

# Vancouver Sun

## Irregularities not sufficient to overturn vote, Surrey contends

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Surrey concedes there were voting irregularities in the recent city election, but the lawyer representing the municipality says they were not sufficient to overturn the election results.

Ray Young admitted in B.C. Supreme Court Monday that 31 unregistered voters cast ballots in the November election without signing a registration form on election day certifying Canadian citizenship.

But David Church, the lawyer for the four Surrey residents contesting the election results, produced 210 registration forms he says were not fully completed by new voters who signed up on election day.

The four Surrey residents who filed the petition are Julius Bekei, Barbara Paton, Anna Erhardt and Alexander Naylor.

Church argued there are grounds for at least a byelection if the court rules those 210 forms invalid, since only 175 votes separate Surrey Coun. Jerry Huot -- who won the eighth and last seat on council -- and ninth place finisher Bruce Ralston.

In a similar case, Philip Owen successfully petitioned B.C. Supreme Court in 1984 for a byelection in Vancouver, citing voting irregularities in that year's city council election. Owen, who lost the final spot on council to Bruce Yorke by 220 votes, was defeated by Yorke in the byelection.

Church said there may be many more invalid registration forms he hasn't seen yet because the city of Surrey will only allow him to see about 700 of the 3,838 forms filled out by voters who registered on election day.

He asked Justice Michael Catliff to order the municipality to produce the other 3,100 documents.

Under the provincial Elections Act, Young said, a municipality is only required to make election material available to the public for 30 days after the election. Those materials are to be destroyed eight weeks after the election, he added.

The legal dispute centres on the role of the registration forms completed by new voters.

In completing the form, a new voter must certify he or she is a Canadian citizen, is age 18 or older and has resided in B.C. for a minimum of three months.

New voters must also certify they have been a Surrey resident for a minimum of 30 days prior to the election, sign their name, and print their birthdate or

social insurance number.

Young said certification of voter eligibility with regard to Surrey residency, birthdate and social insurance number need not be written on the registration form. He said producing a document such as a driver's licence containing proof of birthdate is all that is required.

But Church contended completion of the form is a legislative requirement under the Elections Act. Catliff reserved judgment after hearing the arguments from both sides.