

**Law, Legislative Services and Security Briefing to
Special Council Meeting
2024 May 13**

**ISC: UNRESTRICTED
C2024-0635**

Recall Petition Verification

PURPOSE OF BRIEFING

This briefing provides an overview of the legislated process used to verify the sufficiency or insufficiency of the petition submitted to recall Mayor Jyoti Gondek on April 4, 2024. In keeping with the 14 March 2023 Council direction, a Special Council Meeting was called for 13 May 2024, where the City Clerk will make the declaration of sufficiency or insufficiency of the recall petition.

SUPPORTING INFORMATION

In 2022, the Government of Alberta amended the *Municipal Government Act* (MGA) to include provisions allowing electors (defined by the *Local Authorities Election Act*) to file petitions to recall chief elected officials and members of council, and school board trustees during the term that they are currently serving in that role.

On 30 January 2024, The City of Calgary (“The City”) received a notice to recall Mayor Jyoti Gondek from Landon Johnston, referred to as the “representative recall petitioner”. The notice was reviewed by the City Clerk’s Office and was deemed compliant with the MGA. In keeping with the MGA, the representative recall petitioner had from 5 February 2024 to 4 April 2024 (60 days) to collect signatures from petitioners and submit the recall petition to The City. The recall petition was received by City Clerk’s Office on 4 April 2024. The City Clerk’s Office was required to determine the sufficiency or insufficiency of the recall petition by 20 May 2024 (45 days from receipt).

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”), is responsible for receiving, verifying, and declaring the results of a recall petition. The CAO has delegated these responsibilities to the City Clerk. Additional information on roles is provided in Attachment 1.

Recall Petition Verification Process

In order for the recall petition to be sufficient, the MGA requires it contain valid petitioners representing 40% of the city’s 2019 population of 1,285,711, or 514,284 in accordance with Ministerial Order MSD:021/23 (Attachment 2).

The petition verification process is outlined in Section 240.7 of the MGA. Section 240.7(4) of the MGA provides:

If 5,000 or more petitioners are necessary to make a petition sufficient, a chief administrative officer may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of counting and checking each petitioner.

A 95% confidence level means that 19 out of 20 times, the verification process will end in the same result.

The petition verification process underwent many process integrity measures before implementation, including:

- Consultation with various City partners to inform verification process scalability, security, and accuracy.
- Verification process testing ensure accuracy and scalability.
- Engagement with the City Auditor's Office to review the verification process.
- Review of the random sample methodology by Leger, a leading research company and vendor of record with The City (Attachment 3).
- Recruitment and training of a dedicated team to conduct the verification process.
- Quality assurance checks undertaken throughout the verification process.

Notice of Recall Petition Sufficiency or Insufficiency

Following the declaration of sufficiency or insufficiency, the City Clerk will officially notify the Minister of Municipal Affairs Ric McIver, Mayor Jyoti Gondek and Landon Johnston, the representative recall petitioner. Additionally, the declaration of sufficiency or insufficiency will be posted on The City's [active recall petitions web page](#).

Disposition of Materials

Within two days of the declaration of sufficiency or insufficiency, the representative recall petitioner shall return the petition to the City and destroy all additional copies of the recall petition that the representative recall petitioner, or any person acting on behalf of the representative recall petitioner, made.

As set out in the MGA, the retention and disposition of the petition shall follow Section 101 of the LAEA. The petition will be retained for a period of at least six weeks and no later than twelve weeks, unless otherwise directed by judicial order. The recall petition shall be destroyed in the presence of two witnesses, who will make an affidavit that they have witnessed the destruction of the petition.

Financial Impact

An estimation of costs will be provided during the Special Meeting of Council on 13 May 2024.

ATTACHMENTS

1. Roles in a Recall Petition
2. Population Data
3. Leger Memo

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General Manager Jill Floen concurs with the information in this Briefing.