person is already registered on the voters list, there is no ID requirement at the time of voting.

If a person is not already registered on the voters list, and they are eligible to vote, the following ID requirement must be met when registering at the time of voting:

1. **At least 2 ID documents must be shown that provide evidence of the person's identity and place of residence**, at least one of which must contain the person's signature,

OR

2. **At least 2 ID documents must be shown that provide evidence of the person's identity**, at least one of which must contain the person's signature, **and make a solemn declaration** as to the person's place of residence.

What forms of ID are acceptable?

The following are examples of acceptable identification documents (this is not an exhaustive list):

- Canadian Passport
- BC Driver's License
- Certificate of Vehicle Insurance
- BC ID Card
- Credit Cards or Debit Cards
- Birth Certificate
- Canadian Citizenship Card
- Social Insurance Card
- BC Care Card or BC Gold Care Card
- Property Tax Notice or Utility Bill

Where do people go to vote?

Voting places are conveniently located throughout Richmond, usually at schools and other public buildings. Although the locations of the voting places are not finalized at this time, they will be well advertised in advance of the election in November.

What provisions are made to assist disabled persons?

People who have a physical disability, illness, or injury that affects their ability to vote at another voting opportunity may request to vote using a mail-in ballot. In addition, on General Voting Day and on Advance Voting Days, people may request "curb-side voting," which is a service whereby an elector may vote in their car with the assistance of an election official, provided the elector is able to drive to or be driven to their designated voting place. If an elector requires assistance to read or mark a ballot, they are permitted to have the assistance of another person in the voting booth. Also, every effort is made to ensure that all voting places are accessible.

What provisions are made for residents of care facilities?

As in previous years, voting opportunities will be provided for residents of care facilities who would otherwise not be able to attend a voting place on General Voting Day. In the past, voting opportunities have been provided at Minoru Residence, Gilmore Gardens, Courtyard Gardens, Fraserview Intermediate Care Lodge, Richmond Lions Manor, Rosewood Manor and Pinegrove Place. Similar arrangements will be made again this year in consultation with facilities staff to provide appropriate voting opportunities for people living in these and other new facilities as appropriate. Other people who are disabled, injured or ill, but living at home or at another place not listed above, may also vote using a mail-in ballot.

What provisions are made to assist people using other languages?

The City publishes and distributes a voters guide in English, French, Chinese and Punjabi. In addition, voting instructions and other voting information is posted at the voting places in each of these languages. The City also makes an effort to have some multi-lingual election staff available at the voting places and if a person requires translation assistance in the voting booth, they may bring one person along with them to translate.

Ballots are not available in other languages.

Can people vote in Richmond if they live elsewhere but own property here?

The Local Government Act allows people who are not residents of a municipality to vote if they own property within a given jurisdiction. Of course, by definition, this right is only extended to people who are not residents so as to avoid double-voting. For example, a resident of Vancouver who owns property in Richmond may vote in Vancouver as a resident elector and in Richmond as a non-resident property elector. However, a person who lives in Richmond, and owns additional properties in Richmond may only vote *once* in Richmond as a resident elector. The property must be owned personally and not by a corporation since corporate voting has long since been eliminated.

When can people be nominated as candidates in the election?

The nomination period begins on Tuesday, **September 30**, 2008 at 9:00 am and ends on Friday, **October 10**, 2008 at 4:00 pm. No candidate nominations can be filed except during the nomination period.

What are the general qualifications to run as a candidate?

In order to run as a candidate, you must:

- be 18 or older on general election day;
- be a Canadian citizen; and
- be a resident of British Columbia for at least 6 months before the election.

In addition, you must not have been otherwise disqualified, for example, by failing to file a campaign financing disclosure statement after the last election. Candidates in a civic election are *not* required to be residents of the community in which they are seeking public office. City and School Board employees are required to take a leave of absence before being nominated for a position on City Council or the Board of Education respectively. Metro Vancouver employees must also take a leave of absence before being nominated as a candidate for a City Council position.

What is an elector organization?

An elector organization is an organization that endorses the election of a particular candidate and has its name on the ballot along with the candidate's name. If the organization wants to have its name appear on the ballot with the candidate's name, the organization must have been in existence for 60 days and have had a membership of 50 electors of the local government for that period. Elector organizations are bound by the same financial disclosure rules as candidates and their disclosure statements are available for inspection by the public at the local government office 120 days after general voting day.

What is a campaign organizer?

Campaign organizers are individuals or organizations that mount an election campaign and accept campaign contributions, intend to accept campaign contributions, or incur expenses in support of an election campaign. The primary difference between an elector organization and the newly-defined "campaign organizer" is that the campaign organizer does not officially endorse candidates on the ballot, but nevertheless, mounts an election campaign.

What is a campaign financing disclosure statement?

The purpose of campaign financing disclosure statements are to provide the public with more information as to who is financially supporting candidates, elector organizations and campaign organizers and how much is spent in running for elected office. Candidates, elector organizations and campaign organizers are required to prepare and

file with the local government, public statements which outline the campaign contributions they received and election expenses they incurred.

The campaign financing disclosure statements must be filed 120 days after general voting day (March 16, 2009). The requirement to file a disclosure statement applies to all candidates and elector organizations, whether or not contributions were received or election expenses were incurred.

This is the first civic election where campaign organizers will be required to also file campaign financing disclosure statements. For campaign organizers, the requirement to file is triggered once the organizer files with the Chief Election Officer the contact information for the organization and its appointed officers. This must be done once the organizer has incurred election expenses greater than \$500, has received campaign contributions greater than \$500, or sooner if the organizer so chooses.



**Civic Election Administration and Procedure Bylaw No. 7244,
Amendment Bylaw No. 8386**

The Council of the City of Richmond enacts the following amendments to the Civic Election Administration and Procedure Bylaw No. 7244, as amended:

1. Subsection 4.6.2 is amended by deleting clause (a) and substituting the following:
 - (a) direct the presiding election officials for the advance voting and any special voting opportunities, or another election official under the direction of the Chief Election Officer, to proceed in accordance with clauses (c) to (j) inclusive of subsection 4.6.1 so far as applicable; and
2. Section 5.1 is amended by deleting subsection 5.1.2 and substituting the following:

In accordance with the provisions of the *Local Government Act* only those persons who:

 - (a) have a physical disability, illness, or injury that affects their ability to vote at another voting opportunity; or
 - (b) persons who expect to be absent from the municipality on general voting day and at the times of all advance voting opportunities,

are permitted to vote by mail ballot.
3. Civic Election Administration and Procedure Bylaw No. 7244, as amended, is further amended by adding the following as Part Seven A:

**PART SEVEN A: ACCESS TO NOMINATION DOCUMENTS, DISCLOSURE
STATEMENTS AND SUPPLEMENTARY REPORTS**

- 7A.1 In addition to the public inspection requirement in the *Local Government Act*, authorization is given to also make nomination documents available by the internet or other electronic means from the time of delivery until 30 days after the declaration of election results.
- 7A.2 In addition to the public inspection requirement in the *Local Government Act*, authorization is given to also make disclosure statements and supplementary reports available by the internet or other electronic means from the time of filing until 7 years after general voting day for the election to which they relate.

7A.3 The documents described in sections 7A.1 and 7A.2 will be made available for public inspection in their entirety as filed, except that residential addresses and personal telephone numbers of any individual will be omitted from any such documents made available by the internet.

4. This Bylaw is cited as "Civic Election Administration And Procedure Bylaw No. 7244, Amendment Bylaw No. 8386".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
DW
APPROVED for legality by Solicitor
DW

MAYOR

CORPORATE OFFICER