

**Returning Officer's Report to
Regular Meeting of Council
2018 June 25**

**ISC: UNRESTRICTED
C2018-0799
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Elections Bylaw

EXECUTIVE SUMMARY

Based on the decision by Council to conduct a Vote of the Electors, the Returning Officer has reviewed existing election bylaws, resolutions and a Calgary Election Regulation and determined in order to provide for an earlier start time to vote on the day of the vote, a new bylaw is required. To achieve this, the Local Authorities Election Act (LAEA) requires that a bylaw be created before June 30, 2018. This report provides details on the proposed Elections Bylaw, which is being recommended to update and improve election processes in preparation to conduct the Vote of the Electors in Winter 2018.

ADMINISTRATION RECOMMENDATIONS:

That Council:

1. Give three readings to proposed Bylaw 35M2018 (Elections Bylaw) in Attachment 1; and
2. Rescind Resolution C94-138 Advance Vote as provided in Attachment 3.

PREVIOUS COUNCIL DIRECTION / POLICY

At the 2018 April 23 Regular Meeting of Council, a Vote of the Electors (plebiscite) around the 2026 Olympic and Paralympic Winter Games was endorsed in principle and Council directed Administration to commence work on the plebiscite.

At the 2017 December 18 Regular Meeting of Council, Administration was directed that on or before the end of Q3 2018, the Returning Officer would provide Council with a comprehensive four-year election program that modernizes and enhances Calgary's election processes and meets the expectations of voters, media and candidates.

BACKGROUND

Election processes are complex and must be legislatively compliant, while at the same time provide voting opportunities and encourage voters to participate. A Vote of the Electors must be conducted in accordance with the LAEA.

There are currently ten bylaws, two resolutions and a Calgary Election Regulation supplemental to the LAEA used to execute an election. To avoid confusion, maintain consistency and maximize transparency of our processes, it is proposed that the attached election bylaw be created to provide clarity of the rules that govern future elections.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Repealing List of Electors Bylaw

Historically, Calgary has enumerated voters during the annual census and used that information to create voter register cards, available at designated voting stations on Election Day. In the 2017 post-election review, the voter register card process was identified as a hindrance to voters being able to move through the voting station efficiently.

Administration is suggesting the repeal of Bylaw 8M86 – Bylaw of The City of Calgary to Direct The City's Returning Officer to Prepare a List of Electors for Municipal General Elections (Attachment 2) to discontinue the pre-printing of voter registration cards.

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For the Vote of the Electors, it is proposed that instead of the use of pre-printed voter registration cards, voters will be registered upon their arrival at the voting station. This process will be used for all future elections.

Securing Access to Data from Elections Alberta

Elector data from Elections Alberta is a robust set of data. The province is able to obtain information from driver's licenses, provincial identification, vital statistics and finance. Additionally, the province has the ability to exchange data with the federal government through information collected from Canada Revenue Agency and Citizenship and Immigration.

Elector data is used to determine voting station districts, voting station placement, ballot distribution, resources and staff allocation. Being able to plan elections effectively will be dependent on using some of this data from the province.

If Council approves the proposed Elections Bylaw, The City may then enter into an agreement with the Chief Electoral Officer from Elections Alberta to obtain data that will be used for the Vote of the Electors. In the absence of this, The City cannot enter into an agreement with the Chief Electoral Officer from Elections Alberta.

Voting Station Hours

Section 46 of the LAEA provides that voting stations must be kept open continuously from 10 a.m. to 8 p.m. on Election Day. However, subsection 46(2) empowers Council, by bylaw passed before June 30 in a year in which an election is to be held, to provide that voting stations open before 10 a.m.

Modifying voting station operation hours on the day of the vote provides additional hours during which voters could cast their ballot. The Returning Officer is recommending that voting stations open at 8 a.m. This would allow voters to have the option to vote two hours earlier than in previous elections.

Historically Calgary voting stations have opened at 10 a.m. on Election Day. In a review of other municipalities (Edmonton, Saskatoon, Vancouver, Airdrie, Okotoks, Red Deer), and provincial election bodies (Elections Alberta and Elections Ontario) the common practice is to open voting stations earlier than 10 a.m.

In 2017 increased visits to the election website were observed between 8 a.m. and 9 a.m. on Election Day as the public began to check for their designated voting station locations. Based on this information, an opening time of 8 a.m. is recommended for voting stations.

Rescinding Advance Vote Resolution

Section 73(3) of the LAEA provides that Council may by resolution (or bylaw) provide for the holding of an Advance Vote. The proposed bylaw enables the Returning Officer to determine the days and hours when the Advance Vote is to be held.

The current resolution C94-138, approved by Council in 1994 prescribes specific dates and times for an Advance Vote during a General Election or By-Election. It does not include provisions for Advance Vote dates and times for a vote on a bylaw or a Vote of the Elector.

The Returning Officer recommends that the Advance Vote Resolution be rescinded. The proposed Bylaw would authorize the Returning Officer to set the days and hours when the Advance Vote will be held, for Elections and the Vote of the Electors allowing for more flexibility in setting dates and times.

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Automated Voting System (Using Tabulators)

Section 84 of the LAEA provides that Council may (by bylaw) provide for the taking of the votes of the electors by means of an automated voting system (tabulators). Tabulators cannot be used until Council authorizes their use.

Tabulators would eliminate the need for a manual ballot count but do not eliminate paper ballots. Voters will still mark their ballot, but instead of placing them in a ballot box, they are scanned by a tabulator which records the vote. Retrieving the results from the tabulators at the end of the night produces results much faster than the current method.

The use of tabulators has been a standard best practice in other municipalities (Okotoks, Red Deer, Lethbridge, Airdrie, Saskatoon, Edmonton, Toronto, and Vancouver) for the past 15 years or longer.

Election worker hours can be reduced with the introduction of tabulators for the count. The use of tabulators would reduce the time that is normally spent counting ballots and completing associated paperwork at the end of the night. Producing results in a timely fashion would also be beneficial to stakeholders, including the public, media and candidates.

The Returning Officer is investigating the use of tabulators for the Vote of the Electors. Information on costs, systems, and processes will be brought to Council in September.

Stakeholder Engagement, Research and Communication

The Returning Officer has engaged other municipalities, Elections Alberta and Elections Ontario to determine best practices for Calgary.

Strategic Alignment

This report aligns with Council's priority of a well-run city: "Calgary's government is open, responsive, accountable and transparent, delivering excellent services at a fair price."

Social, Environmental, Economic (External)

None.

Financial Capacity

There are no costs associated with the creation of this Bylaw. Details on financial requirements to introduce tabulators will be included in the Returning Officer's report on the four-year election program in September 2018.

Risk Assessment

It is anticipated that increasing the hours of voting stations on the day of the vote, accessing Elections Alberta data, and using tabulators will improve the election experience of voters, media, and candidates when voting and receiving election results.

Any risk associated with the use of tabulators will be investigated and tested thoroughly before any implementation.

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REASONS FOR RECOMMENDATIONS:

To enable the Returning Officer to conduct the Vote of the Electors in Winter 2018.

ATTACHMENTS

1. Bylaw 35M2018 (Proposed Elections Bylaw)
2. Bylaw 8M86 - Bylaw of the City of Calgary to Direct the City's Returning Officer to Prepare a List of Electors for Municipal General Elections
3. Resolution C94 -138 Advance Vote