

TO: CHIEF ADMINISTRATIVE OFFICER **DATE:** 2021 Nov 04
FROM: CHIEF ELECTION OFFICER **FILE:** 45000
SUBJECT: MAIL BALLOT - SPECIAL VOTING OPPORTUNITIES
PURPOSE: To obtain Council approval to utilize the mail in ballot process for Special Voting Opportunities for the 2022 Local Government Election.

RECOMMENDATION:

1. **THAT** Council approve the use of mail ballots for Special Voting Opportunities in the 2022 Local Government Election and authorize preparation of the appropriate bylaw and bylaw amendments for this purpose.

REPORT**1.0 BACKGROUND**

In 2021 February, Council received a report from the City Clerk outlining the requirements and procedures for mail ballot voting in local government elections and committed to bring the subject back to Council for consideration in the 2022 general local government election.

While the City did not provide mail ballot voting in the recent by-election either generally or for Special Voting Opportunities (S.V.O.), staff believe it would be useful, given the current pandemic and various related restrictions, to offer this service as a phased approach to this process. As such it would be offered only to S.V.O. (i.e. care homes and assisted living facilities) for the 2022 local government election.

Access to care home facilities has always been challenging given the ever-increasing responsibilities of care home staff, access to appropriate space and organizational logistics. The current pandemic has only exacerbated these issues. Although the election is 11 months away, there is no means to accurately predict the level of access, types of restrictions or state of the pandemic at election time. Care homes and assisted living facilities are required, by the Ministry of Health, to review access policies on a monthly basis. In a situation as fluid as the pandemic, there is no guarantee access would be permitted at the time of the election.

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A staff survey of care homes conducted in late 2020/early 2021 established a preference for mail ballot voting by administrators of these facilities.

Staff believe a phased approach using S.V.O. could be accomplished for 2022. Should this prove to be successful Council could direct staff to provide general mail ballot voting in 2026.

In reviewing the experiences of other municipalities who have provided this option, they have hired extra staff to undertake creating mail ballot packages. Usually an additional five to six people are hired for the application process and a larger, separate team for opening and processing received ballots.

To mitigate delays counting ballots on election night, other municipalities have granted authority to the Chief Election Officer to enter batches of ballots into tabulators as part of advance voting. Given mail ballots are received until the close of voting on general voting day, depending upon uptake this can cause delays in the final result. For transparency scrutineers are always invited to observe this process. This process is time consuming particularly during the last three weeks of the election and could not be accomplished without hiring additional staff.

Given voting packages cannot be prepared until ballots are printed and the earliest date to print ballots is September 19, Council can likely appreciate the tight time frames for turn around this presents. Other municipalities hand deliver the ballot packages to applicants because of the tight time frames and concerns about delays in postal delivery. Once again, depending upon uptake this can be an expensive and time consuming process.

Further complications in 2022 surround the supply chain issues affecting the ability to source enough equipment. October 2022 is also the general local government election month in multiple Canadian Provinces and Territories which creates additional complications for ensuring we have adequate equipment and supplies.

As a result staff recommend a phased approach using SVO as the most feasible means of providing mail ballot voting in 2022.

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:

Goal

- 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
 - Create a sense of community – Provide opportunities that encourage and welcome all community members and create a sense of belonging
- A Thriving Organization
 - Communication – Practice open and transparent communication among staff, Council and the community
 - Reliable service, technology and information – Protect the integrity and security of City information, services and assets
 - Technology and Innovation – Support technology development and innovation to empower staff to advance community objectives

3.0 LEGISLATION

Section 110 of the *Local Government Act* authorizes local governments to undertake mail ballot voting for persons with a physical disability or illness that prevents them from otherwise attending a regular voting opportunity. Implementation requires preparation of the appropriate bylaw, possible amendment of an existing bylaw, and development of the various policies, procedures and communication strategies to conduct the vote in accordance with prescribed legislation.

In September, 2021 the Province broadened this authority to allow mail ballot voting at large for local government elections.

4.0 A PHASED APPROACH

S.V.O. in past elections have been conducted in 21 different care homes and/or assisted living facilities for a period of 1 to 3 hours, depending upon the size of the facility. Set up and take down of the voting place is in addition to the voting period. In 2018, there were four teams of four people travelling between 4 to 6 voting places per team, depending upon size, to conduct the vote. It is a slow and arduous process dependent upon weather, traffic, and how well prepared the facility is for their arrival.

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Given current pandemic restrictions, the inability to predict where society will be a year from now and the time and legislated requirements which must be met to conduct a general local election, this level of uncertainty makes planning for S.V.O. somewhat problematic.

By undertaking a phased approach to mail ballot voting for Special Voting Opportunities Council provides certainty the residents will have an opportunity to vote, access or lack thereof to the facilities will be resolved and the pressure on facility staff to accommodate election staff will be eliminated. An evaluation of the project post-election will assist Council in determining whether this is a service the City should continue to provide in the future.

In the 2018 general local election, 455 people from an estimated total of 2,251 qualified electors, or 20% of facility residents, voted through S.V.O. The number of voters per facility varied from 4 to 86.

Voting security is paramount. The same VoterView system used to track voters at advance and regular voting places would be used to track S.V.O. voters. The same declarations signed by voters at voting places would also be signed by those using mail ballot voting.

S.V.O. voters who are not registered with Elections BC would be provided with the opportunity, if qualified to register, to vote by mail.

As in previous elections staff will continue to provide curbside voting opportunities for those who have disabilities or other concerns that prevent them from entering a voting place.

5.0 CONCLUSION

The current pandemic creates uncertainty going forward for the ability of staff to conduct S.V.O. for the 2022 Local Government Election. Mail ballot voting is a feasible alternative to ensure an opportunity to vote is provided to a vulnerable population for whom voting has been an important part of their lives.

It also provides the opportunity for staff and Council to evaluate the process and more accurately determine the time and resources needed to pursue full mail in voting for future general elections

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To ensure a safe election for both vulnerable voters and election staff and to reduce the impact on care facility employees in a challenging time, staff recommends a phased approach to mail ballot voting in care and assisted living facilities in the City of Burnaby.

A handwritten signature in black ink that reads "Lynne Axford". The signature is written in a cursive, flowing style.

Lynne Axford
CHIEF ELECTION OFFICER

Copied to: Deputy CAO/CFO
Director Corporate Services
City Clerk
City Solicitor