

# Memo



**Date:** March 23, 2010  
**File:** 4200-01  
**To:** City Manager  
**From:** Deputy City Clerk  
**Subject:** Local Government Electoral Process

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## **Recommendation:**

THAT Council receive the supplemental report of the Deputy City Clerk, dated March 23, 2010, regarding recommendations to the Provincial Local Government Elections Task Force;

AND THAT Council direct staff to forward the three recommendations included in the report to the Local Government Elections Task Force, and any additional recommendations Council may add, as part of the consultation process in the development of a new provincial Local Government Elections Act.

## **Background:**

At the February 08, 2010 meeting, Council deferred the report of the Deputy City Clerk, and directed staff to seek input from members of the public prior to forwarding City of Kelowna recommendations to the Local Government Elections Task Force.

The provincial government has established an Elections Task Force co-chaired by the president of the Union of B.C. Municipalities (UBCM) and the Minister of Community and Rural Development. The mandate of the task force is to consider the electoral process for local government elections and forward recommendations to the provincial government. The recommendation will help inform a new Local Government Elections Act that is to be presented to the Legislature in time for the 2011 municipal elections.

## **Public Consultation:**

Staff offered the residents of Kelowna the opportunity to participate in the recommendations process through Public Service Announcements on February 18 and March 04, and advertisements placed in the local newspapers on February 19, 26 and March 05. Staff also posted information at kelowna.ca with links to the Local Government Elections Task Force website for those wishing to access the provincial consultation process directly. The website will continue to provide a direct link to the government website for residents of the City of Kelowna up to the provincial deadline of April 15, 2010.

Although there were very few direct responses to the request for input, those received were varied and included comments regarding:

- Candidate nomination deposit and number of nominators
- Ward and/or party system
- Referendums and their role in local elections
- Voting privileges for company/family trust property owners
- Creation of a voters list

Within the current legislation, there are areas that provide municipalities with the discretion, by bylaw, to structure their local government elections based on the needs of the community they serve. Currently, the *Local Government*

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Act (the Act) allows the local government to require a nomination deposit, but limits the nomination fee to a maximum of \$100.00. This fee is fully refundable upon completion and filing of the candidates Campaign Financing Disclosure statements. Under the Act, the number of nominators can be set by the local government at two, ten or twenty-five. Staff will be recommending the number of nominators be set at 25 for the 2011 civic election. Local Governments also have the ability to include referendum questions on the ballot, and allows municipalities the option of a voters list, or voter registration at the time of voting.

Council may, by bylaw approved by the Lieutenant Governor in Council, create a ward or partial ward system within the municipality. Currently, the District of Lake Country has a partial ward system and is the only BC municipality to have one. A comprehensive analysis of the ward system may be found in *A City of Neighbourhoods: Report of the 2004 Vancouver Electoral Reform Commission*.

The current legislation, which does include eligibility requirements for non-resident property owners, does not permit a corporate vote. The qualifications required to vote, to be a candidate, the election timeline, the voting process, and election offences are all in the current provincial legislation and are the same for all residents throughout the Province.

#### Summary of Recommendations:

In the report of February 08, staff suggested two operational recommendations be forwarded to the Provincial Local Government Election Task Force for their consideration, and have since included a third as noted below:

1. General Voting Day - the current general voting day is the third Saturday of November in a three year cycle and may be better accommodated in the community being the fourth Saturday of October.
2. Mail-in Voting Opportunities and Timelines - expanding mail-in voting opportunities for all electors, with a concurrent amendment to the election timeline that has the nomination period end 46 days prior to general voting day, not 36 days prior as in the current legislation.
3. Role of the BC Chief Electoral Officer - to provide a central legislative body for electoral updates and information to municipal Chief Electoral Officers, and to enforce the provisions of the Elections Act.

#### Internal Circulation:

City Clerk

#### Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

Technical Requirements:

External Agency/Public Comments:

Communications Considerations:

Alternate Recommendation:

Submitted by:



K. Needham

Deputy City Clerk

Approved for inclusion:



R. Mayne, Director Corporate Services