
CITY OF KELOWNA

MEMORANDUM

Date: July 2, 2008
File No.: 4200 – 01 / 2008 Election

To: Mayor and Council

From: City Clerk

Subject: Appointment of Chief and Deputy Chief Election Officers and
Introduction of 2008 General Local Government Election Procedure Bylaw

RECOMMENDATION

THAT Stephen Fleming be appointed Chief Election Officer and Rob Mayne be appointed Deputy Chief Election Officer in accordance with Section 41 of the *Local Government Act*, for the purpose of conducting the 2008 general local government election;

AND THAT the Chief Election Officer be authorized to retain such legal counsel as may be required with reference to any matters pertaining to the election;

AND THAT the Chief Election Officer be authorized to enter into agreements with School District No. 23 and other local governments as may be beneficial to the voting public and all jurisdictions in connection with the election;

AND FURTHER THAT the 2008 General Local Government Election Procedure Bylaw be forwarded for reading consideration.

BACKGROUND

The 2008 general local government elections will be held on November 15, 2008. The Chief Election Officer is responsible for the appointment of other election personnel, designating voting places, and ensuring that the conduct of the election complies with the requirements of the *Local Government Act* and the *School Act*.

In the past several elections the City has come to a cost-sharing arrangement with School District No. 23 in order that the cost of conducting the election of school trustees is recovered. It has already been agreed with representatives of the School District that this type of arrangement will again be acceptable for the 2008 election.

In order to ensure that any legal issues that arise around the 2008 general local government election, it is recommended that the Chief Election Officer be authorized to retain such legal counsel as may be required.

It is proposed that this year's bylaw designate November 5 and 12, 2008, as the dates for Advance Voting Opportunities, to be held at the Parkinson Recreation Centre, and authorizes the Chief Election Officer to establish the locations, dates, and voting hours for Special Voting Opportunities. Special Voting will be held at the Kelowna General Hospital, as well as the Interior Health Authority's extended level care facilities within the City, and will give the residents or patients, and staff, of those facilities, who have challenges in getting to the regular voting



places, the opportunity to exercise their vote. Rest homes and care facilities will also be offered the opportunity to pre-arrange curbside voting during the advance voting opportunities at Parkinson Recreation Centre.

The bylaw also establishes that the names of the candidates on the ballot will be in alphabetical order, as opposed to by lot, and that any tie vote (after a judicial recount) that needs to be broken will be so by lot, as opposed to a run-off election.

As has been the case for many years, the bylaw also provides for the requirement of a refundable \$100.00 nomination deposit from each candidate for the position of Mayor or Councillor (candidates for School Trustee also pay the deposit). The deposits are refunded after the election, when the candidate files his or her Campaign Financial Disclosure Statement.

Finally, through changes to local government election procedures, introduced via Bill 7, by the Provincial Government, there is now the ability to offer mail ballot voting for electors who are unable to attend an advance or general voting location due to physical disability, illness or injury, or being absent from the jurisdiction. This new procedure has been included in the 2008 bylaw. One further change under Bill 7 which has not been included in the proposed 2008 bylaw for Kelowna is the ability for Council to require that nominations be made by 25 qualified electors per candidate, rather than the present 2 qualified electors. It would be open to Council to direct that this be included in the bylaw by simply inserting a provision reading "The required number of qualified nominators for candidates seeking election for the position of Mayor or Councillor shall be twenty-five (25).".

LEGAL/STATUTORY AUTHORITY:

In accordance with the *Local Government Act*, Council is required to appoint a Chief Election Officer and a Deputy Chief Election Officer for the purposes of conducting the 2008 local government election, which includes the election of a school board for School District No. 23. Council is also required pursuant to the *Local Government Act*, to establish certain procedures, by bylaw, for the conduct of the elections.

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:

The deadline for adoption of the election bylaw for all local governments is August 4, 2008.

COMMUNICATIONS CONSIDERATIONS:

Communications staff will be involved in dissemination of information to the City's electors as the election approaches.

Considerations that were not applicable to this report:

EXISTING POLICY:

EXTERNAL AGENCY/PUBLIC COMMENTS:

TECHNICAL REQUIREMENTS:

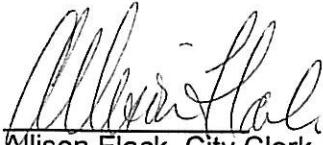
ALTERNATE RECOMMENDATION:

PERSONNEL IMPLICATIONS:

FINANCIAL/BUDGETARY CONSIDERATIONS:

INTERNAL CIRCULATION TO:

Submitted by:

A handwritten signature in cursive script, appearing to read "Allison Flack".

Allison Flack, City Clerk

Cc: Deputy City Clerk
Projects Manager, Real Estate & Planning

Handwritten initials "QV" in a simple, bold script.

Approved for Inclusion