

File No.: 04-1000-20-2017-441

December 7, 2017

s.22(1)

Dear s.22(1)

Re: Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")

I am responding to your request of November 7, 2017 for:

A copy of all email sent and received by Chief Election Officer/City Clerk Janice MacKenzie between 7:00 a.m. and 11:00 p.m. on October 14, 2017.

All responsive records are attached. Some information in the records has been severed, (blacked out), under s.14 and s.15(1)(l) of the Act. You can read or download these sections here: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00

Under section 52 of the Act you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 business days from the date you receive this notice to request a review by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2017-441); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

Please do not hesitate to contact the Freedom of Information Office at foi@vancouver.ca if you have any questions.

Yours truly,

A handwritten signature in black ink, appearing to be 'B. Van Fraassen', with a stylized, cursive-like flow.

Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4
Phone: 604.873.7999
Fax: 604.873.7419

Encl.

:kt

From: ["Nelms, Cheryl" <Cheryl.Nelms@vancouver.ca>](mailto:Cheryl.Nelms@vancouver.ca)

To: ["MacKenzie, Janice" <janice.mackenzie@vancouver.ca>](mailto:janice.mackenzie@vancouver.ca)

Date: 10/14/2017 10:09:16 AM

Subject: Re: Contact request

Thanks for that.

Cheryl Nelms, P.Eng, PhD
Deputy General Manager
Engineering Services
City of Vancouver
C. 778-835-2148

> On Oct 14, 2017, at 11:07 AM, MacKenzie, Janice <janice.mackenzie@vancouver.ca> wrote:

>

> Please see Celeste Morales.

>

>> On Oct 14, 2017, at 10:51 AM, Nelms, Cheryl <Cheryl.Nelms@vancouver.ca> wrote:

>>

>> Sorry to bother you - quick question - who/what email do I put a teacher in contact with if they want to do a school class tour of city hall?

>>

>> Cheryl Nelms, P.Eng, PhD

>> Deputy General Manager

>> Engineering Services

>> City of Vancouver

>> C. 778-835-2148

From: "MacKenzie, Janice" <janice.mackenzie@vancouver.ca>
To: "Salholm, Kate" <Kate.Salholm@vancouver.ca>
"Hagiwara, Rosemary" <rosemary.hagiwara@vancouver.ca>
"Heaney, Siobhian" <siobhian.heaney@vancouver.ca>
Date: 10/14/2017 3:51:59 PM
Subject: RE: Reminders and Preparation for tonight

Thanks will do.

From: Salholm, Kate
Sent: Saturday, October 14, 2017 4:52 PM
To: MacKenzie, Janice; Hagiwara, Rosemary; Heaney, Siobhian
Subject: RE: Reminders and Preparation for tonight

Great, thanks for clarifying.

JMac, I will be setup by 7:30pm so if you want to come down and review the process with me just pop down.

From: MacKenzie, Janice
Sent: Saturday, October 14, 2017 4:48 PM
To: Hagiwara, Rosemary; Salholm, Kate; Heaney, Siobhian
Subject: RE: Reminders and Preparation for tonight

Yes...not sure if we will have much of an uptake but I'll handle.

From: Hagiwara, Rosemary
Sent: Saturday, October 14, 2017 4:46 PM
To: Salholm, Kate; MacKenzie, Janice; Heaney, Siobhian
Subject: RE: Reminders and Preparation for tonight

JMac will deal with scrutineers at the Hall and me at the warehouse.

Rosemary Hagiwara
Deputy Chief Election Officer
Office of the City Clerk | City of Vancouver
t: 604.673.8301 | e: rosemary.hagiwara@vancouver.ca

From: Salholm, Kate
Sent: Saturday, October 14, 2017 4:45 PM
To: Hagiwara, Rosemary; MacKenzie, Janice; Heaney, Siobhian
Subject: FW: Reminders and Preparation for tonight

Sounds good, thank you for clarifying roles for this evening's close out.

For results processing, JMac will be up with me in revenue services. Can you confirm who will manage questions from the scrutineers / forms they may need to sign etc?

From: Hagiwara, Rosemary
Sent: Saturday, October 14, 2017 4:15 PM
To: Heaney, Siobhian; Salholm, Kate; Lowe, Janice; Salholm, Kate; Chan, Rachel (City Clerks); Hendricks, Tina; Yee, Jessica; Yeung, Jessica
Cc: MacKenzie, Janice
Subject: Reminders and Preparation for tonight

Hi all,
So far great work from all of you! You are managing all the issues well and happy to see you still smiling!

As we prepare for the count down to the close of polls, things will become hectic once again. To ensure that we have a smooth ride to the end of the day, please continue to follow the protocol around who should be responding to what calls and who is communicating with the appropriate staff.

Staffing = JYee (but I suspect there will be minimal or no issues for the rest of the day)
Supplies = Tina
Tabulator/Laptop/Voterview = Siobhian or Kate (immediate transfer to IT staff). If anything needs to come back to us on the main floor, it will be coordinated through JLo.
Candidates/Media = Rosemary

There is a note for Grandview Elementary who has used the Aux Compartment. The closing procedure is very specific as it is legislated so I will coordinate with IT on this.

Thanks and let me know if you have any questions.

Rosemary Hagiwara
Deputy Chief Election Officer
Office of the City Clerk | City of Vancouver
t: 604.673.8301 | e: rosemary.hagiwara@vancouver.ca

From: "[Mike Klassen](mailto:mike@mikeklassen.net)" <mike@mikeklassen.net>
To: "[MacKenzie, Janice](mailto:janice.mackenzie@vancouver.ca)" <janice.mackenzie@vancouver.ca>
Date: 10/14/2017 3:05:06 PM
Subject: Re: Voting station protocol

Thank you for the prompt reply.

On Sat, Oct 14, 2017 at 3:51 PM MacKenzie, Janice <janice.mackenzie@vancouver.ca> wrote:

Hi Mike,

Thanks for your question about voter identification requirements. I often am asked this question.

The voter identification and registration requirements for municipal elections are governed by the Vancouver Charter (including sections 25, 26, 30, 30.1, 32, 87 and 128) and the Local Government Elections Regulation BC Regulation 380/93 (Section 3). Under Section 32 of the Vancouver Charter, the City uses the most up-to-date and available Provincial list of voters as the City's list of registered voters.

If a resident is not on the City's list of registered voters, under the Vancouver Charter, the resident may register as a resident elector at the time of voting. The individual must be a Canadian citizen 18 years or older who has resided in the Province for at least six months and the city for at least 30 days prior to the date of registration. The applicant must produce at least two documents that provide evidence of the applicant's identity, place of residence, and signature. The identification documents are set out in the Elections Regulation (Section 3) and may include a solemn declaration as to the applicant's place of residence.

However, if the resident is on the city excerpt of the Provincial Voters List, they are not required to produce voter identification when voting in the municipal election. This is clearly set out in the above mentioned sections of the Vancouver Charter. The same rules are also set out in the Local Government Act that governs elections for all other municipalities in the Province. As such, it is a contravention of the provincial legislation to require a voter to produce identification if they are on the register of resident electors (i.e voters list) for the city unless challenged under section 88 of the Charter.

Prior to receiving a ballot, each resident elector is required to sign the General Voting Book in accordance with the Vancouver Charter. In signing the book, the resident elector is swearing that by signing the book, they are declaring that they are entitled to vote in the election and that they have not voted before in the election.

I hope all is well with you.

Janice MacKenzie | City Clerk and Chief Election Officer

Office of the City Clerk | City of Vancouver

t. 604-871-6146 janice.mackenzie@vancouver.ca

From: Mike Klassen [mailto:mike@mikeklassen.net]

Sent: Saturday, October 14, 2017 3:37 PM

To: MacKenzie, Janice

Cc: Martha Perkins

Subject: Voting station protocol

Good afternoon, Janice.

I have received several reports from voters today who state that their ID was not checked when voting today. They were only told that they needed to be on "the list". Some offered to show identification but were told it was not necessary. Can you confirm what the protocol is for voting in Vancouver elections?

Thank you.

Mike

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Mike Klassen

m 604-377-5499



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Mike Klassen

m 604-377-5499

From: ["Bartlett, Robert" <Robert.Bartlett@vancouver.ca>](mailto:Robert.Bartlett@vancouver.ca)

To: ["MacKenzie, Janice" <janice.mackenzie@vancouver.ca>](mailto:janice.mackenzie@vancouver.ca)
["Hagiwara, Rosemary" <rosemary.hagiwara@vancouver.ca>](mailto:rosemary.hagiwara@vancouver.ca)

Date: 10/14/2017 9:23:15 AM

Subject: Voting

Good luck today.
Call if you need anything.

Robert

s.15(1)(l)

Sent from my iPhone

From: "Lambert, Ellie" <Ellie.Lambert@vancouver.ca>

To: "Bob Mackin Jr " <bob.mackin@mac.com>

"MacKenzie, Janice" <janice.mackenzie@vancouver.ca>

Date: 10/14/2017 12:17:28 PM

Subject: RE: Media request - voters' ID

Thank you for your enquiry.

At this time the City cannot comment on individual scenarios. If anyone has concerns about the conduct of voting at a voting location they should report the concern by notifying the Presiding Election Officer (PEO) at the voting location and the PEO will investigate each report.

Ellie

-----Original Message-----

From: Bob Mackin, Jr. [<mailto:bob.mackin@mac.com>]

Sent: Saturday, October 14, 2017 12:40 PM

To: MacKenzie, Janice

Cc: Hagiwara, Rosemary; Lambert, Ellie; Media; Kendall-Craden, Rena

Subject: Re: Media request - voters' ID

I just received a report from a married couple on the voters' list, who both voted this hour at Henry Hudson. The male was asked to show ID, the female wasn't. Her name was corrected by her, on-scene, from her maiden name, without showing ID with her current name.

> On Oct 14, 2017, at 11:55 AM, MacKenzie, Janice <janice.mackenzie@vancouver.ca> wrote:

>

> Hi there,

> Thank you for your question. Over the voting period, we often receive enquiries regarding the voter identification requirements.

>

> The voter identification and registration requirements for municipal elections are governed by the Vancouver Charter (including sections 25, 26, 30, 30.1, 32, 87 and 128) and the Local Government Elections Regulation BC Regulation 380/93 (Section 3). Under Section 32 of the Vancouver Charter, the City uses the most up-to-date and available Provincial list of voters as the City's list of registered voters.

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>

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>

> Thank you for your interest in the by-election.

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> Janice MacKenzie | City Clerk and Chief Election Officer

> Office of the City Clerk | City of Vancouver

>

> t. 604-871-6146 | janice.mackenzie@vancouver.ca

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> -----Original Message-----

> From: Bob Mackin, Jr. [<mailto:bob.mackin@mac.com>]

> Sent: Saturday, October 14, 2017 11:20 AM

> To: Media; Kendall-Craden, Rena; MacKenzie, Janice

> Subject: Media request - voters' ID

>

> Hello,

> A voter who was at the Kitchener elementary polling place at 8:15 am told me that the staff did not ask to see any identification to verify the name or address on the voter's list.

> Why are voters not being asked to show ID?

>

> Sincerely,

>

> Bob Mackin

> reporter, theBreaker.news

> 604-982-9130

>

From: "[MacKenzie, Janice](mailto:Janice.Mackenzie@vancouver.ca)" <[janice.mackenzie@vancouver.ca](mailto:Janice.Mackenzie@vancouver.ca)>
To: "[Lambert, Ellie](mailto:Ellie.Lambert@vancouver.ca)" <Ellie.Lambert@vancouver.ca>
Date: 10/14/2017 2:54:53 PM
Subject: FW: Media request - voters' ID

Here is my response.

s.14

s.14

Section 87 refers to the requirements before an elector may be given a ballot to vote. Section 87(1)(a) clearly indicates that if a person is not shown on the list of registered electors, the person must register in accordance to section 30 or 30.1. Section 30 sets out the requirements for identification. Section 87(1)(b) clearly indicates that if a person is on the list of registered electors, the person is only required to sign the voting book indicating that they are entitled to vote and have not voted before in this election.

Section 88 applies in the event of a challenge of the elector. If an election official, candidate representative, or an elector does not believe the individual is entitled to vote, they may challenge the individual. It is a formal process and under section 88(3), in order to receive a ballot, the person whose right to vote has been challenged must either provide satisfactory evidence to the PEO that the person is entitled to vote or make a solemn declaration before the PEO as to their entitlement to vote in accordance with the requirements set out in section 88(4).

From: Bob Mackin, Jr. [<mailto:Bob.Mackin@mac.com>]
Sent: Saturday, October 14, 2017 3:05 PM
To: Lambert, Ellie
Cc: MacKenzie, Janice
Subject: Re: Media request - voters' ID

I've read sections 87 and 88.

Section 88 seems to give polling station staff the discretion to ask for ID.

I could not find a section that states, as below, that it would be a contravention of legislation. Could you point me to the section of the law where that is? Or is that an interpretation based on case law? Again, please cite an example.

I am receiving many queries from citizens who are concerned that the lack of request for ID, as is done in other elections, leaves this by-election at risk of voter fraud.

Sincerely,
Bob Mackin
reporter, theBreaker.news
604-982-9130

As such, it is a contravention of the provincial legislation to require a voter to produce identification if they are on the register of resident electors (i.e voters list) for the city.

On Oct 14, 2017, at 01:17 PM, "Lambert, Ellie" <Ellie.Lambert@vancouver.ca> wrote:

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Thank you for your interest in the by-election.

Janice MacKenzie | City Clerk and Chief Election Officer
Office of the City Clerk | City of Vancouver

t. 604-871-6146 janice.mackenzie@vancouver.ca

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