

THE CORPORATION OF THE DISTRICT OF BURNABY

RECOMMENDATION:

1. THAT the Minister of Municipal Affairs be requested to consider amending the Municipal Act by including a provision for identification of political party affiliations on the ballots for Municipal elections.
2. THAT a copy of this report be sent to the Minister of Municipal Affairs.

R E P O R T

Section 114(3) of the Municipal Act directs that a ballot paper shall contain the full names of candidates, arranged alphabetically by their surnames and show the occupation of each candidate. This section has been strictly interpreted to mean that candidates names and occupations are all that may appear on the ballot. Section 64A of the Vancouver Charter permits, by bylaw, for the inclusion on the ballot, the political party or interest each candidate is nominated to represent.

A question frequently asked of poll staff by voters on election day in Burnaby is; "Which associations do the candidates belong to?". This presents a problem in that poll staff are instructed not to provide information on any candidate and the dissemination of political information in and around the polling place is prohibited under Section 200 of the Municipal Act. The Federal and Provincial election ballots do display the political affiliation of each candidate and residents have indicated they expect to have the same information provided on the Municipal election ballots.

The sections of the Municipal Act which pertain to this matter read as follows:

"Ballot papers

Section 114.

- (3) A ballot paper shall contain the full names of the candidates, arranged alphabetically by their surnames, or, if there are 2 or more candidates with the same surnames, by their given names, and shall show the occupation of each candidate.

Unlawful activities at polling place

Section 200.

A person shall not on polling day, in or near a polling place, loiter or carry on political activity or distribute or display a circular or representation of ballot papers or an invitation to vote for a candidate or for or against a submission."

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-2-

The section of the Vancouver Charter which pertains to this matter reads as follows:

"Provision for party affiliation

Section 64A.

The Council may make bylaws for providing that the ballot papers to be used in an election for the office of Mayor, Alderman, Park Commissioner, or School Trustee shall indicate what, if any, political party or interest each candidate is nominated to represent. Such bylaws may provide the terms and condition upon which such designation may be made and indicated on the ballot."

In conclusion, the requested change in the legislation would allow for the political affiliation of each candidate to be displayed on the ballot and for your information I have attached a copy of the City of Vancouver bylaw dealing with this subject and copies of the ballots from the recent City of Vancouver election.

Respectfully submitted,



William A. Lewarne
MAYOR

BY-LAW NO. 471

A By-law to provide for identifying political affiliation on ballot-papers

THE COUNCIL OF THE CITY OF VANCOUVER in open meeting assembled, enacts as follows:

1. This by-law may be cited as the Party Affiliation By-law.

2. In this by-law:

"ELECTION" means any election under the Vancouver Charter for the offices of Mayor, Alderman, Park Commissioner and School Trustee;

"PARTY" means an unincorporated political organization which has more than twenty-four members who in some way contribute financially to the organization and which has been in existence at least ninety days prior to the nomination-day of any election, and which has been administered or directed by officers elected by and from its members in accordance with its charter or constitution for the ninety days immediately preceding nomination-day.

"SOCIETY" means a society duly incorporated under the laws of the Province of British Columbia which has more than twenty-four members who in some way contribute financially to the society;

3. Any society or party which endorses one or more candidates in an election may request the Returning Officer to indicate such endorsement on the ballot-papers by delivering to the Returning Officer not later than fourteen days before nomination-day of the election a statutory declaration in the form set out in Appendix "A" or "B" of this by-law and sworn by a director or officer of the society or party.

4. (1) Any society or party which has delivered a declaration to the Returning Officer pursuant to Section 3 may authorize a change or withdrawal of names of candidates endorsed in its declaration.

(2) Any change or withdrawal pursuant to subsection (1) shall be communicated to the Returning Officer by memorandum signed by a director or officer of the society or party and delivered to the Returning Officer not later than twelve o'clock noon on nomination-day of the election.

(3) Any memorandum delivered to the Returning Officer pursuant to subsection (2) which endorses a candidate not named in the declaration filed pursuant to Section 3 shall bear the candidate's signature and consent to such endorsement of his or her candidacy.

5. For each candidate who:

- (a) complies with the requirements of the Vancouver Charter; and
- (b) otherwise qualifies to be a candidate; and
- (c) enjoys and consents to endorsement by a society or party which has requested that its endorsement of the candidate be indicated on the ballot-papers in the manner prescribed in Sections 3 and 4;

the Returning Officer shall indicate such endorsement on the ballot-papers beside or below the candidate's name.

6. For purposes of Sections 3 and 4 only, no candidate shall consent to endorsement by more than one society or party.

7. A candidate may withdraw his or her consent to endorsement by a society or party by signing and delivering to the Returning Officer not later than twelve o'clock noon on nomination-day of the election a memorandum indicating such withdrawal.

8. For all candidates, except candidates to whom Sections 3 and 4 apply, the Returning Officer shall place the word "independent" on the ballot-papers beside or below the candidate's name unless the candidate signs and files with his or her nomination papers a memorandum indicating that he or she does not wish to have the word "independent" beside or below his or her name on the ballot-paper.

9. This by-law shall come into force and take effect on and after the date of the final passing hereof.

DONE AND PASSED in open Council this 13th day of August, 1974.

(signed) A. Phillips Mayor

(signed) D.H. Little City Clerk

I hereby certify that the foregoing is a correct copy of a By-Law duly passed by the Council of the City of Vancouver on the 13th day of August, 1974, and numbered 4791.

CITY CLERK

