



**AGENDA
SPECIAL MEETING OF COUNCIL**

RE:

**Receiving a declaration on the sufficiency or insufficiency of a Recall Petition filed with The City of Calgary on
2024 January 31; and
Receiving a presentation on the Recall Petition Verification Process.**

**May 13, 2024, 9:30 AM
IN THE COUNCIL CHAMBER**

SPECIAL NOTES:

*Public are encouraged to follow Council and Committee meetings using the live stream
<http://www.calgary.ca/watchlive>*

Council Members may be participating remotely.

1. CALL TO ORDER
2. OPENING REMARKS
3. CONFIRMATION OF AGENDA
4. ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES
 - 4.1 Recall Petition Declaration (Verbal), C2024-0633
 - 4.2 Recall Petition Verification Process (Verbal), C2024-0634
5. CONFIDENTIAL ITEMS
None
6. BRIEFINGS
 - 6.1 Recall Petition Verification, C2024-0635
7. ADJOURNMENT

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

Author: Jeannine Dryden, City Clerk's Office

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

Roles in a Recall Petition



City Clerk (Chief Administrative Officer's Delegate)

- Receive recall petition notice, and recall petition.
- Verify recall petition in keeping with legislation.
- Make a declaration to Council as to whether the recall petition is sufficient or insufficient.
- Engagement with participants in the recall petition process.
- Communications on recall petition process.
- Disposition of recall petition materials.
- As Returning Officer, recommend by-election date and any amendments to Election Bylaw to Council, if required.
- As Returning Officer, conduct by-election, if required.



Representative Recall Petitioner

- Submit notice of recall petition.
- Submit \$500 application fee.
- Submit signed statement confirming they are an eligible elector for the elected official name in the notice of recall petition.
- Confirm the municipality may direct any inquiries about the recall petition to them.
- Collect petition signatures from electors within the 60-day recall petition signature period.
- Ensure the recall petition meets legislative requirements.
- Submit completed recall petition.



Elected Official Named in Recall Petition

- Receive notice of recall petition and declaration of sufficiency or insufficiency.



Minister of Municipal Affairs

- Enabling legislation and regulations.
- May at any time determine population figures.
- Give directions to Council, a Member of Council named in a recall petition, a Chief Administrative Officer, a representative recall petitioner or any other person or classes of persons identified by the regulations.
- Decide any question arising from extraordinary circumstances in respect of a recall petition, including the death or incapacitation of a representative recall petitioner, and the continuation of that petition in appropriate circumstances, or any confusion, difficulty, inconsistency or impossibility of applying the legislation.
- Receive notice of recall petition and declaration of sufficiency or insufficiency.



Members of Council

- Mayor to call a Special Meeting of Council when requested by the City Clerk for the purpose of receiving a declaration of sufficiency/ insufficiency of recall petition (2023 March 14 Decision of Council).
- Council to pass resolution or bylaw establishing by-election date and any amendments to Elections Bylaw (35M2018) recommended by Returning Officer (if recall petition is sufficient, and a by-election is required).

Population Data

Ward	Enumerated Electors (July 2021) ¹	Population ²	40% Threshold	Difference	% of Electors signatures needed
1	64,596	89,254	35,701.60	28,894	55%
2	59,701	92,115	36,846.00	22,855	62%
3	55,100	81,482	32,592.80	22,507	59%
4	62,674	89,707	35,882.80	26,791	57%
5	43,271	95,717	38,286.80	4,984	88%
6	69,397	98,601	39,440.40	29,957	57%
7	50,780	84,399	33,759.60	17,020	66%
8	64,742	95,687	38,274.80	26,467	59%
9	57,410	88,049	35,219.60	22,190	61%
10	57,785	92,901	37,160.40	20,625	64%
11	77,653	105,331	42,132.40	35,521	54%
12	59,322	96,167	38,466.80	20,855	65%
13	61,444	91,235	36,494.00	24,950	59%
14	63,681	85,066	34,026.40	29,655	53%
City Wide	847,556	1,285,711	514,284.40	333,272	61%

1. Elections Alberta, 2021
2. 2019 Municipal Affairs Population List



801-10080 Jasper Ave
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February 22nd 2023

To: Austin Still
Strategic Legislative Analyst, Elections Calgary
The City of Calgary

From: Ian Large
Leger

Cc: Paige Schoenfeld - Leger

Re: Recall Petition Sampling Method

Founded in 1986, Leger is a privately held organization that has grown to become the largest Canadian-owned market research firm. With offices in Calgary, Edmonton, Vancouver, Winnipeg, Toronto, Montreal (head office), Quebec City, New York, and Philadelphia, we have a devoted team of over 200 research professionals and 600 interviewing and data processing staff. We offer clients extended capabilities and unsurpassed expertise in public opinion research and community engagement using a wide range of quantitative and qualitative techniques.

Leger is a true full-service market research and public engagement company. We have the scale and resources needed to exceed the requirements for virtually any project. With the depth of our resources in Canada, we provide a full team of permanent employees in a wide range of disciplines.

We have been providing The City of Calgary with research and engagement services for well over 15 years.

We have reviewed the documents you provided that outline the proposed methodology and underlying statistical principles used for determining a random, probability sample to meet the necessary threshold in legislation to support a recall petition for a Municipal Councillor or Mayor.

As we understand the legislation, a petitioner must get signatures supporting a recall from more than 40% of a wards population (or 40% of the population of the City in case of a recall for a Mayor).

“Elections Calgary 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 240.7(4)”

While no true standard exists for establishing what sample size is sufficient to make decisions, in our experience, the most commonly accepted threshold for a margin of error is usually $\pm 5.0\%$ at a 95% confidence interval. To achieve this or better, using a random probability sample, a sample of $n=369$ respondents is required. That is, 369 randomly selected names on the petition would need to be verified to meet the $\pm 5.0\%$ (19 times out of 20) threshold.

To reduce bias in the sampling from the petition, respondents must be selected at random from the petition using a method that ensures that every name on the petition has an equal chance of being selected. For example, within a recall petition that included signatures from 40% of the population in a given ward, to validate this petition, 369 names would be selected at random using any one of a range of random number selection techniques (e.g. selecting every Nth name on the list or generating a set of random numbers and selecting the first 369 names based on their score)

We have reviewed your material and concur that your recommended approach would be consistent with industry best practice and statistical theory and should meet the threshold outline in the legislation.

In addition to the local Leger Alberta research team, we have discussed your materials with our Associate Vice President of Statistics at Leger who has more than 10 years experience leading the Statistics department at Leger and he agrees with our conclusions.

Ian Large, CAIP
Executive Vice President
Leger Alberta