

Islands Trust
Executive Committee Report

To: Islands Trust Council

Date: August 31, 2011

WORK PROGRAM (*Top Three Priorities*)

1. COMMUNICATIONS and ADVOCACY

Current

- Development of overdue Annual Reports (LG/LS)
- Monitor redesign of website (LG/LS)
- Approval and implementation of Communications Plan for 2011/12 (LG/LS)
- On-going monitoring of seniors' video project (LG/LS)
- Advocacy re BC Ferries and derelict vessels

Planned

- Development of proactive advocacy strategy and policy (LG/CF)
- Development of communications strategy (LG/LS)

2. STRATEGIC PLANNING

Current

- On-going monitoring of Strategic Plan status (LA)

Planned

- Design Strategic Planning process for next term (LA)

3. ORGANIZATIONAL EFFECTIVENESS

Current

- CAO emergency succession plan (LA)
- Policy re exempt staff compensation (LA/CE)

Planned

- Review of Islands Trust policies and inventory of potential amendments (LA/CT)
- Consider recommendations about new policies, if necessary (LA/CT)
- Develop and implement regular maintenance schedule for Policy Manual and Procedures Manual (LA/CT)
- First Nations liaison strategy (LA/LG)

TRUST COUNCIL MEETING – REQUEST FOR DECISION/INFORMATION ITEM(S)

- Briefing – Strategic Plan June Update
- Executive Committee Report
- Trust Council Continuous Learning Plan
- Priorities Chart
- CAO Quarterly Report
- Elections Administration Agreements

PROVINCIAL LIAISON UPDATE

Current

- Chair meeting with BC Ferry Commissioner – with other regional chairs
- Chair meeting with Minister Lekstrom re BC Ferries – with other regional chairs

Planned

- Annual conference of the Union of BC Municipalities (LA)
- Requested delegation re derelict vessels (LA)
- Chair meeting with Premier and Minister Lekstrom re BC Ferries – with other regional chairs
- MLA and EAD annual breakfast at UBCM (LA)

Linda Adams
 Chief Administrative Officer

Sheila Malcolmson
 Chair

**CHIEF ADMINISTRATIVE OFFICER
2011-2012 SECOND QUARTER REPORT**

Date: August 30, 2011

Note: **BOLD UPPER CASE** - Reflects Trust Council Priorities

Bold Lower Case - Highlights Key Activities

Underline – Policy Statement items

ACCOMPLISHMENTS	CURRENT	PLANNED
<p>1. <u>TRUST COUNCIL ADVICE & ASSISTANCE</u></p> <ul style="list-style-type: none"> • QUARTERLY MEETING PREPARATION <ul style="list-style-type: none"> ○ Supervise all RFDs and Briefings • COORDINATE MEETING FOLLOW-UP ACTIONS <ul style="list-style-type: none"> ○ Council Continuous Learning Plan • STRATEGIC PLAN <ul style="list-style-type: none"> ○ <u>Oversee implementation through staff work programs</u> ○ Briefing re Strategic Plan progress • Liaison to insurers re litigation against Trust Council or trustees. • On-going advice to trustees re legislative and conduct issues 	<ul style="list-style-type: none"> • QUARTERLY MEETING PREPARATION <ul style="list-style-type: none"> • Supervise all RFDs and Briefings • COORDINATE MEETING FOLLOW-UP ACTIONS • Council Continuous Learning Plan • Coordinate sessions as necessary • Presentation to BC Ferry Commissioner • Liaison with San Juan County • STRATEGIC PLAN <ul style="list-style-type: none"> • <u>Oversee implementation as budgeted through staff work programs</u> • Complete final report for 2008-2011 term • Initial discussions re 2012/13 budget • On-going advice to trustees re legislative and conduct issues • Liaison to insurers re litigation against Trust Council or trustees 	<ul style="list-style-type: none"> • QUARTERLY MEETING PREPARATION <ul style="list-style-type: none"> ○ Supervise all RFDs and Briefings • COORDINATE MEETING FOLLOW-UP ACTIONS • Council Continuous Learning Plan • Coordinate sessions as necessary <ul style="list-style-type: none"> ○ Sept Session -best practices during election period • STRATEGIC PLAN <ul style="list-style-type: none"> ○ Recommendations re improvements to strategic planning process ○ Initial planning for Trust Council strategic session and planning process • RFP or terms of reference re First Nations strategy • On-going advice to trustees re legislative and conduct issues • Liaison to insurers re litigation against Trust Council or trustees. • Trustee orientation planning
<p>2. <u>EXECUTIVE COMMITTEE ADVICE & ASSISTANCE</u></p> <ul style="list-style-type: none"> • REGULAR MEETING PREPARATION • COORDINATE MEETING FOLLOW UP • Briefings to EC as requested • Chair correspondence and communications • News releases, related communications and island enquiries • Participate in meetings re website review and redesign • Develop recommendations regarding Administrative Fairness Complaints (none in past quarter) • Two responses to Ombudsperson inquiries • Briefings re potential legislative change requests 	<ul style="list-style-type: none"> • REGULAR MEETING PREPARATION • COORDINATE MEETING FOLLOW UP • Chair correspondence and communications • News releases and related communications • Participate in meetings re website review and redesign 	<ul style="list-style-type: none"> • REGULAR MEETING PREPARATION • COORDINATE MEETING FOLLOW UP • Review of bylaws, policies and procedures to prioritize update requirements. • Assist with communications re elections, queries from prospective candidates, etc. • Participate in meetings re website review and redesign • Plan for enhanced strategic planning process • Develop First Nations relationship strategy and policy • Develop CAO succession strategies (emergency and long term) • Exempt staff compensation policy • Planning for EC orientation process (2011-2014 term)

ACCOMPLISHMENTS	CURRENT	PLANNED
3. EXECUTIVE SERVICES UNIT <ul style="list-style-type: none"> • Work program alignment with Strategic Plan • Budget implementation and tracking for ES Unit • Completion of staff performance plans 	<ul style="list-style-type: none"> • Work program alignment with Strategic Plan • Budget tracking for ES Unit 	<ul style="list-style-type: none"> • Work program alignment with Strategic Plan • Budget tracking for ES Unit
4. AGENCY LIAISON <ul style="list-style-type: none"> • <u>On-going liaison with Ministry of Community, Sport and Cultural Development staff re Islands Trust issues</u> • Preparations, attendance and follow-up -- EC meeting with MCSCD minister • On-going liaison with RD CAOs re Islands Trust issues • On-going liaison with provincial ministries 	<ul style="list-style-type: none"> • <u>On-going liaison with Ministry of Community, Sport and Cultural Development staff re Islands Trust issues</u> • On-going liaison with RD CAOs re Islands Trust issues 	<ul style="list-style-type: none"> • <u>On-going liaison with Ministry of Community, Sport and Cultural Development staff re Islands Trust issues</u> • Preparations and attendance at UBCM conference • On-going liaison with RD CAOs re Islands Trust issues
5. MANAGEMENT TEAM <ul style="list-style-type: none"> • Bi weekly coordination meetings with Directors • Directors – Regular one-on-one meetings and on-going assistance as required • DLPS orientation and probation period • Delivered training session to staff (planning for non-planners) 	<ul style="list-style-type: none"> • Bi-weekly coordination meetings with Directors • Directors – Regular one-on-one meetings and on-going assistance as required • DLPS – On-going transition 	<ul style="list-style-type: none"> • Bi-weekly coordination meetings with Directors • Directors – Regular one-on-one meetings and on-going assistance as required • Increase presence in regional offices

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**ISLANDS TRUST
REQUEST FOR DECISION**

DATE: September 1, 2011

TO: Trust Council

Target Decision Date: September 14, 2011

SUBJECT: 2011 ELECTIONS ADMINISTRATION

RECOMMENDATION:

That the Islands Trust Council:

- **agree to enter into service contracts with the Boards of the following regional districts:**
 1. **Regional District of Nanaimo**
 2. **Comox Valley Regional District**
 3. **Cowichan Valley Regional District**
 4. **Powell River Regional District**
 5. **Sunshine Coast Regional District**
 6. **Capital Regional District**

for the purpose of sharing the costs of conducting elections, and

- **That the Islands Trust Council authorize the Chair and Legislative Services Manager to sign the service agreements on behalf of Council that will be substantially similar to the attached template, with the exception of the agreements with the Powell River and Cowichan Valley Regional Districts which will allow for the use of mail ballots as authorized by the elections administration bylaws of these two Regional Districts.**

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The *Local Government Act* enables local governments to cooperate in the administration of general local elections, through an Election Services Agreement between the parties. Every three years, the Islands Trust Council contracts with six regional districts to administer its general local elections. The Election Services Agreement with each Regional District authorizes the third-party administration and specifies certain aspects of election administration. The Election Services Agreements recommended for 2011 are similar to those approved by Trust Council in 2008, with the exception that they would enable mail balloting in the two Regional Districts within the Islands Trust Area that have now approved this form of balloting for resident and non-resident electors. The end result would mean 2011 elections would be administered in the same way as the 2008 elections, except that mail ballot opportunities would be added in the Lasqueti and Thetis local trust areas.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Additional efforts spent on communications during the Fall of 2011 will be a significant part of the work program for the Legislative Services Manager and support staff in the Executive Office division and may mean that other initiatives will not be priorities during the pre-election period. These increased efforts are required to inform the public and candidates about the stipulations of the *Local Government Act* regarding elections.

FINANCIAL:

There is \$107,000 in the 2011-2012 budget to cover the cost of administering elections. This recommendation can be implemented within that budget. These costs reflect a three-way cost-sharing arrangement between the Islands Trust and the regional districts which also conduct elections for school districts. The costs of administering Islands Trust elections separately would be significantly higher.

POLICY / LAW:

The Islands Trust does not have specific policies regarding administration of elections. Bylaw No. 124, Islands Trust Election Procedures Bylaw, 2008 guides the conduct of elections, and it in turn is based on and must comply with the BC *Local Government Act*.

Legal advice has confirmed that Islands Trust does not need to specifically appoint Chief Election Officers, as long as Trust Council is entering into agreements with the Regional Districts for the purposes of conducting elections.

Previous provincial legislation enabled mail ballots only for 1) the disabled and 2) those in areas designated as "remote." Legislative changes in 2008 expanded the mail ballot option to include a third category for voters (both resident and non-resident) who expect to be absent on voting day(s) as long as the relevant local government passed a bylaw allowing it. Currently within the Trust Area, Powell River Regional District, Cowichan Valley Regional District and Bowen Island Municipality have adopted bylaws allowing for mail ballots in all three aforementioned circumstances. The Sunshine Coast Regional District permits mail ballots only for Bowyer and Passage islands, which have been designated 'remote'. (Note: While Bowyer and Passage islands are within the Greater Vancouver Regional District, the Sunshine Coast Regional District has conducted elections for those islands since the incorporation of Bowen Island Municipality.) Other regional districts within the Trust Area do not permit mail ballots, so their provision for trustee elections is not an option for Trust Council to consider for the 2011 elections.

IMPLEMENTATION/COMMUNICATIONS:

Staff will implement the outcomes of these decisions, including immediate communications with Regional District elections officials and amendments to the Islands Trust election web-site. Additional communications materials, including letters to non-resident property electors, and information in candidate nomination packages are planned in addition to the required statutory notices. After the 2011 election, staff will seek feedback from regional districts implementing mail ballots regarding the success and challenges of this approach.

BACKGROUND**REPORT/DOCUMENT:**

- Staff report and Appendices
 - *Appendix 1 (page 5)*: Draft Election Services Agreement template between regional districts and the Islands Trust, as drafted by Young Anderson in 2008, and subject to negotiation with and approval by the respective regional districts
 - *Appendix 2 (page 11)*: Background report on Mail Ballots in the Trust Area
 - *Excerpt 1 (page 12)* from Powell River Regional District (PRRD) elections webpage; and
 - *Excerpt 2 (page 13)* from Cowichan Valley Regional District (CVRD) Bylaw No. 1981 (mail ballot procedures)

Notes about specific agreements:

1. As in 2008, the 2011 agreement with the Sunshine Coast Regional District specifies that mail ballots would only be available to residents in remote areas, i.e. Bowyer and Passage Islands, in accordance with Bylaw No. 124, Islands Trust Election Procedures Bylaw, 2008.
2. In 2008, the PRRD also provided for the use of mail ballots by absent voters for the election of Regional Directors. However at that time Trust Council made the decision to exclude from the agreement those sections of the PRRD election bylaw which dealt with mail ballots. Therefore electors of the Lasqueti Island Local Trust Area were not entitled to vote by mail ballot for Trustee elections in 2008 even though the same electors could request mail ballots for regional district votes.
3. Of the six Regional Districts conducting 2011 elections on behalf of the Islands Trust, only two have authorized the use of mail ballots by absent voters. Bowen Island Municipality has also decided to offer mail ballots to absent voters starting with this election. (See Appendix 2 for details on mail ballot procedures within the CVRD and PRRD.)
4. With two out of six regional districts now offering broader use of mail ballots, Trust Council could either permit mail ballots where a Regional District authorizes their use, as is recommended, or exclude mail ballots even though they are offered to the same electorate for the Electoral Area Director and School Board Trustee votes.

KEY ISSUE(S)/CONCEPT(S):

- Continuous improvement to Islands Trust election procedures;
- Trust Council discussed the issue of mail ballots several times in 2008, and after considering the changes in provincial legislation, decided not to proceed with mail ballots at that time except for residents of remote islands in the Gambier Local Trust Area. Only the PRRD offered broad use of mail ballots in 2008 and staff advice then was to observe how other local governments tested the new legislation, thereby reducing the risk of legal challenges and judicial recounts in narrowly contested elections. Other concerns included the tight turnaround for mail ballots from the time they are requested by the elector to the time they must be received by the Chief Election Officer, as well as how the eligibility of electors who mailed in ballots would be verified and how rigorous this process would be.
- Given the additional jurisdictions offering mail ballot voting in 2011, the recommendation to Trust Council is to consider mail ballot opportunities for Lasqueti and Thetis Local Trust Area voters only, by including the pertinent sections of the PRRD and CVRD election bylaws in Section 6 of the Islands Trust election agreements with these two jurisdictions.
- Staff recommend that, during the 2011-2014 term, Trust Council again review the topic of mail ballots, in preparation for the 2014 elections when additional regional districts may decide to offer them for Electoral Area Director and School Board Trustee elections. If mail ballots are permitted during the 2011 elections in the Thetis and Lasqueti local trust areas, Trust Council would be able to evaluate this approach.

RELEVANT POLICY: N/A

DESIRED OUTCOME:

Improving Islands Trust election procedures to be consistent with governing legislation, to reflect recommendations from the 2008 elections administration review, to acknowledge current staff expertise, workloads and budget constraints, and to provide the best possible election services to Islands Trust electors.

RESPONSE OPTIONS

Recommended: As above

Alternatives:

- To make different changes to Islands Trust elections administration (within the current time and legislative constraints).
- To change Islands Trust elections only in the ways required by changes to the *Local Government Act*.
- To limit mail ballots to electors of Bowyer and Passage Islands only, consistent with the approach for 2008. This option would require that communications to Lasqueti Island and Thetis Island Local Trust Area electors would have to be very clear about the difference in voting opportunities between trustees and electoral area directors and the reasons for these differences.

REPAIRED BY: Carmen Thiel
Legislative Services Manager

SUBMITTED BY: Executive Committee

REVIEWED BY: _____
(Chief Administrative Officer)

REVIEWED BY EXECUTIVE COMMITTEE:
August 30, 2011

OTHER REVIEW:

ISLANDS TRUST 2008 ELECTION SERVICES AGREEMENT

Appendix 1
Jul 14, 2008
Draft

THIS AGREEMENT dated for reference _____, 2008,

BETWEEN:

_____ **REGIONAL DISTRICT**

(the "Regional District")

AND:

THE ISLANDS TRUST COUNCIL

(the "Trust Council")

WHEREAS:

- A. The boundaries of the Regional District encompass a portion of the _____ trust area designated as such by the *Islands Trust Act*;
- B. Under the *Islands Trust Act*, for each local trust area designated by the *Islands Trust Act*, two local trustees are to be elected to represent the electors of the area;
- C. Part 3 of the *Local Government Act* contemplates an agreement under which a local government conducts an election for another local government, in accordance with the terms of the agreement, and Section 6(3) of the *Islands Trust Act* makes Part 3, as it applies in relation to electoral area directors for a regional district and their election, applicable in relation to local trustees and their election;
- D. The Regional District has adopted Election Procedures Bylaw No. _____, 20__;
- E. The Trust Council has provided, in Islands Trust Election Procedures Bylaw, 2000, that the bylaws of the Regional District respecting elections may apply to the election of the local trustees; and
- F. The Trust Council and the Regional District wish to enter into this Agreement by which the Regional District agrees to conduct local trustee elections on behalf of the Trust Council, on the terms and conditions of this Agreement;

NOW THEREFORE in consideration of the payments and promises of this Agreement, and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the parties agree as follows:

Conduct of Elections

- 1. The Regional District shall conduct the 2008 _____ Local Trust Area local trustee elections for the Trust Council in conjunction with the Regional District election for the electoral area director for Electoral Area "___", on the terms and conditions of this Agreement.

Term

2. This Agreement commences on the date that it is executed and continues in force until the later of the date specified in s. 90 of the *Local Government Act* for the filing of campaign financing disclosure statements and the latest date specified in s. 150 of the *Local Government Act* in respect of the retention and destruction of election materials for the 2008 election.

Complete Conduct of Election

3. Except to the extent specifically provided in this Agreement, the Regional District shall conduct all aspects of local trustee elections.

Notices

4. The Regional District shall give election-related notices required under the *Local Government Act*, including notices of special voting opportunities provided under this Agreement. All such notices must include the logo of the Islands Trust and must be provided to the Trust Council for approval as to content, size, and location and frequency of publication at least one week in advance of the publication date.
5. Nothing in this Agreement restricts the Trust Council's authority to give election-related notices to supplement those given by the Regional District, provided that in doing so the Trust Council does not impair the validity of the election proceeding, and for that purpose the Trust Council shall consult with the Regional District as to the content of such notices.

Election Bylaws

6. The parties agree that for the purposes of the 2008 election, sections _____ of Islands Trust Election Procedures Bylaw, 2008 and sections _____ of _____ Regional District Election Procedures Bylaw No. ____, ____ shall apply.

7. The parties acknowledge that the Regional District's election procedures bylaw [**CHOOSE ONE**]:

provides for voting day registration only, pursuant to section 54 of the *Local Government Act*, and the Regional District will register eligible electors on voting days.

provides, pursuant to section 59 of the *Local Government Act*, that the most current available Provincial list of voters prepared under the *Election Act* is to be the register of current electors.

neither limits voter registration to voting day nor provides for the use of the Provincial list of voters, with the result that the Regional District maintains a register of electors, and the parties agree that the Trust Council shall be provided an opportunity to assist with the verification of the register of electors, including the verification of the register in relation to non-resident property electors registered under s. 51(5) through 51(8) of the *Local Government Act*.

8. The Regional District agrees that, subject to s. 63 of the *Local Government Act* [Protection of privacy], any copy of the register of electors that is provided to a candidate for the office of local trustee under s. 62 of the *Local Government Act* shall include the electors' addresses. [**DELETE IF NO REGISTER OF ELECTORS EXISTS**]
9. Each of the parties shall give written notice to the other of any actual or proposed change to its election procedures bylaw.

Election Officials

10. The Regional District shall appoint the chief election officer, deputy chief election officer, presiding election officials, alternates and other election officials, and shall advise the Trust Council in writing of all such appointments.
11. The Trust Council shall make available throughout the term of this Agreement an official with whom the Regional District's election officials may consult on the interpretation of this Agreement and other matters pertaining to the election that are not addressed in the Agreement.

Nominations

12. The Regional District shall undertake the nomination process for local trustees, including accepting nomination documents, declaring acclamations and candidates, and receiving campaign financial disclosure documents.

Form of Ballot

13. The Regional District may create ballots in whatever form it chooses, including a single machine-readable ballot for both local trustees and electoral area directors.

Election Results

14. The Regional District shall declare both preliminary local trustee election results and official local trustee election results, in each case by posting the results on its website and e-mailing the results to **[SPECIFY ADDRESS]**.
15. The Regional District shall provide to the Islands Trust a tally of the number of resident electors and non-resident property electors who voted in the local trustee election at each polling place.

Document Retention and Disposal

16. The Regional District shall retain and destroy local trustee election documents within its possession, as required by the *Local Government Act*.

Regional District Expenses

17. The Trust Council acknowledges that where this Agreement refers to the Regional District's expenses, the expenses may include newspaper advertising costs, ballot printing, voting machine rental and servicing, staff costs (including overtime and benefits and including an allocation for time spent by salaried Regional District employees), legal fees, taxes and disbursements, photocopying, telephone and courier charges, purchase and rental costs of materials and supplies, mileage charges, and all other items related directly or indirectly to the election.

Cost-Sharing

18. Within two months after the 2008 local trustee election, the Regional District shall tally its election expenses and deliver to the Trust Council an invoice, payable within 30 days, for ___% of the election expenses.

Judicial Recount

19. If an application should be made for a judicial recount of local trustee ballots, the Regional District shall conduct the proceeding on behalf of the Trust Council, after which the Trust Council must pay to the Regional District 50% of the Regional District's expenses unless, as a result of the recount, a different candidate is declared elected, in which case the Regional District shall be responsible for 100% of the expenses. For these purposes, any costs ordered by the court to be paid by the local government shall form part of the Regional District's expenses.

Judicial Challenges

20. If the Regional District's chief election officer applies to challenge the validity of a local trustee election or the right of an elected local trustee to take office, the Regional District shall conduct the proceeding on behalf of the Trust Council, after which the Trust Council must immediately pay to the Regional District 100% of the Regional District's expenses. For these purposes, any costs required by the *Local Government Act* to be paid by the local government shall form part of the Regional District's expenses. If the court orders that costs may be recovered by the local government, the Regional District shall pursue the recovery at the cost of and for the benefit of the Trust Council, provided that the Trust Council authorizes such recovery.
21. If an application is made in any other circumstances to challenge the validity of a local trustee election or the right of an elected local trustee to take office, the Trust Council shall be entirely responsible for the cost of the proceeding, unless the parties agree otherwise.

Headings

22. The headings or captions in this Agreement have been inserted as a matter of convenience and for reference only and they in no way define, limit or enlarge the scope or meaning of this Agreement.

Severability

23. Should any provision of this Agreement be illegal or unenforceable, it shall be considered separate and severable from this Agreement and the remaining provisions shall remain in force and be binding upon the parties as though the said provision had never been included.

Modification

24. This Agreement may not be amended or modified except by a subsequent agreement in writing duly signed by the Regional District and the Trust Council.

Municipal Powers Preserved

25. Nothing contained or implied herein shall prejudice or affect either party's rights and powers in the exercise of its functions pursuant to the *Islands Trust Act*, *Local Government Act* or *Community Charter* or its rights and powers under all of its public and private statutes, bylaws, orders and regulations.

Notice

26. Any notice required pursuant to the terms of this Agreement shall be in writing and may be delivered by hand or sent by facsimile as follows:

To the Regional District:

_____ Regional District
[address]

Attention: Regional District Corporate Secretary

Fax:

To the Trust Council:

Islands Trust
200-1627 Fort Street
Victoria, B.C. V8R 1H8

Attention:

Fax: (250) 405-5155

Written notice that is delivered by hand shall be deemed to have been received on the date of delivery. Notice sent by facsimile shall be deemed to have been received on the date of transmission provided that a confirmation of fax transmission has been generated.

A party shall give written notice of a change of address, in which event such notice shall thereafter be given to it as above provided at such changed address.

IN WITNESS WHEREOF the Regional District and the Trust Council have executed this Agreement as of the dates written below.

Dated this _____ day of _____, 2008.

REGIONAL DISTRICT OF)
_____ by its authorized)
signatories:)
)
)
Chair: _____)
)
)
Corporate Secretary: _____)

Dated this _____ day of _____, 2008.

THE ISLANDS TRUST COUNCIL by its)
authorized signatories:)
)
_____)
Chair:)
)
_____)
Corporate Secretary)
)
)
)

Mail Ballots in the Trust Area

Description of Issue:

Previous provincial legislation enabled local governments to use mail ballots only for 1) the disabled and 2) those in areas designated as “remote.” Legislative changes in 2008 expanded the mail ballot option to include a third category for voters who expect to be absent on voting day(s) as long as the relevant local government passed a bylaw allowing it.

Of the six Regional Districts conducting 2011 elections on behalf of the Islands Trust, two have chosen to offer mail ballots to absent voters (both resident and non-resident). Bowen Island Municipality has also decided to offer mail ballots to absent voters starting with this election. Beginning in 2008 the Sunshine Coast Regional District offered mail ballots only to electors in Bowyer and Passage islands, which it has designated as “remote”.

The Powell River Regional District was the only jurisdiction within the Trust Area in 2008 to incorporate all three above noted mail ballot options into its election bylaw. While those voting for the Electoral Area Director could do so by mail ballot, this option was not made available for Lasqueti Island Trustee ballots in 2008. For the 2008 election, the Cowichan Valley Regional District (CVRD) maintained the limited mail ballot opportunity it previously offered to the disabled and to residents of designated remote areas. One of the designated remote areas included all of the smaller associated islands in the Thetis Local Trust Area, but excluded Thetis Island itself. In late June 2011 the CVRD Board amended its election bylaw to include the third category, i.e. the use of mail ballots by voters who expect to be absent on the two advance voting days as well as voting day itself. The end result is that absent electors throughout the Thetis Local Trust Area will be entitled to vote for their Regional Director by mail ballot.

None of the other four Regional Districts in the Trust Area has plans to permit the use of mail ballots to absent voters in the upcoming election.

Background:

Trust Council discussed the issue of mail ballots several times in 2008, and after considering the changes in provincial legislation, decided not to proceed with mail ballots except for residents of remote islands in the Gambier Local Trust Area. Instead, Regional Districts within the Trust Area were encouraged to consider using voting opportunities being offered in Richmond for island voters who would be away from regular island polling stations. This accommodated non-resident electors who lived in the lower mainland, but not those who lived elsewhere or resident electors who planned to be off-island during the election.

Attached are excerpts from 1) the web information provided by PRRD on this topic and 2) the Cowichan Valley Regional District mail ballot procedure bylaw, which cover the tight turnaround time for electors to request mail ballots, fill out the required forms and ballot, and return them in time for the close of the polls on November 19. In both instances, electors who are not already registered to vote may do so by registering as part of the mail ballot process.

In September, Trust Council will be asked to approve election services agreements with all Regional Districts that conduct local trustee elections on behalf of the Islands Trust. Agreements could either permit mail ballots where a Regional District permits them, or exclude mail ballots even though they are offered for the Electoral Area Director and School Board Trustee ballots within the same area.

Excerpt 1 from [Powell River Regional District elections webpage](#):

“Mail Ballot Voting

Mail ballots are available for qualified electors who

have a physical disability, illness or injury that affects their ability to vote at another voting opportunity; or

expect to be absent from the regional district on general voting day and at the times of all advance voting opportunities; or

regularly reside in any electoral area where their only access from their residence to a voting place is by boat or aircraft.

Mail ballot packages may be requested at any time up until noon on Friday, November 18. However, mail ballot packages will not be sent out until the week of October 23, and only after the Regional District has posted a Notice of Voting.

To request a mail ballot, you must submit the following information to the Regional District office **in writing** (e.g. mail, fax, e-mail or in person):

Full name

Residential address

Method by which you would like to receive your mail ballot:

o Pick up at the PRRD office OR

o Regular letter mail through Canada Post to your residential address OR

o Regular letter mail through Canada Post to an alternate address that you provide

For non-resident property electors only: your request must include the residential address or legal description of the property for which you are voting

The Powell River Regional District will send out mail ballot packages commencing on or about the week of October 24, 2011.

It is the elector's responsibility to return the ballot to the Regional District office.

To be counted, your mail ballot must be received by the Chief Election Officer no later than 8:00 pm on Saturday, November 19, 2011."

Additional Notes:

The Powell River Regional District Election Bylaw 420 provides for electors who request mail ballots to also register as an elector as part of this process. If the elector's application to register as an elector is not complete, then the certification envelope is marked as "not accepted", in which case the certification envelope shall not be opened and the ballot shall not be counted. There are also provisions for Challenge of Elector in section 14. of the bylaw.

Excerpt 2 from Cowichan Valley Regional District Bylaw No. 1981 to Allow for Mail Ballot Authorization and Procedures:

"3. APPLICATION PROCEDURE:

3.1 A person wishing to vote by mail ballot shall apply by giving their name and address to the Chief Election Officer or to the person designated by the Chief Election Officer for such purposes, during the period commencing seven (7) days before the first day of advance voting and ending at 4:00 p.m. on the Thursday two (2) days before general voting.

3.2 Upon receipt of a request for a mail ballot, the Chief Election Officer or designate

shall, between the first (1st) day of advanced voting and 4:00 p.m. on the Thursday (2) two days before general voting day:

(a) make available to the applicant, a mail ballot package as specified in Section 100(7) of the Municipal Act, together with a statement advising the Elector that the Elector must meet one (1) or more of the mail ballot criteria specified in Section 2.2 of this bylaw, and that they must attest to such fact; and

(b) immediately record and, upon request, make available for inspection:

(i) the name and address of the person to whom the mail ballot package was issued; and

(ii) the name of the electoral areas in which the person is registered as an Elector, or "new Elector", if that person is not on the register of electors.

4. VOTING PROCEDURE

4.1 To vote using a mail ballot, the Elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided by the Chief Election Officer.

4.2 After marking the ballot, the Elector shall:

(a) place the ballot in the secrecy envelope provided and seal the secrecy envelope;

(b) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;

(c) place the certification envelope, together with a completed elector registration application, if required, in the outer envelope, and then seal the outer envelope;

(d) mail, or have delivered, the outer envelope and its contents to the Chief Election Officer at the address specified so that it is received no later than the close of voting on general voting day.

5. BALLOT ACCEPTANCE OR REJECTION

5.1 Until 4:00 p.m. on the Thursday two (2) days before general voting day, upon receipt of the outer envelope and its contents, the Chief Election Officer or designate shall immediately record the date of such receipt and shall then open the outer envelope and remove and examine the certification envelope and the completed elector registration application, if applicable, and if satisfied as to:

(a) the identity and entitlement to vote of the Elector whose ballot is enclosed;

(b) the completeness of the certification; and

(c) the fulfilment of the requirements of Section 56 of the Municipal Act in the case of a person who is registering as a new Elector;

the Chief Election Officer or designate shall mark the certification envelope as "accepted", and shall retain in his custody all such certification envelopes in order to deal with any challenges made in accordance with Section 6 of this bylaw.

5.2 The unopened certification envelopes shall remain in the custody of the Chief Election Officer or designate until 4:00 p.m. on the Thursday two (2) days before general voting day, at which time the certification envelopes containing the secrecy envelopes shall be opened in the presence of at least one (1) other person, including any scrutineers present.

5.3 At 4:00 p.m. on the Thursday two (2) 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 specified for such purpose, where such secrecy envelopes were received from persons whose right to vote using a mail ballot has not been challenged, or where such challenge has been resolved and the challenged person permitted to vote.

5.4 Where an outer envelope and its contents are received by the Chief Election Officer or designate between 4:00 p.m. on the Thursday two (2) 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 acceptance shall apply and the Chief Election Officer or designate shall retain such 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 (1) other person, including any scrutineers present, and place the secrecy envelope containing the ballot into the ballot box containing the other unopened secrecy envelopes.

5.5 As soon as possible after all of the secrecy envelopes have been placed in the ballot box designated for that purpose, the ballot box shall be opened under the supervision of the Chief Election Officer or designate, and in the presence of at least one (1) other person and any scrutineers present, the secrecy envelopes shall be opened and the ballots contained therein counted in accordance with the provisions of the Municipal Act.

5.6 Where:

(a) upon receipt of an outer envelope, the Chief Election Officer is not satisfied as to the identity of the Elector whose ballot is enclosed; or

(b) in the case of a person required to complete an application for registration as an Elector, such application has not been completed in accordance with Section 56 of the Municipal Act; or

(c) the outer envelope is received by the Chief Election Officer or designate after the close of voting on general voting day, the certification envelope shall remain unopened and the Chief Election Officer shall mark such envelope as "rejected", and shall note the reasons therefor, and the ballot contained therein shall not be counted in the election.

5.7 Any certification envelopes and their contents rejected in accordance with Section 5.6 of the bylaw shall remain unopened and shall be subject to the provisions of Section 150(6) of the Municipal Act with regard to their destruction.

6. CHALLENGE OF ELECTOR

6.1 A person exercising the right to vote under the provisions of this bylaw may be challenged in accordance with and on the grounds specified in Section 116 of the Municipal Act, until 4:00 p.m. on the Thursday two (2) days before general voting day.

6.2 The provisions of Section 116(2) to (5) inclusive of the Municipal Act shall apply where a challenge of an elector using a mail ballot has been made.”