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## REPORT TO GOVERNANCE COMMITTEE MEETING OF WEDNESDAY, JUNE 01, 2022

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**SUBJECT**     Updates to the Election and Voting Procedures Bylaw

### **ISSUE SUMMARY**

Bylaw 3543, the *Capital Regional District Election and Voting Procedures Bylaw, 2008* (the Elections Bylaw) must be amended to reflect changes to the *Local Government Act (LGA)*. Updates to the Elections Bylaw, intended to be in effect for the 2022 General Local Election, must be adopted by the Board no later than July 4, 2022.

### **BACKGROUND**

The Elections Bylaw was last updated prior to the 2018 election. Staff have reviewed the bylaw and have identified the need for only one substantive change for 2022 to align the bylaw with the change to section 110 of the *LGA* which allows for expanded use of mail ballots. Staff have also taken this opportunity to make some minor housekeeping changes.

### **ALTERNATIVES**

#### *Alternative 1*

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw 4486, the “Capital Regional District Election and Voting Procedures Bylaw, 2008, Amendment Bylaw No. 3, 2022” be introduced, read a first, second, and third time;
2. The Bylaw 4486 be adopted.

#### *Alternative 2*

That Bylaw 4486 be amended as directed.

### **IMPLICATIONS**

Recent changes have been made to Section 110 of the *LGA* to expand the use of the mail ballots. Previously, electors had to meet conditions to qualify for a mail ballot, including: a physical disability, illness or injury that prevented them from voting at a polling opportunity; or, being absent from the jurisdiction on advance and general voting days. Those conditions have been removed from section 110. With this change, any voter may request a mail ballot without specifying a reason. Bylaw 4486, attached at Appendix A, includes amendments to reflect the changes to the *LGA*.

CRD is not required to offer mail ballot voting to electors, however, given that our bylaw allows for mail ballot voting, it must be made available to all voters to comply with the new legislation. Failing to adopt the proposed amendments that remove the conditions that previously applied to mail ballot voting is not an option for the Board.

CRD has offered mail ballot voting in the past two elections with minimal uptake. In 2018, only 15 electors voted by mail ballot. The expanded availability of mail ballots may increase the number of electors who request a mail ballot package, which may in turn increase the workload for staff,

as the process for verifying electors and preparing mail ballot packages is time-consuming. That said, increased availability of mail ballots may also have benefits for CRD by allowing a reduction in the number of polling stations at some remote locations where historically fewer ballots are cast. For example, in 2018 CRD had 6 polling locations where less than 50 ballots were cast. At 3 of those locations, less than 15 ballots were cast. Staff are currently undertaking a review of 2018 voting statistics and may promote the use of mail ballot voting instead of in person voting for remote areas with lower elector turnout.

**CONCLUSION**

The Elections Bylaw requires updates to align with changes made to the *Local Government Act* since 2018, specifically to remove the conditions previously applicable to electors wishing to vote by mail ballot and to enact other minor housekeeping changes. July 4th is the last day the Board may adopt any changes to the Election Bylaw if it is to apply to the 2022 General Local Election.

**RECOMMENDATION**

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw 4486, the “Capital Regional District Election and Voting Procedures Bylaw, 2008, Amendment Bylaw No. 3, 2022” be introduced, read a first, second, and third time;
2. The Bylaw 4486 be adopted.

Submitted by:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

**ATTACHMENT(S)**

- Appendix A: Bylaw 4486, “Capital Regional District Election and Voting Procedures Bylaw, 2008, Amendment Bylaw No. 3, 2022”
- Appendix B: Redlined version of amendments to Bylaw 3543, “Capital Regional District Election and Voting Procedures Bylaw, 2008”