

Returning Officer's Report to
Priorities and Finance Committee
2018 September 17

ISC: UNRESTRICTED
PFC2018-1066

Elections Bylaw Proposed Amendments

EXECUTIVE SUMMARY

This report contains details on proposed amendments to the Elections Bylaw, in preparation for the November 13, 2018, Vote of the Electors (Vote 2018) and future Elections or By-Elections.

RETURNING OFFICER RECOMMENDATIONS:

That Priorities and Finance Committee recommend that Council:

1. Defer the four-year election program report to Q1, 2019;
2. Rescind resolution C94-137 (Procedures for incapacitated voting) as provided in Attachment 3;
3. Rescind resolution C89-90 (Physically incapacitated elector voting) as provided in Attachment 4;
4. Rescind resolution NM2008-49 (Special Ballots at City of Calgary Elections) as provided in Attachment 5; and
5. Rescind Bylaw 22M98 (Attachment 2) and give three readings to proposed bylaw to amend Bylaw 35M2018 (Elections Bylaw) as provided in Attachment 1.

RECOMMENDATION OF THE PRIORITIES AND FINANCE COMMITTEE, DATED 2018 SEPTEMBER 17:

That Council:

1. Defer the four-year election program report to Q1, 2019;
2. Rescind resolution C94-137 (Procedures for incapacitated voting) as provided in Attachment 3;
3. Rescind resolution C89-90 (Physically incapacitated elector voting) as provided in Attachment 4;
4. Rescind resolution NM2008-49 (Special Ballots at City of Calgary Elections) as provided in Attachment 5; and
5. Rescind Bylaw 22M98 (Attachment 2) and give three readings to proposed **Bylaw 40M2018** to amend Bylaw 35M2018 (Elections Bylaw) as provided in Attachment 1.

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:

1. That on or before the end of Q3 2018, the Returning Officer 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; and
2. Direct the Returning Officer to include the following in the above noted report:
 - a) Election eligibility requirements for voters and candidates; and

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b) Enhancements of ID requirements without disenfranchising votes.

BACKGROUND

The City of Calgary currently has multiple bylaws, resolutions and a Calgary Election Regulation supplemental to the Local Authorities Election Act (LAEA) used to administer an election. The provisions of the existing bylaws and resolutions governing elections are being updated and combined into a single bylaw (Bylaw 35M2018) for transparency and ease of reference. The amendments proposed in this report (Attachment 1) will facilitate Vote 2018, and further amendments will be forthcoming as part of the four-year election program.

Every four years, Elections Calgary conducts elections for the positions of Mayor, Councillors, Public School Trustee and Separate School Trustee. For these elections to be successful, all pre-election and Election Day processes must be fully developed, tested and integrated to ensure that The City is delivering a positive voter experience for everyone involved (Voters, candidates, media, and election workers).

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Four-year Election Program

All existing election staff resources have been allocated to work on Vote 2018. An analysis will be conducted post-vote to use applicable information for the four-year election program. It is recommended that the four-year election program report be deferred to Q1, 2019 to allow staff to focus on Vote 2018 and to use information from Vote 2018 to inform the four-year election program.

Voting at a hospital or seniors accommodations

The existing Bylaw 22M98 (Attachment 2) establishes all "hospitals", "lodge accommodations" and "nursing homes" as institutional voting stations for an Election or By-Election, but does not provide for institutional voting for a vote on a question or bylaw (i.e. Vote 2018).

The Municipal Government Act (MGA) and the LAEA permits institutional voting to be conducted during a vote on a question or bylaw through resolution or bylaw.

The Returning Officer is recommending that:

1. Bylaw 22M98 (Attachment 2) be repealed and;
2. Bylaw 35M2018 be amended to authorize the Returning Officer to designate institutional voting stations for general elections, by-elections, and votes on a bylaw or question (Attachment 1).

If the Returning Officer is authorized in accordance with the above, for Vote 2018, voting stations at designated senior's accommodation facilities would be provided for the Advance Vote and at designated hospitals on Vote Day.

Visually impaired voters

Historically, in Calgary, a blind voter template has been available at Advance Vote stations that allows visually impaired voters to mark their ballot. The blind voter template is a cardboard cover that is placed over the ballot so the voter can feel the cut out area where they would mark their selection. The selections are read to them by a deputy returning officer in the order they

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appear on the ballot. The voter then uses the blind voter template to identify their selection and mark the ballot.

Technology is available to reduce barriers to voting and allow those who are visually impaired to mark their ballot independently. Marking devices at Advance Vote stations, would provide multiple options to visually impaired voters to assist with marking the ballot, including zoom functions to enlarge font, audio instructions and the ability to have the machine mark the ballot. The marking devices would also provide additional support to voters who are unable to use the touch screen or touch pad with the use of a sip-and-puff tube, or ADA rocker paddle.

Amendments to Bylaw 35M2018 (Attachment 1) would authorize the use of electronic ballot marking devices during an Advance Vote in respect of an Election, By-Election, or vote on a bylaw or question.

At-home voting

At-home voting was authorized by the two Council resolutions contained in Attachments 3 and 4. This is one of many options that have been made available to incapacitated voters. This option requires the Returning Officer to deem if they are eligible for the service and schedule a time for election staff to enter the homes of voters.

The Returning Officer is recommending that the at-home vote option be discontinued and replaced with the Mail-in Ballot service. The Mail-in Ballot provides an option to vote from the voter's residence. Staff would be trained to assist the at-home voter with the Mail-in Ballot process. The Mail-in Ballot return envelope is pre-stamped for anyone voting in Canada.

To reduce red tape and provide a more cost effective vote, the Returning Officer is recommending that Council rescind resolutions C94-137 (Attachment 3) and C89-90 (Attachment 4).

Special ballots (Mail-in Ballots)

Mail-in Ballots for General Elections are provided through sections 77.1, 77.2 and 77.3 of the LAEA, section 5 of the Calgary Election Regulation AR 293/2009 and Council Resolution NM2008-49. The existing Council resolution does not include provisions for the use of Mail-in Ballots for a vote on a question or bylaw.

The Returning Officer is recommending that the 2008 resolution NM2008-49 (Attachment 5) be rescinded and replaced with a new provision in the Elections Bylaw to authorize the use of Special (Mail-in) in general elections, by-elections and votes on a question or bylaw. If the provision is added to the bylaw, the Returning Officer will be able to provide the option of Mail-in Ballots for Vote 2018.

Stakeholder Engagement, Research and Communication

The Returning Officer consulted with The City's Law Department to determine appropriate amendments to the Elections Bylaw.

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."

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Social, Environmental, Economic (External)

None.

Financial Capacity

There are no costs associated with the creation of the four-year election program or amendments to the Elections Bylaw.

Risk Assessment

It is anticipated that providing voting stations at hospitals, nursing homes and lodges will improve the vote experience for individuals residing in these institutions. The availability of marking devices at Advance Vote stations will provide autonomy to voters who would otherwise require assistance to mark their ballots.

There is a risk that discontinuing the at-home vote option will create a perception of reduced voting opportunities. This will be mitigated by communication to promote the Mail-in Ballot and other voting options and training of staff to assist voters.

REASON FOR RECOMMENDATIONS:

To enable the Returning Officer to streamline processes and conduct the Vote of the Electors in 2018.

ATTACHMENT(S)

1. Proposed **Bylaw 40M2018**
2. Bylaw 22M98 Establishment of Institutional Voting Stations for Municipal Elections
3. C94-137 Procedures for incapacitated voting
4. C89-90 Physically incapacitated elector voting
5. NM2008-49 Special Ballots at City of Calgary Elections
6. Blacklined copy of Election Bylaw 35M2018 showing proposed changes