

Returning Officer Report to
Strategic Meeting of Council
2021 February 1

ISC: UNRESTRICTED
C2021-0173
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General Considerations - Vote on a Question

RECOMMENDATION(S):

That Council receive this report for the Corporate Record.

HIGHLIGHTS

- This Report outlines general information and considerations related to a vote on a question the electors held in conjunction with the 2021 October 18 General Election. Reports related to each question(s) submitted by Council are included under separate cover.
- What does this mean to Calgarians? Should Council direct question(s) for a vote of the electors, eligible electors will have a direct choice on the matter(s) asked. This means that electors and candidates will need to become informed about the matter(s) asked.
- Why does this matter? The outcome of the vote is not binding and can be considered by the elected Council.
- The parameters and context of the question(s) should be considered by Council.
- Question(s) for a vote of the electors must be clear, direct and neutral. As well, they must be answered with a “yes” or “no” or “for” or “against”. Electors may choose not to respond to the question(s).
- A vote on a question may be conducted conjunction with the 2021 October 18 General Election. To accommodate sufficient time for planning and logistics, Council’s approved question(s) must be submitted to the Returning Officer by the end of Q2, 2021.
- Should Council direct a vote on a question, the Returning Officer recommends \$50,000 as contingency within the election program budget to accommodate design and printing of a larger ballot and associated vote tabulator programming and testing support (currently unfunded).
- On 2020 November 02, Council directed that potential questions for a vote of the electors in the 2021 General Election related to Report TT2020-1036 (Neighbourhood Speed Limit) and other potential questions be considered at the 2021 February 01 Strategic Meeting of Council.
- Strategic Alignment to Council’s Citizen Priorities: A well-run city

DISCUSSION

Background

Sec. 236 of the *Municipal Government Act* provides that “a council may provide for the submission of a question to be voted on by the electors on any matter over which the municipality has jurisdiction”. The outcome of the vote is not binding on Council. Where a vote on a question is directed by Council, it is conducted in keeping with the *Local Authorities Elections Act* (LAEA). A vote on a question may be held on its own (e.g., 2018 Olympic vote of the electors) or in concert with a General Election or by-election.

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General Considerations - Vote on a Question

To vote on a question, a person must be an elector in the city of Calgary. An elector is, as of Election Day (2021 October 18) a person who is:

- At least 18 years old;
- A Canadian Citizen; and
- A resident of the city of Calgary.

The City has had a long tradition of submitting questions for a vote of the electors (recent examples include the 2018 Olympic, 1998 flouridation and video lottery terminals).

In addition to the election of mayoral, councillor and school board candidates, the 2021 October 18 General Election will likely include a Senate election administered under the *Alberta Senate Election Act* and potentially a number of non-constitutional provincial referendum questions administered under the *Referendum Act* (e.g., federal equalization payments, creation of a provincial police force, removal of Alberta's participation in the Canada Pension Plan and from observing daylight savings time).

Given the range and complexity of matters likely to be voted on, including any questions determined by Council, candidates will likely prepare positions on these matters in their campaigns, and electors will need additional time and information to consider their choices and vote on their choices.

Proposed Council Member question(s)

In support of Council's 2020 November 02 direction for potential questions be considered at the 2021 February 01 Strategic Meeting of Council, the Returning Officer requested Council Members to identify potential questions or issues which could be submitted as a question for a vote of the electors by 2021 January 08. Based on Council Members' submissions, the Returning Officer worked with lead business units with support from Law and Customer Service and Communications to provide guidance. Reports related to each question are included in this 2021 February 01 Strategic Council Meeting agenda for Council's consideration.

General considerations

- The subject of a question must relate to a matter over which The City has jurisdiction.
- A question must be simple, clear, direct and concise.
- Electors should be able to understand the context of a question (e.g., timing, scope and application). This is supported by the requirement for the Returning Officer to publish a notice setting out the text or a reasonably complete summary of the question.
- A question must be capable of being answered with a "yes" or "no" or "for" or "against". Electors may choose not to respond to a question.
- A question should be as neutral and impartial as possible, and not suggest a 'correct' or desired outcome.
- Electors should be informed about what the vote outcome will mean.

Implementation

To accommodate sufficient time for planning and logistics, Council's approved question(s) must be submitted to the Returning Officer by the end of Q2, 2021. Upon receipt of approved question(s), impartial communications will be prepared to inform electors and candidates about the question(s) and the effect of voting "yes" or "no," or "for" or "against".

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General Considerations - Vote on a Question

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- Public Engagement was undertaken
- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder or customer dialogue/relations were undertaken

IMPLICATIONS

Social

Not applicable.

Environmental

Not applicable.

Economic

Not applicable.

Service and Financial Implications

Existing operating funding - Base

\$50,000

Additional communications will be required to support voter information about the questions (including voter information guides, paid social media, signage/displays and advertisements). The cost of these communications are incidental and can be accommodated within the current draft communications budget for the election. Additional staff time will be required to engage with “yes/no” scrutineers, which can be accommodated within existing resources, provided Council makes a decision on the question(s) by the end of the second quarter. Should Council wish to include question(s) for a vote of the electors, the Returning Officer recommends \$50,000 as contingency within the election program budget to accommodate design and printing of a larger ballot and associated vote tabulator programming and testing support (currently unfunded).

RISKS

An improperly worded question, or a question on a matter that is outside The City’s jurisdiction could be legally challenged.

Given the known complexities associated with the 2021 General Election (e.g., COVID safety measures, provincial matters to be voted on), the addition of Council-directed questions will impact the efficiency of voting stations and length of time required to vote. Elections Calgary continues to evolve its mitigation plans to address such complexities, supporting a safe and efficient election.

ATTACHMENTS

Not applicable.