
TO: ACTING CITY MANAGER **DATE:** 2021 April 06

FROM: CITY CLERK

SUBJECT: 2021 BY-ELECTION CHIEF ELECTION OFFICER AND DEPUTY CHIEF ELECTION OFFICER APPOINTMENTS

PURPOSE: To recommend appointments of the Chief Election Officer and the Deputy Chief Election Officer for the 2021 City of Burnaby by-election, and seek Council authorization 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.

RECOMMENDATIONS:

1. **THAT** Nikolina Vacar be appointed Chief Election Officer for the 2021 City of Burnaby by-election.
2. **THAT** Samantha Thompson be appointed Deputy Chief Election Officer for the 2021 City of Burnaby by-election.
3. **THAT** a notice of the by-election be provided to the B.C. Minister of Municipal Affairs and the B.C. Chief Electoral Officer.
4. **THAT** the Chief Election Officer be authorized to send a formal request to the B.C. Ministry of Municipal Affairs for a Ministerial Order to permit oral declarations of voting eligibility criteria for voters in the 2021 City of Burnaby by-election.

REPORT

1.0 INTRODUCTION

The passing of Councillor Nick Volkow in 2020 June and Councillor Paul McDonnell in 2020 July have resulted in two vacancies on Burnaby City Council, requiring the City to hold a by-election.

Section 54(4) of the *Local Government Act (LGA)* requires the local government to appoint a Chief Election Officer for the by-election as soon as practicable. Section 58 (1) of the *LGA* also requires the local government to appoint a Deputy Chief Election Officer.

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In addition, notice of the by-election is to be provided to the Minister of Municipal Affairs and BC Chief Electoral Officer.

Unlike local general elections, after a vacancy on Council has occurred, the appointment of a Chief Election Officer triggers the by-election. Section 54(5) of the LGA stipulates that the Chief Election Officer must set a General Voting Day for the by-election on a Saturday no later than 80 days after their appointment date.

As a result of the COVID-19 pandemic, the City has been conducting preparations for the by-election with the safety of residents, candidates and staff as a primary concern. The report entitled “2021 By-Election Planning Update” presented to Council at its 2021 March 29 meeting outlines the City’s preparations for the 2021 City of Burnaby by-election.

The purpose of this report is to recommend the appointment of the Chief Election Officer and Deputy Chief Election Officer for the 2021 City of Burnaby by-election, and seek Council authorization to request a Ministerial Order 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:

- 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 APPOINTMENT OF CHIEF ELECTION OFFICER AND DEPUTY CHIEF ELECTION OFFICER

Traditionally, the Clerk’s Office in the Corporate Services Department is responsible for the administration of local government elections. Staff in the Clerk’s Office have expertise and experience in organizing and administering local elections.

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It is recommended that Nikolina Vracar be appointed as the Chief Election Officer. Ms. Vracar, Administrative Officer 2, has worked in the Clerk's Office since 2015. She has served as a Deputy Chief Election Officer in the 2018 Burnaby local election, and has been coordinating the preparations for the 2021 City of Burnaby by-election.

It is recommended that Samantha Thompson be appointed as the Deputy Chief Election Officer. Ms. Thompson, Council Support Assistant, has worked in the Corporate Services Department (Archives and Clerk's Offices) since 2018, and has been assisting with the preparations for the 2021 City of Burnaby by-election.

Following Council approval of their appointments, Ms. Vracar and Ms. Thompson will immediately assume the roles of Chief Election Officer and Deputy Chief Election Officer respectively.

4.0 MINISTERIAL ORDER

Under Section 125 of the *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. In order to reduce touch points due to safety concerns associated with COVID-19, many municipalities that have held by-elections during the pandemic have requested a Ministerial Order from the Province to permit voters to make oral declarations rather than sign declarations and the Voters' List or voting book.

Pending Council direction and appointment of the Chief Election Officer, staff proposes to make a formal request to the B.C. Ministry of Municipal Affairs for a Ministerial Order 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.

Oral declarations reduce touch points at voting places, and are consistent with the pandemic safety measures. If oral declarations are approved in place of written declarations, election officials would be responsible for recording that the voter has made an oral declaration. The Ministry requires that the Ministerial Order be adopted at an Open Council meeting before it can be implemented during the by-election. Following granting of the Ministerial Order, staff will bring forward a subsequent report to Council to authorize implementation of oral declarations during the 2021 City of Burnaby by-election.

5.0 PROPOSED BY-ELECTION DATE

While the City has undertaken by-election planning over the preceding months, holding a by-election during the pandemic requires extensive coordination and resources. As a result, it would be prudent to maximize the 80-day period provided by the *LGA* in scheduling the by-election date. Subject to Council approval of the Chief Election Officer appointment, it is anticipated that 2021 June 26 will be set as the General Voting Day for

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the 2021 by-election, which would be 75 days after appointment of the Chief Election Officer.

With the 2021 June 26 General Voting Day, the key dates for the by-election include:

- Nomination period: May 11 – 21
- Declaration of candidates: May 21
- Campaign period: May 29 – June 26
- Declaration of election by voting: May 31
- Advance Voting Opportunities:
 - June 12 and 16 at Willingdon Community Center, Cameron Recreation Complex, Bonsor Recreation Complex and Alan Emmott Center
 - June 12, 14, 15, 16, 17, 18 and 19 at Bill Copeland Sports Center
- Declaration of Official Election Results: June 30

More information will be provided through notices in BurnabyNow, the City's by-election webpage, and other communication materials in the near future.

6.0 RECOMMENDATIONS

It is recommended that Council appoint Nikolina Vracar as Chief Election Officer and Samantha Thompson as Deputy Chief Election Officer for the 2021 City of Burnaby by-election. In addition, it is recommended that a notice of the by-election be provided to the B.C. Minister of Municipal Affairs and the B.C. Chief Electoral Officer. Lastly, it is recommended that the City of Burnaby Chief Election Officer be authorized to make a request to the Ministry of Municipal Affairs for a Ministerial Order to allow oral declarations of voting eligibility criteria during the by-election, in order to reduce touch points due to safety concerns associated with the COVID-19 pandemic.

Subject to Council appointment of the Chief Election Officer, it is anticipated that the by-election will be held on Saturday, June 26, which is 75 days after the Chief Election Officer's appointment (in compliance with required timeframe under the LGA).


Blanka Zeinabova
CITY CLERK

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