

STAFF REPORT TO COUNCIL

1100 Patricia Blvd. | Prince George, BC, Canada V2L 3V9 | www.princegeorge.ca

DATE: March 18, 2022

TO: MAYOR AND COUNCIL

NAME AND TITLE: WALTER BABICZ, CITY MANAGER

SUBJECT: Proposed Amendments to Local Election Related Bylaws

ATTACHMENTS:

1. City of Prince George Election and Other Voting Procedures Bylaw No. 9294, 2022
2. City of Prince George Election and Political Signs Bylaw No. 8867, 2017, Amendment Bylaw No. 9295, 2022
3. City of Prince George Bylaw Notice Enforcement Bylaw No. 8813, 2016, Amendment Bylaw No. 9282, 2022

RECOMMENDATIONS:

That Council:

1. GIVES FIRST THREE READINGS to “City of Prince George Election and Other Voting Procedures Bylaw No. 9294, 2022”;
2. GIVES FIRST THREE READINGS to “City of Prince George Election and Political Signs Bylaw No. 8867, 2017, Amendment Bylaw No. 9295, 2022;” and
3. GIVES FIRST THREE READINGS to “City of Prince George Bylaw Notice Enforcement Bylaw No. 8813, 2016, Amendment Bylaw No. 9282, 2022.”

PURPOSE:

This report is provided for Council’s consideration of proposed amendments to three bylaws related to local election regulations. Two of the bylaws pertain to election and political signage and enforcement and the third relates to changes in voting procedures. The latter includes amendments for housekeeping purposes and to reflect the Province’s change in legislation to expand the eligibility to vote by mail ballot.

DISCUSSION:

Proposed City of Prince George Election and Other Voting Procedure Bylaw No. 9294, 2022

The proposed “City of Prince George Election and Other Voting Procedures Bylaw No. 9294, 2022” is intended to replace the existing “Election and Other Voting Procedures Bylaw No. 6067, 1993”. The proposed bylaw updates contents to align with City formatting including the order of sections and other minor housekeeping amendments. In addition, changes included within the proposed bylaw addresses candidate nomination procedures and changes to the requirements for electors to be able to vote by mail ballot, as a result of changes to the *Local Government Act*.

As mentioned, two key changes within the proposed bylaw pertaining to candidate nominations are included as a means to formalize and provide more structure to the candidate nomination process. They are the requirement of a \$100 refundable nomination deposit and an increase in the number of qualified nominators required to nominate an individual who is seeking election from two (2) eligible electors of the City of Prince George to ten (10). The minimum requirement in the legislation specifies that prospective candidates for local office must be nominated by at least two (2) eligible electors and provides for local governments to specify by bylaw ten (10) nominators or twenty-five (25), in jurisdictions with populations greater than 5,000. Eligible electors include both a resident elector and non-resident property elector. The proposed changes are reflective of the importance of the nomination process and the intentions of an individual to be declared a candidate for the local government election.

Other municipalities are undergoing a similar review of their election procedures bylaw in preparation for this year's General Local Election. Administration contacted or reviewed current election procedure bylaws of the City's peer municipalities including the City of Chilliwack, City of Coquitlam, City of Delta, City of Kelowna, City of Kamloops, Township of Langley, City of Nanaimo, District of North Vancouver, District of Saanich, and City of Victoria. The aforementioned changes are in line with the election procedures of six of the peer municipalities of which four require a refundable nomination deposit of \$100 and five require greater than two (2) nominators with two municipalities requiring twenty-five (25) nominators and three municipalities requiring ten (10) nominators.

Another important change addressed within the proposed bylaw pertains to amendments to the *Local Government Act* which no longer limits mail ballot voting to electors who have a physical disability, illness, or injury that affects their ability to vote at a voting opportunity or persons who expect to be absent on general voting day and all advance voting opportunities. With the removal of this restriction, the proposed bylaw permits any eligible elector of the City of Prince George to vote by mail ballot in accordance with the application procedures and timelines determined by the Chief Election Officer.

The updated Bylaw will be a key resource to guide local government election related processes and activities in 2022 and beyond.

City of Prince George Election and Political Signs Bylaw No. 8867, 2017, Amendment Bylaw No. 9295, 2022

In 2017, Council approved the "City of Prince George Election and Political Signs Bylaw No. 8867, 2017" establishing guidelines and regulations related to the placement, size, height, and enforcement of election and political signs, including municipal, provincial, and federal elections, and assent voting (referendums), in the City of Prince George.

While the Election and Political Signs Bylaw does address signs within the City, the City does not have jurisdiction to regulate election and political signs along provincial highways within the City boundaries such as the Highway 16 and Highway 97 corridors. The Ministry of Transportation and Infrastructure regulates sign placement along provincial highways.

During the last election in 2018, Administration received concerns regarding the placement of election signs that created sight line issues for vehicle traffic at Austin Road East and Highway 97 and Foothills Boulevard and Austin Road. After review, Administration recommends reducing the permissible sign location at Austin Road East and Highway 97 from 1.5 metres X 10 metres to 1.5 metres X 5 metres and moving the southwestern permissible sign location along Foothills Boulevard 200 metres southeast of its current location. All other aspects of the Election and Political Signs Bylaw remain appropriate and applicable.

City of Prince George Bylaw Notice Enforcement Bylaw No. 8813, 2016, Amendment Bylaw No. 9282, 2022

The City of Prince George enforces bylaws through the issuance of a Bylaw Notice in conjunction with the Prince George Bylaw Notice Dispute Adjudication Registry and designates City Bylaws that are enforceable under the *Local Government Bylaw Notice Enforcement Act*.

A review of peer municipalities indicates that most have fines set between \$50 and \$200 per offence related to election and political signs. Administration recommends the City of Prince George set a fine amount to not only provide incentive for individuals running for a political office or individuals intending to affect the vote of any person in an election or public referendum, to familiarize themselves with the rules and regulations regarding the use of election and political signs but also as a deterrent for willfully acting in contravention to the provisions within the Election and Political Signs Bylaw.

To set the fines associated with political and election signs that are in contravention to the “City of Prince George Election and Political Signs Bylaw No. 8867, 2017”, Administration is recommending amendments to Schedule “B” of the “City of Prince George Bylaw Notice Enforcement Bylaw No. 8813, 2016”, as attached to this report.

SUMMARY AND CONCLUSION:

In order to update and provide clarity to the upcoming 2022 General Local Election regarding procedures related to the administration of the Election, placement of election and political signs, and fines associated with the contravention of such placement, Administration recommends that Council gives first three readings to the three bylaws attached to this report. Namely “City of Prince George Election and Other Voting Procedures Bylaw No. 9294, 2022”, “City of Prince George Election and Political Signs Bylaw No. 8867, 2017, Amendment Bylaw No. 9295, 2022”, and “City of Prince George Bylaw Notice Enforcement Bylaw No. 8813, 2016, Amendment Bylaw No. 9282, 2022”.

RESPECTFULLY SUBMITTED:

Walter Babicz, City Manager

PREPARED BY: Maureen Connelly, Manager, Legislative Services
Leslie Kellett, Deputy Corporate Officer

Meeting date: March 28, 2022