
TO: ACTING CITY MANAGER **DATE:** 2021 May 26

FROM: CITY CLERK

SUBJECT: 2021 BY-ELECTION – ADOPTION OF MINISTERIAL ORDER NO. M213

PURPOSE: To seek Council approval of Ministerial Order No. M213, to permit oral declarations of voting eligibility criteria in place of written declarations for the 2021 City of Burnaby by-election.

RECOMMENDATIONS:

1. **THAT** Council approve the provisions in Ministerial Order No. M213, dated 2021 May 25, as outlined in Attachment A.
2. **THAT** as an exception to Section 125(1)(b) and (c) of the *Local Government Act*, despite any applicable provision of any bylaw, and despite Section 4(2)(a)(iii) of the *Automated Vote Counting System Bylaw*, Council may, for the 2021 City of Burnaby by-election, permit the registered elector, as directed by the election official responsible, to make an oral declaration that the elector is entitled to vote in the by-election when obtaining a ballot for voting, in which case the election official responsible must make a record that the elector made an oral declaration.

REPORT

1.0 INTRODUCTION

At the 2021 April 12 Open Council meeting, Council received and adopted “2021 By-Election Chief Election Officer and Deputy Chief Election Officer Appointments” report. Furthermore, Council authorized the Chief Election Officer to request a Ministerial Order from the B.C. Ministry of Municipal Affairs to permit oral declarations of voting eligibility criteria in place of written declarations.

2.0 POLICY SECTION

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

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- 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
 - Partnership – Work collaboratively with businesses, educational institutions, associations, other communities and governments
- A Thriving Organization
 - Communication – Practice open and transparent communication among staff, Council and the community

3.0 MINISTERIAL ORDER

Under Section 125 of the Local Government Act (*LGA*), each voter is required to sign a written declaration of eligibility to vote in the local election and sign the registered voters' list or voting book prior to receiving a ballot at a voting place. Section 4(2)(a)(iii) of the *Automated Vote Counting System Bylaw* includes a provision that the election official shall ensure that the elector completes the voting book as required by the *LGA*. In order to reduce touch points due to safety concerns associated with COVID-19, the City requested a Ministerial Order from the Ministry of Municipal Affairs, allowing voters to make an oral declaration only, stating that they meet the voting eligibility criteria, prior to voting in the 2021 City of Burnaby by-election. The Ministry has issued the Ministerial Order provided in Attachment A. The Ministerial Order must be adopted at an Open Council meeting before it can be implemented during the by-election.

If Council approves the Ministerial Order, election officials will be responsible for recording that the voter has made an oral declaration.

4.0 RECOMMENDATIONS

The City has received a Ministerial Order from the B.C. Ministry of Municipal Affairs to allow oral declarations of voting eligibility criteria, consistent with the Provincial Government's COVID-19 guidelines for conducting a by-election during the pandemic. The Ministry requires that Council formally adopt the Ministerial Order prior to its implementation. It is recommended that Council adopt Ministerial Order No. M213 in support of COVID-19 health and safety measures being implemented to protect voters and staff.


Blanka Zeinabova
CITY CLERK

Copied to: Director Corporate Services
Director Public Safety and Community Services
City Solicitor