

APPROVAL REPORT

2020 Local Government Elections – Mail-in Ballot Procedure

ISSUE

Due to COVID-19, it is anticipated that there will be a higher demand of eligible voters requesting to vote by mail-in ballot. In order to accommodate a process that does not require in-person application at the Election Office, amendments to Bylaw No. 8191, *The Election Bylaw, 2012*, are required.

RECOMMENDATION

That the Governance and Priorities Committee recommend to City Council:

1. That the proposed amendments to Bylaw No. 8191, *The Election Bylaw, 2012*, as outlined in this report be approved; and
2. That the City Solicitor's Office be directed to amend Bylaw No. 8191, *The Election Bylaw, 2012*.

BACKGROUND

Section 92 of *The Local Government Election Act, 2015* (LGEA) allows a council, by bylaw, to establish a mail-in ballot voting system for the purpose of receiving ballots in an election. *The Local Government Election Regulations, 2015* require that a voter establish their identity to the satisfaction of the returning officer or other person authorized in the bylaw. The City's Election Bylaw currently requires a voter applying for mail-in ballot to make application in person before the returning officer or other designated election official in order to verify their identity in person.

Due to COVID-19 and to facilitate greater utilization of the mail-in ballot voting opportunity, the application for mail-in ballot and voter registration process is being enhanced to allow for non-in-person application and verification of identity. As such, amendments to the mail-in ballot portion (Section 11.1) of *The Election Bylaw, 2012*, are required.

An amendment to the LGEA has also prompted another amendment to *The Election Bylaw, 2012*.

- The LGEA no longer requires that a candidate's occupation be included on the nomination paper or ballot. The form of ballot will be changed to remove reference to the occupation of candidates running for municipal office.

DISCUSSION/ANALYSIS

In previous elections, the mail-in ballot process was conducted by having the voter attend in person at the Election Office located in City Hall, in order to register for voting and apply for a mail-in ballot package. Due to COVID-19 and the anticipation of increased mail-in ballot applications, the process to register and apply is being made so that applications can be submitted through an online web form. Online application

allows voters wishing to use the mail-in ballot option but wishing not to attend in-person the ability to apply from their own location. It also allows for the election team to better manage increased applications from end-to-end. In-person application and registration for those without access to a computer remains an option.

For the 2016 election, 196 mail-in ballot packages were issued to voters. The election team is planning for higher demand in 2020. An in-person application process will be available at the election office (226 Cardinal Crescent), with appropriate measures implemented to ensure staff and citizen safety; however online application is encouraged.

To enhance the mail-in ballot voting option, the following amendments to *The Election Bylaw, 2012*, are necessary:

- Provision for an online mail-in ballot application and voter registration;
- Requirement for a designated witness to sign a voter and witness declaration, similar to the process where a person vouches for the identity of a voter at a polling station;
- Requirement for the voter and witness to provide copies of identification bearing a signature, unless the witness is one of the professions included in the approved witness list (Appendix 1);
- Removal of “city hall” from subsection 11.1(15), as the election office is not located within city hall; and
- Provision for preliminary processing of mail-in ballots to the point of being inserted into the assigned vote tabulating machine on the first business day following the close of advance polls, should there be 100 or more mail-in ballots. (Note: This is similar to advance polls tabulations and results are not generated.)

The addition of language to process 100+ mail-in ballots if received by close of advance polls reduces processing time at close of polls on election night. This mitigates delaying preliminary results should the volume of mail-in ballots be exceptionally high.

The election team has collaborated with other Saskatchewan cities to create a consistent process that is similar in principle to allow for non-in-person applications.

Recent amendments to *The Local Government Election Act, 2015* removed the requirement for a candidate’s occupation to be included on the nomination form and on the ballot; therefore, removal of this requirement is included in the proposed amendments to *The Election Bylaw, 2012*. The inclusion of occupation in past elections has created challenges for candidates and election administrators in terms of both the definition of “occupation” and the design limitations of the ballot to accommodate lengthy occupation titles or more than one occupation.

The inclusion of occupation on the nomination form and ballot for school board elections is directed by resolution of the respective boards and it is understood that both school boards have passed resolutions requiring candidates for school board trustee to include their occupation in the nomination package and on the ballot.

The amendments will also contain minor housekeeping and formatting changes.

FINANCIAL IMPLICATIONS

Mail-in ballot packages are mailed to eligible voters within Canada and self-addressed return envelopes are provided for the voter to return the ballot. A heavier demand in mail-in ballot packages results in higher postage.

NEXT STEPS

Pending Committee's approval of the proposed amendments the Committee's report along with the amending bylaw, as prepared by the City Solicitor's Office, will be submitted to the July 27, 2020 meeting of City Council. This is necessary in order to comply with the requirements of *The Local Government Election Act, 2015* that a general election bylaw be passed at least 90 days before the general election.

The communications plan will be updated to incorporate a variety of methods of promoting mail-in ballot voting as a non-in-person voting opportunity. The election website will be updated to provide voters with mail-in ballot application details and the web form application will be posted upon City Council's approval of the mail-in ballot bylaw amendments.

APPENDICES

1. Acceptable Witnesses for Mail-in Ballot Registration

Report Approval

Written by: Scott Bastian, Returning Officer
Reviewed by: Christine Bogad, Director of Legal Services
Approved by: Joanne Sproule, City Clerk

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