

**RESORT MUNICIPALITY OF WHISTLER**

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STAFF REPORT TO COUNCIL

PRESENTED: April 26, 2022
FROM: Legislative Services
SUBJECT: 2022 ELECTION BYLAW AMENDMENTS REPORT

REPORT: 22-062
FILE: 3900-20-2353

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Corporate and Community Services be endorsed.

RECOMMENDATION(S)

That Council consider giving first, second, and third readings to the “Mail Ballot Authorization and Procedure Amendment Bylaw (Mail Ballot Schedule), No. 2353, 2022”; and

That Council consider giving first, second and third readings to the “General Local Government Elections Amendment Bylaw (Special Voting Opportunities) No. 2361, 2022”.

PURPOSE OF REPORT

This report seeks Council’s consideration for the first three readings of the Mail Ballot Authorization and Procedure Amendment Bylaw (Mail Ballot Schedule), No. 2353, 2022 and the General Local Government Elections Amendment Bylaw (Special Voting Opportunities) No. 2361, 2022.

☐ Information Report ☒ Administrative Report (Decision or Direction)

DISCUSSION

Background

The next Municipal election will be held on October 15, 2022 and staff are currently preparing for the delivery of the election. As part of this planning, staff must ensure all election-related bylaws are adopted by Resort Municipality of Whistler (RMOW) Council no later than July 4, 2022.

Mail Ballot Authorization and Procedure Bylaw

As per section 110 (1) of the *Local Government Act* (LGA), a local government may, by bylaw, permit voting by mail ballot. In May of 2018, Council adopted the Mail Ballot Authorization and Procedure Bylaw No. 2190, 2018 (Ballot Bylaw), which gives the Chief Election Officer the authority to offer mail ballots to voters according to the requirements outlined in the Ballot Bylaw.

In 2021, the Province removed eligibility requirements for mail ballots in the LGA and now all eligible voters are able to request a vote by mail package in local elections.

As a result of this legislative change and the ongoing COVID-19 pandemic, staff anticipate a much higher number of mail ballots being requested during the 2022 Whistler municipal election. Whistler, as a resort municipality, also has a high number of non-resident property electors (currently almost 900 registered) who are eligible to vote in local Whistler elections. These voters, as they do not primarily reside within Whistler, are more likely to take advantage of the vote by mail option. This will likely further increase the number of mail ballot applications staff need to process during the limited timeframe available. Staff are proposing amendments to the Ballot Bylaw to ensure it conforms to the recent amendments made to the LGA and provide more time for staff to process mail ballots.

General Local Government Elections Bylaw

The General Local Government Elections Bylaw No. 2189, 2018 (Election Bylaw) includes a section authorizing the Chief Election Officer to implement Special Voting Opportunities (SVO), which provides voting opportunities to those voters residing in care homes or to those who are receiving longer term care at a hospital. As the RMOW does not have a hospital providing overnight care or care homes within municipal boundaries, SVO's are not offered during local general elections in Whistler. The removal of this section is administrative in nature and includes repealing section 5 of the Election Bylaw to reflect current business practice. In lieu of SVOs, the RMOW offers mail ballots to any eligible voters who are unable to vote in-person as per the Ballot Bylaw Mail Ballot noted above.

Analysis

The proposed changes to the Ballot Bylaw No. are as follows:

- Remove reference to eligibility requirements that no longer exist in the LGA
- Increase the timeframe by which mail ballot outer envelopes can be opened once they are received at Municipal Hall
- Increase the timeframe by which certification and secrecy envelopes may be opened and mail ballots can be processed through the ballot tabulating machine to ensure legislated election results deadlines can be met

Proposed Changes to the Mail Ballot Authorization and Procedure Bylaw No. 2190, 2018

Section	Existing Wording	Proposed Wording
2.2	The only electors who may vote by mail ballot are the following: (a) persons who have a physical disability, illness, or injury that affects their ability to vote at another voting opportunity; and (b) persons who expect to be absent from the municipality on general voting day and at the times of all advance voting opportunities.	Repeal this section as s. 110 (2 & 3) of the LGA that previously outlined these same requirements has been repealed. Replace with: "2.2 The chief election officer may establish the time limits in relation to voting by mail."
3.2	Replace:	With:

Section	Existing Wording	Proposed Wording
	“before the first day of advanced voting and 4:00 pm on the Thursday, two days before general voting day”	“before the first day of advance voting and 4:00 pm on the Wednesday, three days before general voting day”
3.2 (a)	Replace: “make available to the applicant, a mail ballot package as specified in Section 110 (7) of the <i>Local Government Act</i> , together with a statement advising the elector that the elector must meet one or more of the mail ballot criteria specified in Section 3.2 of this Bylaw, and that they must attest to such a fact; and“	With: “make available to the applicant, a mail ballot package which contains: i. the content set out in section 110(7) of the <i>Local Government Act</i> , ii. a statement advising the elector that a. the elector must meet the eligibility to vote criteria, and b. the elector must attest to such fact; and”
5.1	Replace: “Until 4:00 p.m. on the Thursday two days before general voting day, upon receipt of the outer envelope and its contents”	With: “Upon receipt of the outer envelope and its contents until 8pm on general voting day”
5.2	Replace: “The unopened certification envelopes shall remain in the custody of the Chief Election Officer or designate until 4:00 pm on the Thursday two days before general voting day, at which time the certification envelopes containing the secrecy envelopes shall be opened”	With: “The unopened certification envelopes shall remain in the custody of the Chief Election Officer or designate until 8pm on the last day of advance voting, after which time the certification envelopes containing the secrecy envelopes shall be opened”
5.3	Replace: “At 4:00 pm on the Thursday two days before general voting day, the Chief Election Officer or designate shall place all secrecy envelopes received up until that time into a ballot box”	With: “The Chief Election Officer or designate shall place all secrecy envelopes received into a ballot box”
5.4	Where an outer envelope and its contents are received by the Chief Election Officer or designate between 4:00 pm on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of Section 5.1 of this Bylaw with regard to ballot	Repeal.

Section	Existing Wording	Proposed Wording
	acceptance shall apply and the Chief Election Officer or designate shall retain such certification envelopes in their possession until the close of voting and at that time shall open such certification envelopes in the presence of at least one other person including any scrutineers present, and place the secrecy envelope containing the ballot into the ballot box containing the other unopened secrecy envelopes.	

Proposed Changes to the General Local Government Elections Bylaw No. 2189, 2018

Section	Existing Wording	Proposed Wording
5	<p>SPECIAL VOTING OPPORTUNITIES</p> <p>5.1 As authorized under section 109 of the Local Government Act, special voting opportunities may be provided, and the Chief Election Officer is hereby authorized to establish the dates, locations, and voting hours, within the limits set out in section 99 of the Local Government Act, for the special voting opportunities.</p> <p>5.2 The Chief Election Officer is authorized to limit the number of candidate representatives who may be present at the special voting opportunity.</p>	Repeal.

POLICY CONSIDERATIONS

RELEVANT COUNCIL AUTHORITY/PREVIOUS DECISIONS

The [2018 Election Bylaws Admin Report No. 18-061](#) was presented to Council at the Regular Council meeting on May 22, 2018 for first three readings of the Election and Ballot Bylaws; and

Council adopted the Ballot and Election Bylaws at the [Regular Council Meeting on June 5, 2018](#).

Corporate Plan

The RMOW Corporate Plan is updated annually and articulates strategic direction for the organization. This section identifies how this report links to the plan.

Council Focus Areas

☐ Community Balance

*Effectively **balance resort and community needs** through deliberate planning, partnerships and investment*

☐ Climate Action

*Provide leadership to **accelerate climate action and environmental performance** across the community*

☐ Housing

*Advance strategic and innovative initiatives to enable and **deliver additional employee housing***

☐ Pandemic Recovery

*Leadership and support for **community and tourism recovery and sustainability** – priority focuses are where recovery needs intersect with other Council focus areas*

☒ Not Applicable

Corporate Goals

☐ Community character and mountain culture is reflected in municipal initiatives

☐ Municipal decision-making supports the effective stewardship of natural assets and ecological function

☐ Corporate policies and operations ensure continuous excellence in infrastructure, facility and program management

☒ A high level of accountability, transparency and community engagement is maintained

☐ Corporate financial health is optimized to ensure long-term community success

☐ A vibrant local economy and safe, resilient resort community is effectively reinforced by organizational activities

☐ Pandemic recovery

BUDGET CONSIDERATIONS

The expenses related to the 2022 municipal election have been budgeted in the 2022-2026 Five Year Financial Plan.

LIL'WAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lil'wat People, known in their language as *L'il'wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler's resort economy.

There are no specific considerations to include in this report.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

An election page is on the whistler.ca/elections website. Important information for the election is posted here. There are no notifications requirements relating to updating election bylaws.

REFERENCES

Mail Ballot Authorization and Procedure Amendment Bylaw (Mail Ballot Schedule), No. 2353, 2022 and General Local Government Elections Amendment Bylaw (Special Voting Opportunities) No. 2361, 2022 (both are included in Council Package)

SUMMARY

The proposed amendments as included in the Ballot and Election Bylaws will ensure that staff are able to effectively implement the mail ballot option for the 2022 Whistler municipal election and that the bylaws accurately reflect current practice.

SIGN-OFFS

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