

DECISION/DIRECTION NOTE

Title: REVISED Final Report – Ward 2 By-Election

Date Prepared: February 4, 2021

Report To: Committee of the Whole

Councillor and Role: Mayor Danny Breen, Governance & Strategic Priorities

Ward: N/A

Decision/Direction Required:

Report provided for Council's review and consideration of proposed changes to the Vote by Mail (VBM) process during the City's municipal general elections.

Discussion – Background and Current Status:

The Vote By Mail process has been in use by the City of St. John's since 2001. The statistical data outlined in the attached Final Report contains information on voter turn-out, costs and processes used to undertake the Ward 2 by-election which occurred in October 2020. A comparative analysis of vote by mail processes in other North American jurisdictions is also presented for Council's information.

The Office of the City Clerk believes it is timely to consider procedural reform in this area more in line with practices in other major Canadian cities. Such reform is recommended to facilitate both democratic accessibility and enhanced efficiencies as noted in the report.

The following is proposed:

1. Mandatory registration for VBM kits (requiring revision to the Vote By Mail By-Law)
2. Increase the number of polling stations to enable more access to traditional voting
3. Continue to lobby Province about alternative progressive voting methods

Since review of this Report by the Committee of the Whole on January 27th, we bring to your attention the following:

- With regard to Section 7.0 of the Report entitled Future Considerations, we have replaced the first table on page 11 with a more comprehensive table that delineates election data into two categories: the pre VBM era (1981 – 1997) and the current VBM era (2001 – 2020). This will inform Council about the trend in voter returns throughout the past forty year period of general elections.

ST. JOHN'S

- The attached letter from the Office of the Privacy Commissioner expressing concern about the City’s reference to ATIPP legislation as well as our response to this letter. Further to this, on page 13 of the original Final Report (page 14 of the revised), we have revised the following wording:
 - “ATIPP legislation in the Province of NL severely restricts or prohibits such access between levels of government bodies and regulatory agencies.”

To the following:

- The City of St. John’s is governed by ATIPP legislation. As a result of recent correspondence from the Office of the Privacy Commissioner in response to the first draft of this Final Report, the City is most amenable to obtaining guidance from the OIPC on any provisions that could potentially authorize the City to indirectly collect information from other public bodies.
- With regard to accessing the permanent list of electors provided by Elections NL, we must clarify that we never intended to disregard this list. We will always require it for the purpose of populating our on-line registration portal as well as to provide access to nominated candidates as per the Municipal Elections Act. Use of the list will offset the need for registered voters to re-register if they are already on the list. Interested voters will simply opt to receive or not receive a VBM kit.

Key Considerations/Implications:

1. Budget/Financial Implications: Cost efficiencies achieved through a streamlined process of mandatory voter registration.
2. Partners or Other Stakeholders: Electors of the City of St. John’s and municipal candidates.
3. Alignment with Strategic Directions/Adopted Plans: An Effective City: A city that performs effectively and delivers results.
4. Legal or Policy Implications: Revision to the Vote by Mail By-Law, City of St. John’s
5. Privacy Implications: Consultation with the Office of the Privacy Commissioner and the City’s ATIPP Coordinator
6. Engagement and Communications Considerations: Extensive communications plan to advise general public of changes in electoral procedures.
7. Human Resource Implications: Additional electoral staff required for polling stations on election day.

8. Procurement Implications: Contract with third party vendors for the provision of scanning tabulation system/services and for voters list management services which includes printing of kits and hosting of voters list.
9. Information Technology Implications: Support required from Information Services with respect to the Voters List and election results.
10. Other Implications: N/A

Recommendation:

That Council approve the recommendations proposed in the Final Report – Ward 2 By-Election as follows:

1. Mandatory registration for VBM kits (requiring revision to the Vote By Mail By-Law)
2. Increase the number of polling stations to enable more access to traditional voting
3. Continue to lobby Province about alternative progressive voting methods

Further that the following action be taken to facilitate recommendation #1 for mandatory registration to receive a Vote by Mail Kit:

1. Vote by Mail By-Law to be amended as per the attached chart and subject to Legal review. Should this revision be problematic in time for the 2021 municipal election, ministerial approval should be considered as per section 4(2) of the Municipal Elections Vote by Mail By-Law cited below:

Notwithstanding the foregoing, the returning Officer, may, with prior Ministerial approval, vary the procedures from time to time as he deems appropriate to ensure the efficiency and integrity of the municipal election.

2. Extensive communications plan developed to advise the general public of changes in VBM process, i.e. mail out cards, social media, etc.

Report Approval Details

Document Title:	Final Report - 2020 By-Election (Ward 2).docx
Attachments:	
Final Approval Date:	Jan 21, 2021

This report and all of its attachments were approved and signed as outlined below:

Elaine Henley - Jan 21, 2021 - 2:08 PM

Report Approval Details

Document Title:	REVISED Final Report - 2020 By-Election (Ward 2).docx
Attachments:	
Final Approval Date:	Feb 2, 2021

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Elaine Henley was completed by assistant Karen Chafe

Elaine Henley - Feb 2, 2021 - 4:40 PM