

Recall Petition Overview

RECOMMENDATION:

That Council direct the City Clerk to request the Mayor to call a Special Meeting of Council in accordance with the *Municipal Government Act* for the purpose of receiving a declaration on the sufficiency or insufficiency of a Recall Petition(s).

HIGHLIGHTS

- On 2022 April 07, the *Municipal Government Act* (“MGA”) was amended to provide a process by which municipal elected officials may be recalled through a successful petition from eligible electors.
- A municipality may not pass a bylaw that modifies the requirements of a recall petition outlined in Part 7.1 of the MGA.
- In this term of Council, recall petitions are permitted between 2023 April 22 and 2024 December 31.
- After verification of a recall petition notice, the representative recall petitioner has 60 days to gather signatures from eligible electors that equal in number to at least 40 per cent of the population in the municipality or ward.
- The personal information contained in a petition must not be disclosed to anyone except the City Manager and the City Manager’s delegates and must not be used for any purpose other than validating the recall petition.
- **Why does this matter?** If a recall petition for an elected municipal official is successful, the position is declared vacant at the next Council Meeting once the declaration of the sufficient petition has been made, and a by-election may be required.

DISCUSSION

Once a recall petition notice has been received, verified and published, no additional recall petitions in relation to the same Member of Council can be submitted during this term of office.

Roles

Members of Council do not have a regulatory role with respect to the recall petition process under the current provincial legislative framework. A municipality may not pass a bylaw that modifies the requirements of a recall petition (Part 7.1, MGA). The Chief Administrative Officer (“CAO/City Manager”), is responsible for receiving, verifying, and declaring the results of a recall petition. The CAO/City Manager has delegated these responsibilities to the City Clerk, who has further delegated to the Deputy City Clerk. Additional information on roles is provided in Attachment 1.

Recall Process and Protection of Privacy

The recall petition process, including information on the protection of privacy, is provided in Attachment 2.

Declaration of Sufficiency or Insufficiency

Following the verification of a recall petition and determination of its sufficiency or insufficiency, it is recommended that the City Clerk request the Mayor to call a Special Meeting of Council in order to efficiently manage the declaration process and maintain the confidentiality of items

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within a Council Agenda. If the petition is deemed sufficient, the affected Member of Council is recalled immediately, and a by-election may occur.

By-election

A by-election must be held to fill a vacancy on Council unless:

- The vacancy occurs after January 1 in the year of a General Election, or
- The Council consists of six or more Councillors and the vacancy occurs:
 - In the 18 months before a General Election and there is only one vacancy, or
 - In the 12 months before a General Election and the number of Councillors remaining is at least one more than the majority of the number of Councillors comprising the Council under Section 143 of the MGA.

If a by-election is required, it must be held 120 days after the vacancy occurs, or sooner. Nominations begin the day after the resolution or bylaw is passed to set the Election Day, ending at 12 noon on Nomination Day (four weeks before Election Day). Third party advertisers may register and advertise the day after the resolution or bylaw is passed to set the Election Day until Election Day. The Returning Officer will recommend that Council set an Election Day which allows maximum time for Elections Calgary to plan logistics, for candidates to campaign, and electors to engage in the process.

Recall Petition Readiness

To ensure readiness, the following work has been completed to date:

- Consultations with Municipal Affairs;
- Advice from the City Auditor's Office;
- Random sampling methodology reviewed by Corporate Economics and Leger;
- Consultation with Law on verification process and legal statute interpretation;
- Preliminary population data by ward obtained from Statistics Canada;
- Resourcing analysis, recruitment, and training plan;
- Petitioner package; and
- Communications plan.

Administration will continue to work with internal partners and Municipal Affairs to ensure the verification process is legislatively compliant.

EXTERNAL ENGAGEMENT AND COMMUNICATION

- | | |
|--|---|
| <input type="checkbox"/> Public engagement was undertaken | <input type="checkbox"/> Dialogue with interested parties was undertaken |
| <input type="checkbox"/> Public/interested parties were informed | <input checked="" type="checkbox"/> Public communication or engagement was not required |

Administration is working to ensure a robust communications plan is in place for elected officials, Calgarians and the media, should a recall petition be received and to provide clear and transparent information around the recall petition process.

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IMPLICATIONS

Social

Not Applicable

Environmental

Not applicable

Economic

Not applicable

Service and Financial Implications

Existing operating funding - base

\$19,000 to \$400,000

The exact cost to verify a recall petition will vary based on how many petitions are received. The range of operating funding is based on the need for additional limited term staff (based on a projected need ranging from three to ten positions) to complete the petition verification process. This operating funding does not include operating funding for existing FTE City Clerk's Office staff, and a separate request for operating funding would be required in the event of a by-election.

RISK

There are no identified risks associated with the recommendation of this report.

ATTACHMENTS

1. Roles in a Recall Petition
2. Recall Petition Process
3. Preliminary Population Data
4. Recall Petition Overview Presentation

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Kate Martin, City Clerk	Law, Legislative Services and Security	Approve
Jill Floen, City Solicitor and General Counsel	Law, Legislative Services and Security	Approve
David Duckworth	City Manager's Office	Inform