

Report

Date November 6, 2024

File: 4200-20

Subject Amendments to the Election and Assent Voting Bylaw and the Sign Bylaw

PURPOSE

To introduce amendments to:

- (1) Election and Assent Voting Amendment Bylaw No. 3979 which proposes to amend Election and Assent Voting Bylaw No. 3837 to correct an inaccurate reference, and
- (2) Sign Bylaw Amendment Bylaw No. 3980, which proposes to amend Sign Bylaw No. 3479 to improve regulations for political sign placement.

BACKGROUND

At the November 2, 2022, Council meeting, Council accepted the report from the Chief Election Officer (CEO) on the 2022 general local election results. Within that report, it was noted that the following complaints were received from residents and candidates regarding election signs (this list is not exhaustive):

- (1) Campaign signs being erected during the pre-campaign period.
- (2) Campaign signs attached to trees.
- (3) Campaign signs creating a safety hazard for motorists at intersections.
- (4) Use of elements of North Cowichan's logo in newspaper advertisements and campaign signs.
- (5) Offensive language used on campaign signs.

In addition to the complaints reported above, the following complaints were also received by the CEO:

- (1) Campaign signs attached to utility poles.
- (2) Campaign signs posted on municipal property.

It was noted in the November 2022 staff report that staff would bring a report to Council before the next general election to present potential changes to the Election and Assent Voting and Sign Bylaws to address the above complaints. Legislative Services had earmarked this task for the fall of 2024 which now coincides with a spring by-election.

DISCUSSION

In anticipation of a spring by-election [date to be determined], due to Debra Toporowski's resignation from Council on October 31, 2024, staff are presenting suggested amendments to the Election and Assent Voting Bylaw and the Sign Bylaw for Council's consideration at this time.

It is important that revisions to the election and sign bylaws are completed expeditiously, considering that Section 56 [Election bylaws] of the *Local Government Act (LGA)* states that an Election Bylaw and Sign Bylaw related to an election under Section 54 [By-elections] must be adopted at least 42 days before the first day of the nomination period for the election.

Now that Ms. Toporowski’s resignation has been received, Section 54 [By-elections] of the *LGA* states that an election must be held to fill a vacancy in an elected local government. As soon as practicable after the vacancy occurs, the local government must appoint a CEO, who then must set a general voting day for the election. This voting day must be on a Saturday no later than 80 days after the date the CEO was appointed. The legislation does not specify how soon a by-election must be held after the vacancy, providing the local government with some flexibility in determining the timing of the by-election.

Ultimately, the CEO needs to ensure that:

- There is sufficient time before the “official” appointment of the CEO to make adequate preparations for the election.
- The key deadlines within the 80 days prior to General Voting Day are not unduly impacted by other dates and events.

Council will be informed as soon as a by-election date is determined.

Election and Assent Voting Amendment Bylaw No. 3979

A thorough review and modernization of the Election Bylaw was conducted prior to the 2022 General Local Election, ensuring that the current Election and Assent Voting Bylaw No. 3837 is satisfactory. Additionally, the provincial government has not made any amendments to the *LGA* that would necessitate changes to the Election and Assent Voting Bylaw at this time. However, staff did identify one minor error: Section 57(c) refers to ‘election materials boxes’ when it should refer to ‘ballots and results box’.

The Election and Assent Voting Amendment Bylaw No. 3979 proposes to amend [Election and Assent Voting Bylaw No. 3837](#) as follows:

Section & Language in Election and Assent Voting Bylaw No. 3979	New Section & Language in Election and Assent Voting Bylaw No. 3979
57 (c) all voted Ballots for the applicable Vote Counting Units will be removed from the sealed election materials boxes , except spoiled Ballots, and reinserted in the Vote Counting Unit under the supervision of the chief election officer; and	57 (c) all voted Ballots for the applicable Vote Counting Units will be removed from the sealed ballots and results box , except spoiled Ballots, and reinserted in the Vote Counting Unit under the supervision of the chief election officer; and

Sign Bylaw Amendment Bylaw No. 3980

The current Sign Bylaw No. 3479:

- (1) Is silent on *when* and *where* political signs can be placed, providing candidates seeking public office with no clear direction regarding the placement of political signs.
- (2) Provides minimum regulations for the Bylaw Enforcement Officers to act on complaints.

Things Council should consider:

- Posting political signs on municipally owned properties and structures such as highway meridians, traffic circles, and roundabouts can damage irrigation systems, cause visual distractions, and contribute to car accidents.

- Posting political signs on utility poles violates Section 19.4 [Obstructions on poles] of [WorkSafe BC's Occupational Health and Safety Regulations](#).
- North Cowichan must remain impartial during the election process. Prohibiting the placement of signs on municipally owned properties and the use of elements of North Cowichan's logo on political signs reinforces the neutrality that North Cowichan is required to uphold.
- It is considered best practice to specify a timeframe for the placement of political signs. Many municipalities in the province allow political signs to be placed no earlier than 36 days before general voting day, as this aligns with the end of the nomination period.

Considering this, the following amendments are being proposed:

- (1) Adding a definition for political signs.
- (2) Adding provisions prohibiting political signs on municipally owned properties and structures.
- (3) Adding provisions prohibiting the placement of signs in a manner that obstructs traffic control devices or signs, obstructs the line of vision at an intersection, creates a safety hazard, causes visual distractions, or is within one metre of a fire hydrant.
- (4) Adding a provision prohibiting the placement of a political sign within 100 metres of a voting location.
- (5) Adding provisions prohibiting the use of, or elements of, North Cowichan's logo on political signs.
- (6) Prohibiting the use of profanity on political signs.
- (7) Adding a provision that a political sign must not be placed earlier than 36 days before general voting day.

The Sign Bylaw Amendment Bylaw No. 3980, 2024 proposes to amend [Sign Bylaw No. 3479](#) by:

Section & Language in Sign Bylaw No. 3479	New Section & Language in Sign Bylaw Amendment Bylaw No. 3980
1 New provision	1 "political sign" means a temporary freestanding sign(s) related to a municipal, provincial or federal election, by-election, assent voting, plebiscite, or other statutory voting process that addresses an issue in the public interest, advertises a candidate seeking public office or advertises a political party.
New provisions	8 No person shall place a political sign on municipally owned properties including: <ol style="list-style-type: none"> on a highway median, traffic circle, roundabout, or in a park; recreation facilities, municipal hall, fire stations, or similar facilities; and on any tree, planter, utility pole, waste receptacle, newspaper box, or mailbox located on municipally owned land.
New provisions	8.1 No person shall place a political sign in a location that: <ol style="list-style-type: none"> obstructs or detracts from any traffic control device or signage; obstructs a line of vision at an intersection; creates a safety hazard for pedestrians, cyclists, or vehicles; or is within one metre of a fire hydrant.

Section & Language in Sign Bylaw No. 3479	New Section & Language in Sign Bylaw Amendment Bylaw No. 3980
New provision	8.2 No person shall place a political sign within 100 metres of a voting place on general voting day or on an advance voting day.
New provisions	8.3 No person shall place a political sign that: (a) contains any logo, mark, or symbol owned by the Municipality, or resembling that of the Municipality; or (b) contains any profanity or defamatory language.
New provision	8.4 No person shall post a political sign related to a general local election or by-election, a general school election or by-election, or assent voting or other statutory voting process earlier than 36 days before general voting day.
8 A person who is authorized to place a political sign pursuant to subsection 2(2)(e), shall remove or cause to be removed the political sign within seven (7) days after general voting day.	8.5 A person who is authorized to place a political sign by this bylaw shall remove or cause to be removed the political sign within seven (7) days after general voting day.
8.1 A bylaw enforcement officer may remove, and the Chief Election Officer may order the removal of, any political sign that is placed in contravention to this bylaw or Section 163 of the <i>Local Government Act</i> .	8.6 A bylaw enforcement officer may remove, and the Chief Election Officer may order the removal of, any political sign that the Bylaw Enforcement Officer has reasonable grounds to believe is placed or installed in contravention of this bylaw.
8.2 Political signs removed pursuant to section 8.1: (a) will be stored at the Municipal Hall and may be claimed by a candidate or candidate representative, or a person authorized by a candidate or candidate representative. (b) not claimed within seven (7) days after the period set out in section 8 of this bylaw become the property of the District and may be destroyed or otherwise disposed of by the District without notice to any person.	Political signs removed pursuant to section 8.6: (a) will be stored at the Municipal Hall and may be claimed by a candidate or candidate representative, or a person authorized by a candidate or candidate representative. (b) not claimed within seven (7) days after the period set out in section 8.5 of this bylaw become the property of the Municipality and may be destroyed or otherwise disposed of without notice to any person.

The proposed amendments will:

- (1) Provide candidates with clear parameters, ensuring they can confidently place their signs correctly.
- (2) Decrease the number of complaints received from residents and candidates.
- (3) Equip Bylaw Enforcement Officers with the necessary tools to enforce violations.

OPTIONS

1. **(Recommended Option)** Give three readings to the bylaws as presented.

THAT Council:

- (1) Gives first, second and third readings to Election and Assent Voting Amendment Bylaw No. 3979, 2024, and
 - (2) Gives first, second and third readings to Sign Bylaw Amendment Bylaw No. 3980, 2024.
- If Council proceeds with first three readings today it puts North Cowichan in a position to have them adopted and put into practice in advance of a spring by-election.

2. *If Council wants to make changes to the bylaw(s), the recommendation would be to refer the bylaws to Committee of the Whole for further direction.*

THAT Council refers Election and Assent Voting Amendment Bylaw No. 3979, 2024, and Sign Bylaw Amendment Bylaw No. 3980, 2024, to the next Committee of the Whole meeting to provide direction to staff on changes to the bylaw prior to consideration of first reading.

IMPLICATIONS

If Council adopts the Election and Assent Voting Amendment Bylaw now, North Cowichan will meet the requirements that an Election Bylaw must be adopted 42 days before the first day of the nomination period for the election.

If Council adopts the Sign Bylaw Amendment Bylaw:

- (1) Candidates seeking election during a general local election or by-election will have a much clearer understanding of when and where their campaign signs can be placed. Bylaw Enforcement Officers will be able to proactively remove signs that violate the bylaw and respond to complaints.
- (2) Candidates will be able to place their signs on boulevards, shoulders, and intersections as long as the signs do not obstruct the line of vision.
- (3) Amendments to the Municipal Ticket Information System Bylaw and the Bylaw Offence Notice Enforcement Bylaw will be brought to Council for consideration. It should be noted that ticketing a candidate for incorrect sign placement would be a last resort, only done in extraordinary circumstances. Staff will handle political sign complaints in the same manner as all other bylaw complaints, working with the offender to seek compliance first.

RECOMMENDATION

THAT Council:

- (1) Gives first, second and third readings to Election and Assent Voting Amendment Bylaw No. 3979, 2024, and
- (2) Gives first, second and third readings to Sign Bylaw Amendment Bylaw No. 3980, 2024.

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Approved to be forwarded to Council:



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Attachments:

- (1) Election and Assent Voting Amendment Bylaw No. 3979, 2024
- (2) Sign Bylaw Amendment Bylaw No. 3980, 2024