



## **COUNCIL – AGENDA REPORT**

**Meeting Date:** 3 December 2024  
**Subject:** Bylaw No. B-38/2024 – New Elections Bylaw  
**Directorate:** City Manager

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### **Issue:**

Council is being provided with a new Elections Bylaw to establish elections procedures in accordance with the Local Authorities Election Act.

### **Policy / Council Direction:**

The *Local Authorities Election Act* (LAEA) enables Council by bylaw or resolution the discretion to make a decisions on a number of election procedures.

### **Background:**

#### ***A New Elections Bylaw***

A new Elections Bylaw (**Attachment 1**) is being brought forward for Council approval for the following reasons:

1. On May 20, 2024 the *Municipal Affairs Statutes Amendment Act* (Bill 20) received Royal Assent and significantly changed how elections are now administered at the City. As a result, the City's election-related policies must be amended.

Most notably, City election policy must now reflect:

- the prohibited use of electronic tabulators to count ballots, requiring every ballot on which a vote is cast be hand counted;
  - the mandatory use of a permanent electors register; and
  - the requirement for an automatic recount based on prescribed vote differential formulas.
2. The new Elections Bylaw proposes some policy direction from Council in areas the LAEA allows elected authorities to have policy discretion. These areas of discretion include:
    - the appointment of the returning officer and substitute returning officer;

- the granting of additional responsibilities to the returning officer, including those related to voting subdivisions, voting station locations and places of nomination;
  - allowing voting opportunities such as : special (mail in) ballot, institutional and elector assistance at home voting;
  - nomination decisions including candidate deposits, number of nomination signatures and criminal record checks;
  - voting hours and the election date;
  - start time to commence counting at the count centre;
  - accessibility tools provided at voting stations, including blind elector templates and translated voting information;
  - the order that candidate names are listed on the ballot;
  - discontinuing the election and calling a new election for a later date in the event of a candidate's death; and
  - campaign expense limits.
3. Administration took the opportunity to modernize and improve the election bylaw to provide additional clarity around election processes and comply with new corporate policy writing standards (plain language, standardized definitions, standardized policy clauses).

**Attachment 2** provides Council with an overview of non-substantial changes to the bylaw. This means Administration is recommending the intent of these sections of the election bylaw remain the same as the last municipal general election; however, the wording has been changed for clarity and/or the administration of improved efficiencies.

**Attachment 3** provides Council with an overview of substantial policy changes to be implemented in the bylaw that Administration is recommending for City elections moving forward.

### ***Criminal Records Check***

The Bill 20 amendments allow Council to have discretion whether a criminal records check is required of a person seeking to be nominated. **Attachment 4** provides additional information regarding this matter. For the upcoming general election in 2025, Administration in its role as an impartial Returning Officer, does not have a recommendation regarding criminal record checks as it is a decision regarding a candidates nomination eligibility requirement.

The proposed Elections Bylaw draft provided in **Attachment 1** currently does not contemplate the requirement of a criminal record check as a nomination requirement. However, if Council would like to implement a requirement for criminal record checks for candidates, Administration recommends the following details be specified in the bylaw to provide clarity and consistency for prospective candidates, the public and the returning officer:

- the source and type of the criminal record,

- clarification of who is responsible for the expense, and
- the time period within which the criminal record check is sourced.

### ***Campaign Expense Limits***

Under section 147.91 (2) of the Act, Council may pass a bylaw determining campaign expense limits in an amount that is less than the amount currently determined by regulation. Administration is recommending no changes to campaign expense limits as currently determined by regulation. The rationale for this recommendation is the late notification of the regulation along with the deadline required for this amendment which do not provide time to provide thorough analysis on a change from the status quo.

For Council's information, Bill 20 amended the definition of a "campaign period". In the case of a general election, the campaign period now starts January 1 in the year immediately following a general election and ends on December 31 immediately following the next general election.

The current *Expense Limits Regulation*, Alta Reg 171/2024 indicates the following campaign expense limits for candidates running for Councillor or Mayor at the City for the general election:

- No campaign expenses are to be incurred during the first two years of a campaign period in respect of a general election.
- During the year before a general election the campaign expense limit is \$37,050.
- During the year of a general election the campaign expense limit \$74,100.

The formula to determine campaign expense limits is reliant on the Minister of Municipal Affairs determination of the population which for the City in 2023 was 74,100 residents.<sup>1</sup>

### **Council Committee Routed Through:**

This agenda item was not routed through any Council Committees.

### **Administration Recommendation:**

That Council gives three readings to Bylaw No. B-38/2024, being the Elections Bylaw.

### **Alternatives/Implications:**

That Council provides alternative direction.

### **Budget Implications:**

The operating impact of the municipal general election and the effects of Bill 20 have been included within the 2025 Approved Budget. There are no further budget implications.

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<sup>1</sup> This campaign expense limit is an estimate based on current data available to the City.

**Communications and Engagement:**

The Elections Bylaw will be widely communicated to candidates, candidate official agents, scrutineers, electors and Administration.

**Recommendation:**

That Council gives three readings to Bylaw No. B-38/2024, being the new Elections Bylaw and repeals Bylaw No. B-51/2020, being the Election Procedure Bylaw.

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Staff Presenter:	Charlotte Satink
Department:	Legislative Services
Reviewed by:	Charlotte Satink, Tammy Belsham
Attachments:	#1: Draft New Elections Bylaw No. B-38 /2024 #2: Non-substantial changes to the Elections Bylaw #3: Substantial changes to the Elections Bylaw #4: Criminal Record Checks Background Information #3: Current Election Procedure Bylaw B-51/2020