

ADMINISTRATIVE REPORT

TO: Shane Bourke, City Manager	DATE: November 12, 2024
FROM: Rory Tarant, Interim Chief Strategy Officer	MEETING: Investment & Strategy Committee
REPORT WRITER: Leona Hanson, Director Legislative Services	
SUBJECT: Elections Bylaw C-1480 - Draft	

RECOMMENDATIONS

The Investment and Strategy Committee recommend that City Council:

1. Gives three readings to Bylaw C-1480 being the Elections Bylaw.

PREVIOUS COUNCIL / COMMITTEE DIRECTIONS

There are no previous Council or Committee directions respecting this item.

BACKGROUND

The need for the update of the Elections Bylaw is required to accommodate the changes put forth and proclaimed by the Government of Alberta within Bill 20 that comes into effect October 30, 2024. The current City Bylaw C-1438 being the Elections Bylaw no longer meets the requirements of administering a municipal election in the Province of Alberta.

ANALYSIS

City Administration, along with several mid-sized cities collaborated to work with external legal counsel to prepare a draft Elections Bylaw to align with the new legislative requirements.

The Local Authorities Election Act includes certain deadlines for municipal action (bylaw) before December 31 of the year before the year in which the general election occurs. These timings are what reflect the timing for approval of the new bylaw.

Administration had anticipated that Bill 20 would be proclaimed in force earlier more time to draft revisions to the Elections Bylaw. The new Election Bylaw C-1480 has been drafted so that the City's Election Bylaw can be compliant with the requirements of Bill 20.

Administration is recommending an effective date of no later than December 31, 2024, to ensure that the timelines under the Local Authorities Election Act are met.

The revisions as noted below capture the significant changes brought by Bill 20:

- a. The City Manager (or designate) is authorized to enter agreements with the School Boards for joint elections with them;
- b. The bylaw refers to the Returning Officer being appointed by resolution of Council and the authority for the Returning Officer to appoint a Substitute Returning Officer;
- c. The bylaw is empowering, providing for:
 - i. special balloting;
 - ii. advance balloting;
 - iii. institutional balloting; and
 - iv. balloting at home.
- d. The Bylaw addresses the need for a permanent electors register which is now required under Bill 20.
 - i. Due to the necessary lead time to get the permanent electors register in place, the City will need to start work on creating its permanent electors register, which may include third party or contractor support.
 - ii. Because the permanent electors register must be populated in part by the information held by Elections Alberta, the City Manager (or delegate) should initiate contact with the Office of the Chief Electoral Officer to enter the required agreements to obtain elector information as soon as timelines to engage are available from Election Alberta.
- e. The bylaw addresses the removal of the use of electronic vote counting (tabulators). Extensive planning has been underway for the last several months to assist with election readiness considering the anticipated manual vote count requirement.
- f. The bylaw addresses elector identification which has changed due to Bill 20.
- g. The bylaw adds a robust scrutineer code of conduct to reflect the changes in Bill 20 as well as some of the observations that have been made around the role of scrutineers. Having robust provisions referencing scrutineer conduct provides clarity to scrutineers so they know what conduct is acceptable and provides clear guidance to Returning Officers as to what remedies they have if scrutineer conduct falls below the standard.
- h. The bylaw includes an offence provision, in the event it is necessary.

To ensure that there are sufficient personnel and facility resources, planning for increased staffing needs and voting stations has been included in the planning activities. The latter is necessary to secure facilities and personnel that will be adequate to conduct the election and to count the vote within the prescribed time limits. Based on Administration's review, resource demand for elections in 2025 will be significantly greater than they have been in previous years.

Relationship to City Council's Areas of Focus / Strategic Priorities

The proposed bylaw aligns with Council's strategic plan regarding Service and Governance objectives.

Relevant Statutes / Master Plans / City Documents

Municipal Government Act R.S.A. 2000 C. M-26 and the Local Authority Elections Act

Risk

Risk associated with the proposed bylaw would occur if the new Election Bylaw were not passed. The City's current Election Bylaw would be non-compliant as it references the use of tabulators throughout which are no longer allowed in the province. In addition, several new requirements form part of the legislation set out from Bill 20 including the mandatory use of a electors register. Adopting a new Election Bylaw is necessary prior to December 31, 2024, for the City to comply with the new legislation that is in effect for the 2025 Municipal Election.

STAKEHOLDER ENGAGEMENT

Legislative Services has had significant stakeholder engagement to date and will continue through to a successful completion of the 2025 Municipal Election. A high-level look at these engagement pieces include:

- Senior Administration to keep apprised as changes and cost impacts unfold.
- Legal where City Solicitor has been involved with their municipal counterparts Legislative Services worked together to finalize the drafted election bylaw.
- Procurement relating to RFP, service contracts, and review of the existing tabulator agreement.
- Marketing and Communications planning commenced in August to ready the City for the opening of nominations January 1, 2025. The collaboration with Marketing and Communications is regular and will accelerate as the municipal election gets closer.
- GIS/IT is also ongoing and multi-faceted with community mapping as well as connectivity and equipment testing, setup, configuration, and support.
- Legislative Services staff have actively engaged and attended a fall workshop with other municipal legislative staff across the province to garner insight and clarification of elements, rules, and interpretation around changes outlined in Bill 20.

BUDGET / FINANCIAL IMPLICATIONS

There are significant budget implications to meet the requirements of the new legislation. An election budget is prepared for Council deliberations in November with an estimated impact of \$150K. Primary components attached to the estimated increase are manual counters (no tabulator use) and mandatory elector register (new for the City).

SUMMARY / CONCLUSION

Administration recommends that the Investment & Strategy Committee recommend that Council gives three readings to Bylaw C-1480 being the new Elections Bylaw.

ATTACHMENTS

Attachment 1 – Bylaw C-1480 Elections Bylaw – Draft New

Attachment 2 – Bylaw C-1438 Elections Bylaw – Current