

Memo



Date: May 10, 2011
File: 0625-03
To: City Manager
From: Deputy City Clerk
Subject: 2011 General Local Government Election Bylaw

Recommendation:

THAT Council receives, for information, the report from the City Clerk, dated May 10, 2011 with respect to establishing procedures, by bylaw, for the conduct of the upcoming 2011 Elections;

AND THAT Council gives reading consideration to Bylaw No. 10545 being the 2011 General Local Government Election Bylaw;

AND THAT Council gives reading consideration to Bylaw No. 10546 being the Automated Voting Machines Authorization Bylaw;

AND THAT after final adoption of Bylaw No. 10546 being the Automated Voting Machines Authorization Bylaw, Council rescinds Bylaw No. 8220 being the City of Kelowna Automated Voting Machines Authorization Bylaw and all amendments thereto;

AND THAT Council gives reading consideration to Bylaw No. 10547 being the Elector Registration Bylaw;

AND FURTHER THAT after final adoption of Bylaw No. 10547 being the Elector Registration Bylaw, Council rescinds Bylaw No. 8086 being the Elector Registration Bylaw and all amendments thereto.

Purpose:

The 2011 general local government elections will be held on November 19, 2011. Pursuant to the *Local Government Act*, Council is required to establish certain procedures, by bylaw, for the conduct of the elections.

Background:

The attached draft General Local Government Election bylaw designates November 9 and 16, 2011, as the dates for Advance Voting Opportunities, to be held at the Parkinson Recreation Centre between the hours of 8:00am and 8:00pm. New for 2011, additional Advance Voting will be offered at City Hall, Nov16-18, between 8am-8pm. Strong voter turnout prior to general voting day (advance voting) has indicated that in conducting our municipal elections, electors in the City of Kelowna may respond to greater flexibility in the days and times they are able to vote.

The Election bylaw also authorizes the Chief Election Officer to establish the locations, dates, and voting hours for Special Voting Opportunities. As in previous years, Special Voting will be held at the Kelowna General Hospital, as well as the Interior Health Authority's extended and intermediate level care facilities within the City. Building on the introduction of mail ballot voting in 2008, elections staff will be contacting administrators to discuss the needs of their residents and provide information on eligibility to participate in Mail Ballot Voting as well. The

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intent is to ensure residents or patients that have challenges in getting to the regular voting places, are aware of the opportunities available to exercise their vote.

Furthermore, the Election 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.

Similar to previous years, there is a requirement for a refundable \$100.00 nomination deposit from each candidate for the position of Mayor or Councillor or School Trustee as provided for under the legislation. The deposit is refunded following the election, after the candidate files their Campaign Financial Disclosure Statement. The *Local Government Act* also allows each municipality over a population of 5000 to set the number of nominators which, new for the 2011 election, will be increased to twenty-five (25) per candidate.

Under the legislation, local governments must also enact bylaws to authorize an automated vote counting system and procedures, as well as, limit registration of electors to registration at the time of voting. The City of Kelowna eliminated the voters list and replaced it with same day voter registration in 1997. The proposed Bylaw No. 10547, Elector Registration requires elector registration at the time of voting and has been updated to reflect the governing legislation. The proposed Bylaw No. 10546, Automated Voting Machines Authorization Bylaw, also continues with past practice related to the use of electronic voting machines as introduced in 2002, with updates to the legislation. Staff continues to monitor new technology related to voting that will benefit all electors in the City. Our commitment to local government elections is to ensure all voting opportunities are conducted in a fair and open manner that respects the legislation and the integrity of the individual vote.

Legal/Statutory Authority:

Local Government Act- Section 39 - Establishes the General Local Government Election Bylaw procedures for the upcoming election.

Local Government Act - Sections 54, 71 (2), 72.1, 73(7), 93(2), 96(1), 98(1), 99(1),(2), (2)d, 100(1), (4), 107(1), 110(3) 141(1), 163(4) and 169(4) - Outlines required information that the Election Bylaw should include.

Local Government Act - Section 102 - Establishes the Use of Voting Machines bylaw.

Legal/Statutory Procedural Requirements:

Local Government Act- Section 39 - Must be adopted 8 weeks before the nomination period.

Considerations not applicable to this report:

Internal Circulation:

Existing Policy:

Financial/Budgetary Considerations:

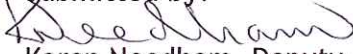
Personnel Implications:

External Agency/Public Comments:

Community & Media Relations Comments:

Alternate Recommendation:

Submitted by:


Karen Needham, Deputy City Clerk

Approved for inclusion:



R. Mayne, Director Corporate Services