

Report to Council



Date: March 22, 2021
To: Council
From: City Manager
Subject: School Trustee By-Election Procedures
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated March 22, 2021 with respect to bylaws for the school trustee by-election;

AND THAT Bylaw No. 12192, being the 2021 School Trustee By-Election Bylaw No. 12192 be forwarded for reading consideration;

AND THAT Bylaw No. 12195, being Amendment No. 2 to Automated Voting Machines Authorization Bylaw No. 10970 be forwarded for reading consideration;

AND FURTHER THAT Council authorize the Deputy City Clerk to submit a request to the Minister of Education to make an order allowing the City of Kelowna's Chief Election Officer to permit voting by all electors voting in the by-election to be done by mail and allowing certain declarations made by electors to be made orally.

Purpose:

To approve procedures for the school trustee by-election and to authorize staff to request ministerial orders to provide exemptions to certain requirements in response to the COVID-19 pandemic.

Background:

The City of Kelowna will be holding a by-election for a school trustee on behalf of School District No. 23. General voting day will be Saturday June 26 with advanced voting opportunities on Wednesday June 16 and Wednesday June 23. Further details will be provided following appointment of a Chief Election Officer on April 12. In preparation for the by-election, certain bylaws must be in place governing the by-election procedures and staff are prioritizing health and safety considerations.

Discussion:

Election Bylaws

The proposed 2021 School Trustee By-Election Bylaw outlines procedures around accessing nomination documents, advanced voting opportunities, and mail ballot voting. These provisions are the same as the City's typical procedures for general local elections. The order of names on the ballot, resolution of tie votes, minimum number of nominators, and nomination deposits are addressed in School District No. 23 Bylaw No. 18 – Election. In consideration of the COVID-19 pandemic, opportunities for special voting (e.g., hospitals, long-term care homes) will not be made available for this by-election. This is consistent with recent by-elections in other jurisdictions.

Amendments to the Automated Voting Machines Authorization Bylaw are proposed to apply the procedures and requirements to by-elections.

Ministerial Orders

The *Local Government Act* allows for the Minister to make orders that provide exceptions to or modify requirements in special circumstances. In light of the pandemic, staff are seeking Council authorization to request an order addressing mail-in voting and voter declarations.

Mail ballot voting is typically restricted to those with physical disabilities, illnesses, or injuries that affect their ability to vote or to those who expect to be out of town for advanced voting opportunities and general voting day. The City and the School District would like to expand the opportunity for mail ballot voting to all eligible voters. Additionally, the City and the School District would like to allow voters to make oral declarations instead of signing the voting book. This helps to reduce touchpoints between members of the public and election staff.

Conclusion:

The bylaws and ministerial orders will establish many of the procedures for the by-election. Staff are developing safety plans and are prioritizing the health and safety of voters, election staff, and candidates throughout the by-election process. Staff will bring forward a report to Council on April 12 to appoint the Chief Election Officer and Deputy Election Officers.

Considerations applicable to this report:

Legal/Statutory Authority:

- *Local Government Act* s. 110 Mail ballot voting
- *Local Government Act* s. 125 Requirements before elector may be given a ballot
- *Local Government Act* s. 167 Ministerial orders in special circumstances

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion: S. Fleming, City Clerk