

From: Kerry Morris <kerry.morris1249@gmail.com>

Date: March 4, 2016 at 1:40:48 PM PST

To: "Peter Fassbender.MLA" <Peter.Fassbender.MLA@leg.bc.ca>

Cc: Linda Buchanan <lbuchanan@cnv.org>, Holly Back <hback@cnv.org>, Rod Clark <rclark@cnv.org>, Darrell Mussatto <DMussatto@cnv.org>, Don Bell <dbell@cnv.org>, Craig Keating <ckeating@cnv.org>, Pam Bookham <pbookham@cnv.org>, Ken Tollstam <KTollstam@cnv.org>, "premier@gov.bc.ca" <premier@gov.bc.ca>, Karla Graham <kgraham@cnv.org>, Chris KENNEDY <chris.kennedy@rcmp-grc.gc.ca>

Subject: Fwd: Response to Mr. Morris #2- Local Government Act - 2014 General Local Election - City of North Vancouver - March 03 2016

Dear Minister Fassbender;

Thank you for your letter. It has only taken some 3 emails, 2 telephone calls and 1 formal complaint to solicit a response from your office. A timely response from your office would have ensured this matter did not become statute barred due to the passage of time, but as it turns out, my reporting of the matter to the police directly appears to be of little consequence.

The link located below takes you to a letter written by the City of North Vancouver's Chief Elections officer in which she clearly states this matter was indeed reported to the police.

On the other hand, also located below is an email from North Vancouver RCMP detachment Supt. Chris Kennedy in which he clearly states this matter was not reported to the Police.

So we have a dilemma. Someone is not telling the truth. Who is the question for determination. And the question will be answered. You may take me at my word on this point.

But I am interested in whether you still feel your ministry has no part to play in this issue?

Kerry Morris
'For A Better Tomorrow'

Begin forwarded message:

From: Kerry Morris <kerry.morris1249@gmail.com>

Date: March 4, 2016 at 12:18:26 PM PST

To: Karla Graham <kgraham@cnv.org>

Cc: Linda Buchanan <lbuchanan@cnv.org>, Holly Back <hback@cnv.org>, Rod Clark <rclark@cnv.org>, Darrell Mussatto <DMussatto@cnv.org>, Don Bell <dbell@cnv.org>, Craig Keating <ckeating@cnv.org>, Pam Bookham <pbookham@cnv.org>, "premier@gov.bc.ca" <premier@gov.bc.ca>, "Peter Fassbender.MLA" <Peter.Fassbender.MLA@leg.bc.ca>, "Electoral EBC:EX Finance" <electoral.finance@elections.bc.ca>, "Joel JAG:EX Oliphant" <Joel.Oliphant@gov.bc.ca>, "Linnea EBC:EX Jackson" <Linnea.Jackson@Elections.bc.ca>, Chris KENNEDY <chris.kennedy@rcmp-grc.gc.ca>

Subject: Fwd: Response to Mr. Morris #2- Local Government Act - 2014 General Local Election - City of North Vancouver - March 03 2016

Dear Ms. Graham:

Attached is an email which I have today received from the Office of the Superintendent of the RCMP, North Vancouver detachment.

The email makes reference to the election fraud reported to your office in matters involving City employees standing in City Hall on Pre-election polling days distributing lists of names for whom electors were being asked to cast votes. The candidates listed included only the Mayor and his 'Slate'.

These action were a breach of the City's election sign policy as well as a breach of the Local Government Act.

As you know I personally reported this activity to you which reporting was witnesses by the City's long service security personnel. You confirmed this report in a letter. (See link attached (<http://kerrymorris.ca/wp-content/uploads/2015/07/CNV-Refuses-Meeting-Re-Election-Fraud.pdf>))

I have just been informed by the Supt. Kennedy that at no time ever did you report this matter to the ECMP in accordance with the law and your responsibilities as the elections officer for the City of North Vancouver.

Why did you fail to report this matter to the RCMP?

Kerry Morris
'For A Better Tomorrow'

Begin forwarded message:

From: "Chris KENNEDY" <chris.kennedy@rcmp-grc.gc.ca>
Date: March 4, 2016 at 11:18:28 AM PST
To: "Kerry Morris" <kerry.morris1249@gmail.com>
Cc: <kgraham@cnv.org>, <KTollstam@cnv.org>, "Jennifer HYLAND" <jennifer.hyland@rcmp-grc.gc.ca>, "Randy MARQUARDT" <randy.marquardt@rcmp-grc.gc.ca>
Subject: Response to Mr. Morris #2- Local Government Act - 2014 General Local Election - City of North Vancouver - March 03 2016

Mr. Morris

North Van Det. did not receive any request from you, the City, or Elections BC to investigate at or near the time of the election. The first request this Det. received was via your email of yesterday, dated 20160303; which I have responded too.

Supt. J.C. Kennedy SC, BA
Officer in Charge
North Vancouver Detachment

>>> Kerry Morris <kerry.morris1249@gmail.com> 2016/03/03 4:37 PM >>>

My allegations were reported to and delivered upon the City of North Vancouver along with physical evidence on the day of the elections. Specifically the information was given to Ms Karla Graham, the City Clerk. It was subsequently also delivered to Elections BC and brought to the attention of the Minister for Local Government. Did neither organization report these breaches to your office? Is this the first you actually heard of this issue?

Kerry Morris
'For A Better Tomorrow'

On Mar 3, 2016, at 4:23 PM, "Chris KENNEDY" <chris.kennedy@rcmp-grc.gc.ca> wrote:

Mr. Morris

In order that you receive a prompt, fair, and unbiased response to your email dated 20160303 alleging a possible violation pursuant to the **Local Government Act (LGA)**, in my capacity as the Officer in Charge of North Vancouver RCMP Detachment; I sought counsel from RCMP Dept. of Justice Legal Services. I am sure you are aware that the **LGA** was revised this year dated January 01, 2016. It is a matter of record that the most recent municipal election for the City of North Vancouver occurred on November 15, 2014. The version of the **LGA** in effect at the time of the 2014 municipal election listed various election offences in Section 153, which included:

"153(4) In relation to voting proceedings, a person must not do any of the following at or within 100 metres of a building, structure or other place where voting proceedings are being conducted at the time:

(a) canvass or solicit votes or otherwise attempt to influence how an elector votes;

...

(d) carry, wear or supply a flag, badge or other thing indicating that the person using it is a supporter of a particular candidate, elector organization or result in the voting."

This section may have merit regarding your allegation however, Section 153.2 of the **LGA** sets the limitation period for prosecution as follows:

"153.2 The time limit for laying an information to commence a prosecution respecting an offence under this Part is one year after the date on which the act or omission that is alleged to constitute the offence occurred." [underlining added]

This tells us that anything to be investigated from the 2014 municipal election is beyond the 1 year limitation given the election date of November 15, 2014 and as such any investigation would be thwarted in the prosecutorial phase given the limitation of action. Your allegation would have to have been received prior to November 15, 2015. Given that, there is nothing for the RCMP to investigate here under the **LGA**. The message provided from Minister Fassbender correctly suggests the B.C. Ombudsperson as an office that can explore complaints after the expiry of relevant appeal and investigation periods.

As a note of record, I have cced my response to you to the CAO of the City of North Vancouver, Mr. Ken Tollstam and Ms. Karla Graham who served as the election officer for the City of North Vancouver during the last election.

Supt. J.C. Kennedy SC, BA
Officer in Charge
North Vancouver Detachment,

(your email and chained responses below)

In accordance with the direction received from Minister Fassbender, I herein request the RCMP investigate the issue of City library staff standing in City Hall on Advance Polling Days distributing lists of names which contained the Mayors slate.

This act constitutes a breach of the Local Government Act and I am advised by Minister Fassbender that this is the responsibility of the Local RCMP to investigate.

If you believe you are incapable of conducting a fair and unbiased investigation in light of your offices previous missteps in relation to investigative procedure on matters in which I was acting representative, then I would respectfully request the issue be attended on by senior members at E division headquarters.

Kerry Morris
'For A Better Tomorrow'

Begin forwarded message:

From: "Minister, CSCD CSCD:EX" <CSCD.minister@gov.bc.ca>
Date: February 10, 2016 at 2:53:44 PM PST
To: "'Kerry.morris1249@gmail.com'" <Kerry.morris1249@gmail.com>
Subject: Ref. 165802: 2014 General Local Election in the City of North Vancouver

Ref: 165802
Mr. Kerry Morris
Email: Kerry.morris1249@gmail.com
Dear Mr. Morris:

Thank you for your phone call of January 18, 2016, with Ms. Lindsey Welgush, Deputy Minister ♦♦♦s Office, regarding a potential breach of the *Local Government Act* during the 2014 General Local Election in the City of North Vancouver.

I appreciate that you have ongoing concerns about how the 2014 General Local Election was administered by City staff. Based on your conversation with Ms. Welgush, I understand that you are alleging that City staff distributed flyers listing candidate names during voting hours ♦♦♦ which you believe to be a breach of the Act.

Based on your previous correspondence with the Ministry of Community, Sport and Cultural Development, I am confident that you are aware that alleged election offences are investigated by local law enforcement who then make recommendations to Crown counsel as to whether or not there is sufficient evidence of an election offence being committed. If Crown counsel chooses to proceed with a

prosecution, it is then up to the courts to decide if an election offence was, in fact, committed. However, there are time limits in place to ensure that warranted prosecutions proceed in a timely way.

As my predecessor, the Honourable Coralee Oakes, advised you in her June 8, 2015, reply to your May 26, 2015, email, you may wish to seek legal counsel to determine what legal options remain in this situation. If you do not already have a lawyer, you may wish to call the Lawyer Referral Service by telephone at: 1 800 663-1919. This service, provided by the Canadian Bar Association, can refer you to a lawyer in your area who will meet with you for up to 30 minutes for a fee of \$25.00 plus tax. If you want to pursue legal action without a lawyer, both the Provincial Court and the Supreme Court have information on their websites, which can be accessed at: www.provincialcourt.bc.ca/ or www.courts.gov.bc.ca/supreme_court/index.aspx.

Alternatively, if you believe that you have been treated unfairly by the City in this or other matters, you may wish to ask the Office of the Ombudsperson to investigate your allegations. The role of the Ombudsperson is to determine whether public agencies have acted fairly and reasonably, and whether their actions and decisions were consistent with relevant legislation, policies and procedures. You can contact the Ombudsperson at:

Office of the Ombudsperson
PO Box 9039 Stn Prov Govt
Victoria, BC V8W 9A5
Website: <https://www.bcombudsperson.ca/>
Toll free Telephone: 1 800 567-3247

I understand that the Ministry, the City and Elections BC have each given substantial attention to the issues you have raised on a recurring basis following the 2014 General Local Election. While I appreciate that you have unresolved concerns at this juncture, they are local in nature; I do not have a role in reviewing decisions or actions taken by local governments.

Ministry staff and I have provided you with all the information that we can on this topic; therefore, neither Ministry staff nor I will respond further on matters related to the City's 2014 General Local Election. If in the future you have concerns about a materially different topic, I would be pleased to respond as appropriate.

Sincerely,
Peter Fassbender
Minister of Community, Sport and Cultural Development and Minister Responsible for TransLink