
TO: ACTING CITY MANAGER **DATE:** 2021 March 24

FROM: CITY CLERK

SUBJECT: 2021 BY-ELECTION PLANNING UPDATE

PURPOSE: To update Council on 2021 by-election planning.

RECOMMENDATIONS:

1. **THAT** Council receive this report for information.
2. **THAT** a copy of this report be forwarded to School District No. 41 for information.

REPORT

1.0 BACKGROUND

Since summer 2020, the City has been liaising with the Ministry of Municipal Affairs as well as Elections BC, the Office of the Provincial Health Officer, Fraser Health Authority, and municipal counterparts regarding holding a by-election during the COVID-19 pandemic. Staff have provided updates to Council and the public in a series of reports throughout this period, as detailed below.

At the 2020 October 26 Open Council meeting, Council received the “City of Burnaby By-Election” report providing an update on preparations for the 2021 local by-election to fill two vacancies on Council. During discussion of the report, Council recommended that staff explore a full week of advance voting opportunities, as done in the 2020 Provincial election. Through a motion, Council requested that staff investigate advisability and feasibility of mail ballot voting.

At the 2020 November 23 Open Council meeting, Council received the “Voting Opportunities Bylaw and Automated Vote Counting System Bylaw Amendments” report seeking Council approval for the *Burnaby Voting Opportunities Bylaw 2020* and amendment to the *Burnaby Automated Vote Counting System Bylaw*. The *Burnaby Voting Opportunities Bylaw* established required advance voting opportunities under the *Local Government Act (LGA)*, and authorized the Chief Election Officer (CEO) to determine additional advance voting opportunities, designate the voting place or voting places, and

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establish the date and voting hours for each advance voting opportunity. The *Burnaby Automated Vote Counting System Bylaw* amendments aligned the existing bylaw provisions to reflect current technology, and updated operational procedures.

At the 2021 February 08 Open Council meeting, Council received the “Mail Ballot Voting and Special Voting Opportunities for the 2021 By-Election” report informing Council on advisability and feasibility of offering mail ballot voting and special voting opportunities (SVOs) in the 2021 local by-election. The report also sought authorization to amend *Burnaby Voting Opportunities Bylaw 2020* to include general provisions for providing SVOs during local elections (which would apply to the upcoming by-election and future elections). Council approved the recommendations to postpone potential implementation of mail ballot voting until the 2022 general local election, and to bring forward the bylaw amendments to provide SVOs in the 2021 by-election and future elections.

At the 2021 February 22 Open Council meeting, Council gave the first three of four readings to *Burnaby Voting Opportunities Bylaw 2020, Amendment No. 1, 2021*, Bylaw #14295, to provide SVOs in the 2021 by-election. At the 2021 March 08 Council meeting, Council defeated the Bylaw #14295 due to safety concerns with providing SVOs during the pandemic. As a result, the SVOs will not be offered in the 2021 by-election.

This report provides a further update on the 2021 by-election planning.

2.0 POLICY SECTION

Initiatives outlined in the report are aligned with the City of Burnaby’s Corporate Strategic Plan, supporting the following goals and sub-goals of the Plan:

- A Safe Community
 - Emergency preparedness – Enhance plans, procedures and services so that we are better prepared to respond to emergencies and are able to maintain City services
- A Connected Community
 - Digital connection – Provide online access to core City services and information
 - Partnership – Work collaboratively with businesses, educational institutions, associations, other communities and governments
- An Inclusive Community
 - Serve a diverse community – Ensure City services fully meet the needs of our dynamic community
- A Healthy Community
 - Community involvement – Encourage residents and businesses to give back to and invest in the community
- A Thriving Organization
 - Organizational culture – Ensure that our core values are reflected in our policies, programs and service delivery

- Communication – Practice open and transparent communication among staff, Council and the community

The *Burnaby Social Sustainability Strategy* encourages promotion of democratic processes through civic and community engagement. 'Getting Involved' is one of the seven strategic priorities identified in the Strategy. Communication and engagement plans, the development of promotional materials and the strategic placement of promotional media materials ensure Burnaby residents are aware of and encouraged to participate in the local government elections.

3.0 LOCAL BY-ELECTIONS DURING THE COVID-19 PANDEMIC

Approximately 30 local governments have held, or are scheduled to hold, by-elections during the COVID-19 pandemic. Burnaby is the largest municipality requiring a by-election.

The Provincial Government's guidelines for [Conducting By-Elections and Assent Voting During COVID-19](#) remain in effect. The City has referred to these guidelines, as well as information provided by the Office of the Provincial Health Officer, WorkSafeBC, the Ministry of Municipal Affairs, Elections BC, and the City's COVID-19 General Safety Plan in preparing for the by-election. Details regarding the City's COVID-19 By-Election Safety Plan are provided in Section 8.0 of this report.

4.0 BY-ELECTION TIMELINE

The appointment of the CEO determines the by-election date. Per Section 54(5) of the LGA, a by-election must be held within 80 days following the CEO's appointment.

As part of the City's by-election planning, the City is prioritizing the safety of staff, voters, and candidates in determining the by-election date. The timeline is also dependant on operational needs and resources. Based on currently available information and direction from Council upon receipt of previous by-election reports, the City's by-election is targeted to be held in 2021 June. The exact date will be determined and announced following the CEO's appointment at a future Open Council meeting.

5.0 ADMINISTRATIVE PROCEDURES

5.1 Provincial List of Voters as Register of Resident Electors

Since 1993, through authorization provided in the *Provincial Voters List Adoption Bylaw*, the City has used the most current available Provincial list of voters as its register of resident electors. The list eliminated the need to conduct door-to-door enumerations which resulted in cost savings. Use of an electronic copy reduces the environmental footprint, allows voters to confirm on the City's website if they are registered prior to arriving at a voting place, enables electronic voter strike-off, and generally streamlines local election administration.

Elections BC has provided the most current list, which includes majority of updates made during the 2020 Provincial election.

5.2 Vote Anywhere and Electronic Voter Strike-Off System

Since 2014, the City has utilized the *Vote Anywhere* approach, which is facilitated by the use of VoterView. VoterView's electronic voter strike-off system synchronizes each physical voting location, tracking in real-time when and where a voter has cast their ballot. This feature enables citizens to vote only once at any voting place throughout the City. Candidates, if they wish, have access to real-time voter strike-off data for campaigning purposes. To receive the access, candidates must submit a form provided in the nomination package, agreeing to use the data in accordance with the legislation for election purposes, and to safeguard confidentiality, security and integrity of the information.

5.3 Automated Vote Counting System

The City has used vote tabulators in its local elections since 1996. Tabulators increase efficiencies for vote count and declaration of results. In 2018, the City awarded a lease contract to Dominion Voting Systems Corp. to provide tabulators for the 2018 and 2022 local elections, and any by-elections held prior to 2022 December 31.

In 2018, the majority of voting places had one tabulator, with the exceptions of Brentwood Mall, Edmonds Community Centre, and Metropolis at Metrotown, which had two tabulators on General Voting Day. To ensure timely processing of voters in the 2021 by-election during the COVID-19 pandemic, it is proposed that two tabulators be provided at each voting place on each voting day.

5.4 Access to Election Filing Documents

The *Access to Election Filing Documents Bylaw*, adopted by Council in 2013, provides for electronic access to nomination and elector organization endorsement documents. The documents are posted to the City's website once complete nomination papers are filed with the CEO.

The *Local Election Campaign Financing Act (LECFA)* outlines disclosure requirements for candidates, elector organizations, and advertising sponsors. Elections BC administers campaign financing, disclosure and election advertising rules, and publishes disclosure statements through its [Financial Reports and Political Contributions System](#). On 2021 March 03, the Provincial Government announced planned changes to the *LECFA* that will strengthen local election campaign financing rules, and align the *LECFA* rules to those established for Provincial elections in the *Election Act*. Changes will apply to local elections starting with the 2022 general local election, and any by-elections that follow. By-elections scheduled before 2022 are not affected; however, the new rules relating to

sponsorship contribution limits will be made retroactively effective from 2021 March 04. More information is provided in Appendix A.

5.5 Election Day Pay Rates and Election Officials Recruitment

For the 2021 by-election, the City will use previous election pay rates for election officials. The rates are competitive with other Metro Vancouver municipalities allowing the City to attract qualified and experienced staff to carry out election responsibilities. The City will liaise with previous election officials, neighbouring municipalities, and local partners (i.e. School District) to recruit qualified staff. While the pandemic may pose recruitment challenges, the City's COVID-19 By-Election Safety Plan will ensure the safety of all election participants, including election officials.

6.0 VOTING PLACES

Fewer voting places are normally provided in a by-election than in the general local election due to historically lower voter turnouts. Staff note that the City of Vancouver provided 50 voting places in its 2017 by-election, compared to 112 voting places in its 2018 general election. In comparison, 11% of eligible voters cast a ballot in the 2017 by-election, versus 39% in the 2018 general election. The City of Victoria took a similar approach, providing six voting places in its 2020 by-election, compared to 12 places in the 2018 general election. In 2020, 17% of eligible voters cast a ballot whereas 44% did so in the 2018 general election.

In the 2018 general local election, Burnaby residents voted in any of the 34 voting places throughout the City on General Voting Day. Voting places included two malls, five civic facilities, and 27 local schools.

It is recommended that the City provide 20 voting places for the 2021 by-election. In determining the number of voting places for the by-election, staff considered the following:

- election participants' safety (i.e. occupancy limits, space for physical distancing, direct access to the voting room, and separate entry and exit points where possible);
- prompt processing of voters;
- physical distribution of voting places throughout the City; and
- availability and impact on selected facilities (i.e. staffing, programs, and costs).

Staff conducted site visits of each place, and developed floor plans in accordance with the Provincial guidelines. The 20 places include civic facilities and local schools listed in table on the next page. A map of proposed voting places is provided in Appendix B. Per Section 105(3) of the LGA, voting hours on General Voting Day will be from 8 a.m. to 8 p.m.

2021 By-Election General Voting Day Voting Places	
City Facilities	School Sites
<ul style="list-style-type: none"> • Alan Emmott Centre • Bill Copeland Sports Centre • Bonsor Recreation Complex • Cameron Recreation Centre • Charles Rummel Centre • Confederation Community Centre • Shadbolt Centre for the Arts • Wesburn Community Centre • Willingdon Community Centre 	<ul style="list-style-type: none"> • Alpha Secondary School • Brentwood Park Elementary School • Burnaby North Secondary School • Burnaby South Secondary School • Byrne Creek Community School • Cariboo Hill Secondary School • Edmonds Community School • Forest Grove Elementary School • Montecito Elementary • South Slope Elementary School • University Highlands Elementary School

Of the nine City facilities, four (Bill Copeland, Bonsor, Cameron and Willingdon) were used in the 2018 general election. Shadbolt Centre for the Arts was used in the 2014 general election. The Shadbolt Centre was replaced by Bill Copeland Sports Centre and Burnaby Central Secondary School in the 2018 general election due to previous low voter turnout and parking challenges. With the reduced programming and parking demands due to the pandemic, parking is not expected to be a challenge if the facility is used on General Voting Day in the 2021 by-election. The nearby Bill Copeland Sports Centre will provide another central voting place with ample parking and advance voting opportunities. Use of City facilities provides staff with easily coordinated building access for planning purposes, the City’s Wi-Fi network, City staff to conduct COVID-19 cleaning protocols, and advance voting places (voting opportunities cannot be provided at schools during school days).

Five of the 11 school sites (i.e. Alpha, Burnaby North, Forest Grove, South Slope and University Highlands) were used in the 2018 general election. Brentwood Park Elementary was used in the 2011 general election. Since the by-election is being held to fill vacant Council seats (no School Board vacancies), the City will be required to pay the School District a fee for use of its sites and staff resources (i.e. on-site custodians, on-call foreman, and an IT Administrator). Use of school sites ensures availability of geographically dispersed voting places, established Wi-Fi infrastructure, and reduced impact on the City’s facilities, programs and staff.

7.0 ADVANCE VOTING OPPORTUNITIES

According to Section 107(1) of the LGA, the City is required to hold at least two advance voting opportunities: one on the 10th day before General Voting Day, and the other on the date established by bylaw. The *Burnaby Voting Opportunities Bylaw 2020* sets the second

required advance voting opportunity on the 14th day before the General Voting Day. Per Section 107(3) of the LGA, voting hours for required advance voting opportunities will be from 8 a.m. to 8 p.m. Per the *Voting Opportunities Bylaw 2020*, the CEO may establish additional advance voting opportunities, designate the voting place or voting places, and establish the date and voting hours for each advance voting opportunity.

In 2018, the City provided three advance voting opportunities at six locations (18 voting opportunities in total). Approximately 19% of voters who cast their ballot did so during advance voting. Compared to a general election, fewer advance voting opportunities are typically provided in a by-election. The City of Vancouver provided two advance voting opportunities (both at the same place) in its 2017 by-election, compared to 96 advance voting opportunities (using 12 places) in its 2018 general election. The City of Victoria provided eight advance voting opportunities (all at the same place) in its 2020 by-election, compared to five advance voting opportunities (using four places) in the 2018 general election.

City staff have considered the aforementioned data, lower voter turnout during a by-election, election participants' safety, and the impact on the City's facilities in determining the number of advance voting opportunities in the 2021 by-election. It is recommended that the City provide a total of 15 advance voting opportunities at the following five places:

Alan Emmott Centre	2 dates – 10 th and 14 th day before General Voting Day
Bonsor Recreation Complex	
Charles Rummel Centre	
Wesburn Community Centre	
Bill Copeland Sports Centre	7 dates – 10 th and 14 th day before General Voting Day, plus 5 additional days before General Voting Day

Providing seven advance voting days at the Bill Copeland Sports Centre ensures that voters have a central and easily accessible location to vote throughout the week. This voting place is supplemented by four other advance voting locations geographically distributed across the City, providing residents in each quadrant a few days and places to choose from to cast their ballot.

8.0 BY-ELECTION SAFETY PLAN AND OTHER SAFETY GUIDELINES

The City's By-Election COVID-19 Safety Plan was developed in consultation with an occupational health and safety consultant. The Plan is informed by directives and guidelines provided by the Office of the Provincial Health Officer, WorkSafeBC, the Ministry of Municipal Affairs, Elections BC, and the City's COVID-19 General Safety Plan. It outlines risk assessments and controls for the City's Election Office and voting places.

In order to fulfill the Plan's proposed guidelines, additional election officials will be recruited to oversee implementation of health and safety measures at voting places.

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Additional officials will be responsible for sanitizing common touch points, communicating with voters regarding COVID-19 symptoms and voting procedures, managing any potential line-ups, and addressing on-site inquires from the public. A copy of the Plan was provided to the Fraser Health Authority for their information, and is included in Appendix C. In addition to standard health and safety measures, some of the additional measures include:

- requirement for candidates and members of public visiting the Election Office to schedule an appointment;
- online training for election officials;
- oral declaration of voters' eligibility to vote prior to being issued a ballot (pending a Ministerial Order); and
- use of curbside voting for anyone unable to enter the voting location, or unwilling or unable to wear a face mask.

For Council's information, Elections BC, in consultation with the Public Health Office, has created guidelines on [How To Campaign Safely During COVID-19](#). The guidelines provide information on canvassing, events, accepting political contributions, and provide additional resources for safe campaigning during the pandemic. Elections BC has also developed a [Guide for Candidate Representatives for an Election Administered during a Pandemic](#).

9.0 COMMUNICATION PLAN

The Corporate Communications and Marketing Department and the Election Office have developed a Communications and Engagement Plan to inform Burnaby residents of the 2021 by-election.

Holding a by-election during the pandemic presents challenges for traditional, in-person community outreach. Current Provincial Health Orders do not allow for gatherings and events, and the City's facilities are operating at reduced capacities. As a result, communication strategies will focus on the City's website and social media channels, as well as targeted online advertising to inform and encourage residents to vote. Other communications and marketing initiatives will include a video demonstrating what voters can expect at a voting place (including COVID-19 safety protocols), print and digital transit shelter ads, overpass banners, legislated notices, voter cards, voter guides, and on-site signage at voting places. A sample copy of the voter guide cover page is provided in Appendix D.

Key messages will communicate important by-election information on the many ways to vote including General Voting Day, advance voting, and curbside voting. Additional messaging will communicate the City's COVID-19 safety protocols at voting places.

On General Voting Day, the Corporate Communications and Marketing Department will monitor social media throughout the day to respond to any by-election related inquiries from the community. Once unofficial results are available, they will be uploaded to the

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City's website, shared via the City's social media channels, and communicated to candidates and other stakeholders (i.e. Elections BC and CivicInfo BC).

10.0 CONCLUSION

It is recommended that Council receive this report for information. Staff will continue to confirm resources required to administer the by-election, and continue with by-election planning. A report will be brought forward to a future Open Council meeting recommending the appointments of the CEO and Deputy CEO, and seeking authorization to request a Ministerial Order allowing voters to make oral declarations confirming they meet the voting eligibility criteria. The 2021 by-election date will be confirmed once the CEO is appointed.



Blanka Zeirabova
CITY CLERK

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