

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
MEMORANDUM



DATE: July 7, 2008

FROM: Tracey Arthur, City Clerk

SUBJECT: 2008 Local Government Elections Appointments, Amendments to  
Election Procedure Bylaw and Bill 7

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**RECOMMENDATIONS:**

- a) THAT pursuant to Section 41(1) and (2) of the *Local Government Act* Tracey Arthur be appointed the Chief Election Officer for conducting the 2008 general local elections with power to appoint other election officials as required for the administration and conduct of the 2008 general local elections; and Marjorie Whalen be appointed as the Deputy Chief Election Officer for the 2008 general local elections.
- b) THAT the voting places for general voting day (November 15, 2008) be located as follows:
- Star of the Sea Parish Centre – 15362 Pacific Ave;  
Centennial Arena – 14600 North Bluff Road;  
St. John’s Presbyterian Church – 1480 George Street; and  
Kent St. Activity Centre – 1475 Kent Street.
- c) THAT the following amendments to the White Rock Election Procedure Bylaw 2002, No. 1676, Amendment No. 3, 2008, No. 1848, be given first and second reading followed by third reading:
1. Section 5.(a) Advance Voting Opportunities is deleted and the following to be inserted:

5. (a) Advance Voting Opportunities are:

    - i) on the 3<sup>rd</sup> day before general voting day;
    - ii) on the 9<sup>th</sup> day before general voting day;
    - iii) on the 10<sup>th</sup> day before general voting day; and
    - iv) on other days that may be established by the Chief Election Officer.
  2. Special Voting Opportunities Section 6. (a) is amended by adding the words *on the 2<sup>nd</sup> day before* prior to the words general voting day.

3. Special Voting Opportunities Section 6. (c) is amended by adding the following:
  - iii) employees of the extended care institution(s) and/or hospital(s) that are eligible to vote in the City of White Rock.
4. The following Section 7. Nomination Documents be added:

7. Nomination Documents

Candidate nomination documents in accordance with Section 73 of the *Local Government Act* will be posted on the City of White Rock website from the time of delivery to the Chief Election Officer until thirty (30) days after the declaration of the election results.

The nominators address and phone number will be severed from the documents prior to them being posted on the City's website.

5. The following Section 8. Financial Disclosure Documents be added:

8. Financial Disclosure Documents

Candidate financial disclosure documents in accordance with Section 93 of the *Local Government Act* will be posted on the City's website.

Included with this posting will be a disclaimer noting the restrictions on using the information in accordance with the *Local Government Act*. The address and phone number of any person included within the documentation will be severed prior to it being posted on the City's website.

6. The Repeal and Citation Section will be renumbered to accommodate the amendments made by this bylaw.
7. THAT the White Rock Election Procedure Bylaw, 2002, No. 1676, Amendment No. 3, 2008, No. 1848 be given first, second and third readings.

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**INTRODUCTION:**

General local elections take place every three years with general voting day held on the 3<sup>rd</sup> Saturday in November. The date for the 2008 local general election is November 15, 2008 and is administered pursuant to the *Local Government Act*.

For the purposes of conducting an election, the City must appoint both a Chief Election Officer and a Deputy Election Officer. These appointments must be by resolution at an open meeting of the council well in advance of voting day.

The Chief Election Officer must run a fair, open and honest election and should not be connected in any way with any of the candidates or the issues on the ballot. The Chief Election Officer is responsible for appointing presiding election officials and other election officials that will assist with the election.

Bill 7 – 2008 Local Government Statutes Amendment Act was given Royal Assent on March 31, 2008 by the Legislative Assembly of British Columbia. This Bill is considered a means for local governments to improve accountability during local elections. The new legislation does have some options that require consideration and adoption of bylaws, in some cases, in order to utilize the new options.

**PAST PRACTICE/POLICY:**

The elections section of the *Local Government Act* sets out procedures to be followed in conducting the election and requirements that must be met. Council’s White Rock Election Procedure Bylaw No. 1676 sets out certain procedures to be followed.

**Voting Places:**

The following table indicates voter turnout for the 2002 and 2005 Local Government Elections:

<b>Voting Places</b>	<b>Address</b>	<b>Voter Turn Out 2002 / 2005</b>
Star of the Sea Parish Centre	15362 Pacific Ave	/ 1921
Centennial Arena	14600 North Bluff Road	1010 / 922
Kent Street Activity Centre	1475 Kent Street	917 / 862
Upper Town Centre Hall	15150 Russell Avenue	1174 / 1122
White Rock Museum	14970 Marine Drive	658 / 599
City Hall	15322 Buena Vista Avenue	1878 /

In 2005 the Star of the Sea Parish Centre, Centennial Arena, Kent Street Activity Centre, Upper Town Centre Hall and White Rock Museum were all voting places on general voting day. These locations will be utilized once again for the 2008 election with two (2) exceptions; the Town Centre Hall (Upper) which has since been demolished and due to the White Rock Museum being the most underutilized on general voting day the facility has been removed as a voting place.

The St. John’s Presbyterian Church located at 1480 George Street will replace the Town Centre Hall (Upper).

All voting places are wheelchair accessible and all will have curbside voting available. Curbside voting applies to electors who come to a voting place but are unable to enter the voting place due to a physical disability or impaired mobility.

## **Amendments to the Election Procedure Bylaw No. 1676**

The Election Procedure Bylaw, 2002, No. 1676 was adopted July 22, 2002. The following is an outline of the proposed bylaw amendments to accommodate the 2008 election:

### ***Advance Voting Opportunity Dates***

Advance Voting Opportunity Dates are to be amended as a result of the Remembrance Day Stat Holiday.

Advance Voting Opportunities for the 2008 General Election will be held from 8:00 a.m. to 8:00 p.m. at a location to be determined.

The required advance voting opportunity is Wednesday, November 5, 2008 and additional advance voting days will be held Thursday, November 6, 2008 and Wednesday, November 12, 2008.

In the past the Advance Voting Opportunities have been held at City Hall. Bill 7 removes the requirement that persons seeking to vote at an advance voting opportunity are to sign a written declaration respecting their entitlement to vote. Anyone who is eligible to vote is now entitled to vote during the Advance Voting Opportunities. This change brings the expectation that these polls could be busier than they have been in the past. It is proposed that the Advanced Voting Opportunities be held away from City Hall. The intent is that this will be less disruptive to the daily functions at City Hall during the three selected days and that the current Council members will then not be restricted from the utilization of City Hall during these dates.

### ***Special Voting Opportunity***

Special Voting Opportunity, in the past it has been conducted via a mobile vote on General Voting Day. It has been planned to move this opportunity to take place on Thursday, November 13, 2008 with the vote being conducted by the Chief and Deputy Election Officials.

This will save some of the election budget dollars in that staff will conduct the vote and then will be available at Election Headquarters ready to address any need that arises on general election day.

Mobile voting will be conducted at the same facilities as done in the previous election: Oceanview Care Home, Evergreen Baptist Home and Peace Arch District Hospital.

It is set out in the bylaw that the following restrictions apply to persons who may vote at the Special Voting Opportunity:

- i) in the case of Peace Arch Hospital only electors who, on the date on which the special vote is held, have been admitted as patients to the hospital;

- ii) and in the case of the extended care facilities only electors who, on the date of the special vote is held, have been registered as residents of the facility.

The following item will be added to the Special Voting Opportunity Section of the Election Procedure Bylaw:

- iii) employees of the extended care institution(s) and/or hospital(s) that are eligible to vote in the City of White Rock.

to enable these persons to vote during the Special Voting Opportunity.

### ***Public Inspection of Nomination Documents / Disclosure Statements***

There are new parameters set out in Bill 7 that allow for additional viewing options of the nomination documents and the candidate disclosure statements.

By bylaw the City **will** provide for public access to nomination documents until 30 days after the declaration of the election results and to disclosure statements by any manner the local government considers appropriate, including by the internet or other electronic means.

### ***Recommendation***

To promote transparency of election proceedings, it is recommended that an amendment to the Election Procedure Bylaw be proposed in order that this information **will** be posted on the City's website.

### **ANALYSIS:**

**BILL 7 – The Local Government Statutes Amendment Act, 2008 (Election Amendments)**

The following is an overview of the changes contained within Bill 7 that will impact electors, nominations, campaign organizers and candidates in the upcoming local government election.

### **Campaign Financing Rules**

Prior to the Amendment Act, the campaign financing rules under Division 8 of the Act were applicable to “candidates” and “elector organizations”. The Act now defines a new category of campaign participant, the “campaign organizer”, for the purpose of extending the campaign financing rules of the Act beyond their previous application to candidates and elector organizations. Campaign organizers are now subject to requirements for maintaining a campaign account, appointing a financial agent and disclosing information once minimum expenditure or contribution limits are attained. These changes are discussed as follows:

### Definitions

Section 83 is amended by adding definitions for “campaign account”, “campaign organizer” and “money” such that:

"campaign organizer" means

- (a) an organization, whether incorporated or unincorporated, other than an elector organization, that undertakes, or intends to undertake, an election campaign that
  - (i) augments or operates in place of, or
  - (ii) is intended to augment or operate in place of the election campaign of one or more candidates or of one or more elector organizations, or both, or
  
- (b) an individual who
  - (i) undertakes, or intends to undertake, an election campaign referred to in paragraph (a), other than an election campaign for the individual as a candidate, and
  - (ii) accepts, or intends to accept, campaign contributions in relation to the campaign from any other individual or any organization, whether incorporated or unincorporated;

"campaign account" means an account for a candidate, elector organization or campaign organizer that is required under section 85.1 (1); and

“money” includes cash, a negotiable instrument and payment by credit card.

### Information to Chief Election Officer

Section 85.01 has been added and requires that candidates, elector organizations and campaign organizers deliver the following information to the Chief Election Officer:

1) A candidate must deliver the following information to the Chief Election Officer as soon as reasonably possible after the person is declared to be a candidate under section 74 [declaration of candidates]:

- (a) the name of the financial agent of the candidate and an address and telephone number at which the financial agent can be contacted;
- (b) any other information required to be included by regulation under section 156.

2) An elector organization must deliver the following information to the Chief Election Officer as soon as reasonably possible after it becomes an elector organization within the meaning of this Part or after the Chief Election Officer is appointed, whichever is later:

- (a) the legal name of the elector organization;
- (b) the usual name of the elector organization, if this is different from its legal name, and any abbreviations, acronyms and other names used by the elector organization;

- (c) the name of the financial agent of the elector organization and an address and telephone number at which the financial agent can be contacted;
- (d) the name of the president, chair or other chief official of the elector organization and an address and telephone number at which that person can be contacted;
- (e) the name of the director or other official responsible for the financial affairs of the elector organization;
- (f) any other information required to be included by regulation under section 156.

3) A campaign organizer must deliver to the Chief Election Officer information respecting the campaign organizer equivalent to the information required under subsection (2) for an elector organization no later than as soon as reasonably possible after the campaign organizer

- (a) has incurred election expenses greater than \$500, or
  - (b) has received campaign contributions greater than \$500,
- but may deliver that information at any time after that officer is appointed.

4) If the information delivered to the Chief Election Officer under this section changes, the candidate, elector organization or campaign organizer must deliver revised information to the Chief Election Officer as soon as reasonably possible.

### **Campaign Accounts**

Section 85.1 sets out the requirements for campaign accounts and has been amended to replace a general requirement for holding a campaign account with one that requires campaign accounts to be held only if the financial agent receives a campaign contribution or incurs an election expense. The amendments also extend these requirements to campaign organizers.

### **Duty to File Disclosure Requirements**

The disclosure statement requirements under Section 90 of the Act are amended to establish additional requirements for information that must be reported by the financial agent to the designated local government officer. These amendments require that, in addition to the information previously required under s.90(4), the financial agent for each candidate, elector organization and campaign organizer disclose the following information, as applicable, to the local government officer within 120 days after the general election day:

- name and address of the savings institution for campaign accounts;
- in respect of a candidate who was endorsed by an elector organization, the name of the elector organization;
- in respect of an elector organization, the names of the candidates endorsed by the elector organization; and

- in respect of a campaign organizer, the names of the candidates and elector organizations for whom the campaign organizer undertook an election campaign Section 90(4.1) has been added and makes the additional requirements for disclosure in respect of a candidate and an elector organization, as set out above, apply even if the candidate withdraws from the elector organization's endorsement or the elector organization withdraws its endorsement pursuant to section 79(6) of the Act.

Pursuant to amendments to section 90(6), a requirement that disclosure statements be accompanied by a solemn declaration has been extended to campaign organizers. The campaign organizer's financial agent and the individual identified as the chief official of the campaign organizer in the most recent information provided to the Chief Election Officer under section 85.01, must provide a solemn declaration that, to the best of their knowledge, information and belief, the disclosure statement completely and accurately discloses the required information and the requirements of Division 8 [Campaign Financing] have been met in relation to the election campaign.

Similarly, the requirement for a solemn declaration to accompany supplementary reports pursuant to section 90.1 is extended to campaign organizers.

### **Failure to Meet Disclosure Requirements**

The disqualification provisions of section 92.1 are extended to include campaign organizers. Under these amendments, the failure of a campaign organizer to file the required financial disclosure information can result in their prohibition from undertaking election campaigns until after the next general local election. Similarly, under section 92.5, false or incomplete reporting of financial disclosure information can prohibit the campaign organizer from undertaking election campaigns until after the next general election unless it can be shown that the campaign organizer's financial agent exercised due diligence to ensure that the applicable requirements were met.

### **Public Inspection of Disclosure Statements**

Prior to the amendments, Section 93 provided for public access to disclosure statements at local government offices and also required that a person who wished to inspect the statements, sign a statement that the person will not inspect the document or use the information in it except for the purposes of Part 3 [Electors and Elections].

The amendments now provide local governments the option of posting financial disclosure via the internet and other electronic means for ease of voter examination. Additionally, members of the public wishing to inspect election campaign disclosure documents are no longer required to sign a statement related to the purpose of their inspection and their use of the information in the documents.

This requirement has been replaced with a restriction on using the information except for the purposes of Part 3 [Electors and Elections] and the conflict of interest and disqualification provisions under Part 4 of the *Community Charter*.

***Recommendation:***

To promote transparency of election proceedings, it is recommended that an amendment to the Election Procedure Bylaw be proposed in order that this information **will** be posted on the City's website. A disclaimer will be displayed noting the restrictions on using the information. The address and phone number of any person included within the documentation will be severed from it prior to it being posted on the City's website.

## **NOMINATIONS**

### Nomination of Candidates

Revisions to Section 71 of the Act allow local governments to increase the number of electors required to make a nomination for local government office and to provide clarification regarding the validity of a nomination in relation to the number of nominators.

Under Section 71 of the Act, municipalities can, by bylaw, increase the requirement for 2 nominators to a maximum of 10 nominators for communities with less than a population of 5,000 and to a maximum of 25 nominators for communities with a population of 5,000 or more.

***Recommendation:***

No change is proposed to the Election Procedure Bylaw for this item, as done in the past the nomination documents will be reviewed as they are submitted to the Clerk's department.

### Nomination Documents

An addition to Section 72 requires candidates to make a solemn commitment to take office if elected, a change that is aimed at increasing the level of public commitment required to stand for office.

***Recommendation:***

A statement will be included in the declaration section of the nomination form provided by the Clerk's Department to prospective candidates and nominators to accommodate this.

### Nomination by Delivery of Nomination Documents

The revised provision under Section 73 clarifies the time period during which nomination documents are to be made available for public inspection and allows public access to be provided via the Internet and other electronic means. The revisions replace a requirement that members of the public wishing to inspect nomination documents sign a statement related to the purpose of their inspection and their use of the information in the documents with a prohibition against using the information for other than authorized purposes.

The revised provisions now require local government offices to make available for public inspection nomination documents from the time of delivery to the Chief Election Officer until 30 days after the declaration of the election results. The local government can, by bylaw, provide for such public access by any manner they consider appropriate including by the internet or other electronic means.

***Recommendation:***

To promote transparency of election proceedings, it is recommended that an amendment to the Election Procedure Bylaw be proposed in order that this information **will** be posted on the City's website. The nominators address and phone number will be severed from the documents prior to them being posted on the City's website.

**Voting**

Changes to voting provide more flexibility for voters by allowing more opportunities for advanced voting, mail ballot voting, and for resident and non-resident property electors to vote. Section 97 removes the restriction on who can vote at advance voting and no longer requires non-resident voters to obtain a certificate of eligibility to vote. Section 100 extends the current provisions respecting voting by mail ballot to allow mail voting for persons who expect to be absent from their municipality or regional district when voting opportunities are being held. Section 115 is revised to remove the requirement that persons seeking to vote at an advance voting opportunity sign a written declaration respecting their entitlement to vote at the voting opportunity.

**Retention and Destruction of Election Materials**

Pursuant to revisions to section 150 of the Act, persons that have inspected election results are prohibited from using this information for purposes contrary to Part 3 [Electors and Elections] of the Act. Despite being entitled to inspect these materials, the public is not entitled to obtain a copy. The restriction against copying is notwithstanding the rights of public access and copying of publicly accessible records that are otherwise authorized under section 95(3) of the *Community Charter* and section 27(7) of the *Interpretation Act*.

**SUMMARY OF RECOMMENDATIONS:**

The White Rock Museum has been removed as a voting place for general voting day due to lack of voter turn out. Also, so far, a lower number workers have signed up to work the election this year. Removing one voting place will help in that it is one less location to have trained staff available on general voting day.

The Advance Voting Opportunity location will be moved to take place away from City Hall at a location to be determined to accommodate anticipated additional voters due to Bill 7 regulations permitting anyone to vote at this time.

Election Procedure Bylaw Amendment Recommendations include:

- Amending the Advance Voting Opportunity dates
- Amending the Special Voting Opportunity date
- Adding a provision for additional Special Voting Opportunity electors (employees of facilities)
- Adding provision to post Nomination Documents and Disclosure Statements onto the City Website

Respectfully submitted,

Tracey Arthur  
City Clerk