

Returning Officer's Report to
Intergovernmental Affairs Committee
2018 July 26

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IGA2018-0941
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2018 Local Authorities Election Act Returning Officer Review

EXECUTIVE SUMMARY

This report presents the Returning Officer's proposed response to the *Local Authorities Election Act* (LAEA) Discussion Guide distributed by Municipal Affairs on 20 June 2018 for response by 31 July 2018. The discussion guide was distributed to all Alberta municipalities and proposes a number of proposed LAEA changes.

The Returning Officer reviewed the proposed changes from the point of view of administering elections and election-related issues.

ADMINISTRATION RECOMMENDATION:

That the Intergovernmental Affairs Committee forward this Report as an item of Urgent Business to the 2018 July 30 Combined Meeting of Council, for approval of the Returning Officer's responses as set out in Attachment 1.

PREVIOUS COUNCIL DIRECTION / POLICY

None.

BACKGROUND

The LAEA establishes the framework for how the City of Calgary conducts its elections. Beginning in 2009, Alberta Municipal Affairs reviewed the LAEA several times, resulting in: changes in municipal election finance and campaign disclosure (Part 5.1); increasing the term of council from three to four years; defining voter identification; and requiring candidates to register with the municipality before accepting campaign contributions.

Municipal Affairs is currently conducting a review of the LAEA in preparation for the next general election, which will occur in October 2021. The deadline to submit comments on the proposed LAEA changes is 31 July 2018.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The Returning Officer's comments on the proposed changes are set out in Attachment 1.

Additional comments from the Returning Officer on the election processes would include:

Educating the Voter on Non-Compliance

Municipal Affairs recommends a number of increased accountabilities within the proposed changes including campaign finance disclosure (i.e., contribution and spending limits). These accountabilities impact candidates, voters and the Returning Officer's processes. Voters may perceive there to be penalties or enforcement mechanisms, when in fact there are not any in place. For example, in lowering the individual contribution limits, the review and challenge of the limits presented in a candidate disclosure remains the responsibility of the voter through the courts.

Currently, both the LAEA and the proposed changes place the onus on the voter or candidate to challenge perceived infractions within sections of the LAEA. The Returning Officer recommends the Province review this process and investigate the development of voter education tools to ensure they are aware of the mechanisms by which they may challenge the election process.

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Calgary Election Regulation

The current provincial *Calgary Election Regulation* allows the Returning Officer to modify certain election processes that are set out in the LAEA. The *Calgary Election Regulation* recognizes that Calgary, with its population, faces a unique set of challenges in the conduct of its election. For example, the Regulation gives the Returning Officer the ability to have the blind voter template available during the advance vote. The Returning Officer recommends that prior to repealing the regulations, as described in the discussion guide, that all provisions of the Calgary Election Regulation be incorporated into the LAEA itself.

Greater Consideration Given to Enhancing Voter Eligibility Requirements

Currently, the LAEA (section 47(1)) stipulates that a person is eligible to vote if the person is at least 18 years of age, a Canadian Citizen, has resided in Alberta for 6 consecutive months prior to election day and is residing in the local jurisdiction on election day. The proposed change would remove the six-month Alberta residency requirement. The Returning Officer would recommend Municipal Affairs consider reviewing other eligibility requirements (age and citizenship) with a view to increasing voter participation.

The Returning Officer would recommend that any changes to the LAEA not be enacted until 1 January 2019 to avoid confusion as the City will be holding the Vote of the Electors (Olympics Plebiscite) in Fall 2018.

Stakeholder Engagement, Research and Communication

The Returning Officer consulted with the Chief Electoral Officer of Elections Alberta and the City of Edmonton. The City of Calgary and the City of Edmonton comments to the proposed LAEA changes are substantially aligned.

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

Unknown.

Risk Assessment

Elections Calgary has a long-standing reputation of delivering elections in compliance with legislation. Opportunities to improve a voter's democratic right to vote and the processes to administer the vote should be reviewed and considered with the ultimate objective of increasing voter confidence in their democratic institutions.

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REASON(S) FOR RECOMMENDATION:

The *Local Authorities Election Act* governs how elections are conducted at the City. This report is intended to seek Council's approval of the Returning Officer's recommendations of the potential impact changes that the LAEA may have for The City, voters and candidates.

ATTACHMENT

1. Attachment 1 – Local Authorities Election Act Calgary Returning Officer Submission
2. Attachment 2 – Local Authorities Election Act Discussion Guide