

To: CAO for the Fraser Valley Regional District Board  
From: Jaime Reilly, Manager of Corporate Administration/  
Chief Election Officer

Date: 2018-11-27

File No: 4200-20-2018 Election

**Subject: Results of the Judicial Recount for Electoral Area C**

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### INTENT

This report is intended to advise the Fraser Valley Regional District Board of Information pertaining to the results of the judicial recount for Electoral Area C. Staff is not looking for a recommendation and has forwarded this information should members want more clarification to discuss the item further.

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

### BACKGROUND

A report dated October 23, 2018 was provided to the Board indicating that following a tie vote in the election for the office of Electoral Area Director for Electoral Area C, the Chief Election Officer would be applying to the Provincial Court for a judicial recount.

The *Local Government Act* requires that following the completion of a judicial recount, the Chief Election Officer shall provide a supplemental report to the Board advising as to the outcome of the judicial recount.

### DISCUSSION

Following an application for judicial recount on Wednesday, October 31, Judge Ormiston ordered that the judicial recount be held on Friday, November 2, 2018. The judicial recount took place before Mr. Justice Hamilton in the Chilliwack Courthouse on Friday, November 2, 2018

After the review of all 371 ballots for the election of Electoral Area C, Justice Hamilton determined there to be a tie between candidate Wendy Bales and candidate Annie Silver, with each candidate receiving 136 votes.

As per the Fraser Valley Regional District Election Procedures Bylaw No. 1442, 2018, in the event of a tie vote after a judicial recount, the results are to be determined by lot rather than a runoff election.

The name of each candidate was written on a piece of paper, deposited into a box and shaken. Justice Hamilton then withdrew one piece of paper, and officially declared Wendy Bales to be elected to the office of Electoral Area Director for Electoral Area C.

## **COST**

The legal costs associated with applying for a judicial recount for the FVRD is approximately \$10,000 which will be paid for from the Electoral Area elections budget, funded only by the FVRD Electoral Areas.

## **CONCLUSION**

Following a tie vote for candidate Wendy Bales and candidate Annie Silver, the FVRD's Chief Election Officer was required to bring forward an application to the Provincial Court for judicial recount. After a draw by lot was conducted by Justice Hamilton, Wendy Bales was declared elected to the office of Electoral Area Director for Electoral Area C.

## **COMMENTS BY:**

**Mike Veenbaas, Director of Financial Services**

Reviewed and supported.

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported.