

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 01, 2023**

SUBJECT **Bylaw 4540 - Election and Voting Procedures Bylaw Amendment**

ISSUE SUMMARY

Updates to Bylaw 3543, “Capital Regional District Election and Voting Procedures Bylaw, 2008”, (the Elections Bylaw) must be adopted no later than February 27, 2023 to be in effect for the Salt Spring Island Local Community Commission Election scheduled for May 27, 2023.

BACKGROUND

The Elections Bylaw was last updated prior to the 2022 general local election to align the bylaw with the change to section 110 of the *Local Government Act (LGA)* which allows all eligible electors the opportunity to vote by mail ballot. The CRD had offered mail ballot voting in two elections prior to 2022 with minimal uptake.

The number of electors that voted by mail ballot were:

- 15 - 2018 General Local Election;
- 39 - 2021 Pender Islands Health Care Centre Referendum (assent voting); and
- 134 - 2022 General Local Election.

As a result of opening mail ballot voting to all eligible electors in 2022, the CRD received over 300 requests for mail ballot packages to be prepared for mailing or pick-up. Staff are recommending amendments to the Elections Bylaw to remove the non-statutory procedure and timelines around the process of voting by mail ballot to increase staff efficiency.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw 4540, the “Capital Regional District Election and Voting Procedures Bylaw, 2008, Amendment Bylaw No. 4, 2023” be introduced, read a first, second, and third time;
2. That Bylaw 4540 be adopted.

Alternative 2

That Bylaw 4540 be amended as directed.

IMPLICATIONS

The expanded availability of mail ballots during the 2022 election increased the number of electors who requested a mail ballot package, which in turn increased the workload for staff. The mail ballot process is further complicated by the fact that the CRD has 16 different types of ballots based on the local area of the elector. Furthermore, staff have a very short time frame from when the ballots are received from the printer to mail out due to Canada Post delivery timelines being longer for the island communities.

For instance, the earliest the ballot designs could be sent to the printer is less than 26 days before general voting (following the close of the withdrawal period for candidates and declaration of election by voting). It takes another 5 to 7 days for the printer to prepare and deliver the CRD's 16 unique ballot types. CRD Legislative Services staff had to work an average of 3 hours overtime for 3 consecutive days to process the high volume of mail ballot requests.

Currently, Part 4 of the Elections Bylaw outlines the requirements and process for mail ballot voting. Staff are recommending that Section 17(d) of the Elections Bylaw be amended to provide the Chief Election Officer (CEO) with the flexibility to establish the deadline for accepting voting by mail ballot, which must be no later than the close of voting on general voting day.

Staff are also recommending that Section 18 of the Elections Bylaw be amended to remove the non-statutory process and timeline of opening the mail ballot certification envelopes and placing the secrecy envelopes contained within in a ballot box after *"4:00 pm on the Thursday two days before general voting day"*. This non-statutory timeline is not connected to the deadline for submitting mail ballots, which is established by the CEO for each election. Instead, the bylaw has created an additional step in the administration of mail ballot voting which extends past regular office hours. Furthermore, candidates are permitted to have their representatives observe the opening of the certification envelope proceedings; however, the mandated 4:00 pm start time presents a challenge for those individuals travelling by ferry and limits the ability of staff to be flexibility on timing.

The purpose of the proposed amendments to the Elections Bylaw is to empower the CEO to set the timelines for mail ballot voting that works best with the scope and size of the election being conducted. Once the amending bylaw is adopted, the CEO will be able to set longer timelines for the processing of mail ballots for the Salt Spring Island Local Community Commission Election from the Salt Spring Island Administration Office.

CONCLUSION

Last year Bylaw 3543, the "Capital Regional District Election and Voting Procedures Bylaw, 2008" (the Elections Bylaw) was amended to align the bylaw with the change to section 110 of the *Local Government Act (LGA)* which allows all eligible electors the opportunity to vote by mail ballots. The Elections Bylaw is being amended to simplify processing of voting by mail ballot to give the Chief Election Officer the authority to set the timeline for processing the mail ballots before or after the close of voting on general voting day. The last day the Board may adopt any changes to the Elections Bylaw is February 27, 2023 in order for it to apply to the Salt Spring Island Local Community Commission Election scheduled for May 27, 2023.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw 4540, the "Capital Regional District Election and Voting Procedures Bylaw, 2008, Amendment Bylaw No. 4, 2023" be introduced, read a first, second, and third time;
2. That Bylaw 4540 be adopted.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw 4540, "Capital Regional District Election and Voting Procedures Bylaw, 2008, Amendment Bylaw No. 4, 2023"

Appendix B: Redlined version of proposed amendments to Bylaw 3543, "Capital Regional District Election and Voting Procedures Bylaw, 2008"