

March 29, 2016

To: His Worship the Mayor
and Members of City Council

Re: 2016 Municipal Election – Changes to Election Bylaws and Updating of Election
Expenses Limits

**RECOMMENDATION OF THE EXECUTIVE COMMITTEE
- MARCH 16, 2016**

1. That the City Solicitor be instructed to prepare amendments to the following Bylaws as outlined in this Report: Bylaw No. 2012-42 being *The Mail-In Ballot, 2012* Bylaw No. 2007-34 being *The Regina Municipal Election Expenses Bylaw*; and Bylaw No. 10197 being *The Automated Vote Counting Bylaw*.
2. That the City Clerk advise candidates of the new Election Expense Limits for the 2016 Municipal Election.

EXECUTIVE COMMITTEE – MARCH 16, 2016

The Committee adopted a resolution to concur in the recommendation contained in the report.

Mayor Michael Fougere, Councillors: Bryon Burnett (Chairperson), John Findura, Shawn Fraser, Bob Hawkins, Wade Murray and Barbara Young were present during consideration of this report by the Executive Committee.

The Executive Committee, at its meeting held on March 16, 2016, considered the following report from the City Clerk:

RECOMMENDATION

1. That the City Solicitor be instructed to prepare amendments to the following Bylaws as outlined in this Report: Bylaw No. 2012-42 being *The Mail-In Ballot, 2012* Bylaw No. 2007-34 being *The Regina Municipal Election Expenses Bylaw*; and Bylaw No. 10197 being *The Automated Vote Counting Bylaw*.
2. That the City Clerk advise candidates of the new Election Expense Limits for the 2016 Municipal Election.

CONCLUSION

Amendments to the following election bylaws are required to reflect housekeeping changes and the enactment of the new *Local Government Election Act, 2015* and *The Local Government Election Regulations, 2015*:

- Bylaw 10197, being *The Automated Vote Counting Bylaw*;
- Bylaw 2007-34, being *The Regina Municipal Election Expenses Bylaw*; and
- Bylaw 2012-42, being *The Mail-in Ballot Bylaw, 2012*.

In addition, the City Clerk's Office has now received an updated consumer price index ("CPI") and has calculated the new election expense limits based on the formula in *The Regina Municipal Election Expenses Bylaw*. The new limits are \$67,050 for candidates of the position of mayor and \$11,175 for candidates for the position of councillor.

BACKGROUND

The 2016 Municipal Election Report, item CR16-4 was considered by City Council on January 25, 2016. The report stated that any required election bylaw amendments would be brought forward to City Council in March 2016 for approval. The report also advised that election expense limits were not able to be updated at the time of writing that report as the 2015 CPI had not been released. This report provides information on the Bylaw changes that are needed as well as the new election expenses limits.

DISCUSSION

On January 1, 2016 the Government of Saskatchewan proclaimed the new *Local Government Election Act, 2015* and passed *The Local Government Election Regulations, 2015*. Because of this, it is necessary to make a number of minor amendments to the City's election bylaws to update section number references, to update terminology, and add the new requirements set out in this new legislation. In addition, there are some other housekeeping changes that are also recommended.

The following generally describes the amendments.

Section Number References and Terminology

All three election bylaws mentioned above require amendments to update references to the new legislation and to the new section numbers. In addition, a number of amendments are required to *The Automated Vote Counting Bylaw* and *The Mail-in Ballot Bylaw, 2012* to update terminology. These changes include: changing terminology such as "elector" to "voter" and "vote tabulator unit" to "voting machine" and "memory card" to "USB media".

New Requirements Relating to Vote Counting Machines

- On March 6, 2000 City Council adopted *The Automated Vote Counting Bylaw* to establish procedures for using vote counting equipment in Regina. Automated vote counting equipment will be used in the 2016 Municipal Election. While the City's current bylaw already covered most of the requirements set out in the new *Local Government Election Regulations, 2015*, there are a few additional requirements that need to be added to the Bylaw. These include:

- Adding more detailed procedures for programming, pre-poll logic and accuracy testing of voting machines;
- Adding procedures for the monitoring of voting machines during poll hours by election officials to ensure that the machines are accurately counting each vote;
- Adding more detailed procedures for the secure storage and transport of machines and other hardware, including memory cards, before, during and after the election;
- Adding the requirement that the voting machines and USB media be programmed to accept ballots for which no vote is recorded without requiring an override function; and
- Adding the requirement that the counting of all ballots be done by voting machines where voting machines are used in an election.

Other Housekeeping Changes

In addition to the changes outlined above, an additional amendment to *The Mail-in Ballot Bylaw* is also recommended. Section 92 and clause 29(1)(b) of *The Local Government Election Act, 2015* authorizes Council to establish a mail-in ballot system for voters receiving care in a hospital, personal care facility or similar institution as well as those voters who anticipate being absent from the city on the advance poll dates and on election day. Council has adopted a mail-in ballot voting system through the enactment of *The Mail-In Ballot Bylaw, 2012*. It is recommended that this Bylaw be amended to remove the application deadline for applying for a mail-in ballot. In the current Bylaw, there is a requirement to apply for a mail-in ballot at least 10 business days before election day. The removal of this requirement will provide flexibility to allow people to apply for a mail-in ballot up until the election day as long as their ballot is received by the returning officer prior to the close of polls on election day. This revision is primarily made to accommodate those unforeseen circumstances that arise with homebound voters that may miss the mobile poll application deadline.

New Expense Limit

Section 34 of *The Local Government Election Act, 2015* provides that Council may establish, by bylaw at least 60 days before an election, disclosure requirements respecting election campaign contributions and expenses and election campaign spending limits. In 2007, City Council approved *The Regina Municipal Election Expenses Bylaw* to address disclosure requirements respecting election campaign contributions and expenses and election campaign spending limits. This bylaw is deemed to be in effect until it has been amended or repealed. Pursuant to subsection 4(2) of this Bylaw the City Clerk is authorized to adjust the election expense limits annually based on the formula outlined in the Bylaw. Clause 4.1(a) of the Bylaw identifies the spending limits for candidates for Mayor and Councillor and 4.1(b) requires a CPI to be applied to these limits annually. The CPI for 2015 has now been released and the City Clerk has used this to calculate the new limits based on the formula set out in the Bylaw. The expense limits based on the 2015 CPI of 1.306 percent will result in the following updated limits:

- 1) the expense limit for candidates for the position of mayor are increased from \$62,635 to \$67,050; and
- 2) the expense limit for candidates for the position of councillor are increased from \$10,439 to \$11,175.

RECOMMENDATION IMPLICATIONS

Financial Implications

None related to this report.

Environmental Implications

None related to this report.

Policy and/or Strategic Implications

None related to this report.

Other Implications

None related to this report.

Accessibility Implications

It is recommended that *The Mail-In Ballot Bylaw* be amended to remove the application deadline for applying for a mail-in ballot. This will allow people to apply up until election day as long as their ballot is received by the returning officer prior to the close of polls on election day. This revision is primarily made to accommodate those unforeseen circumstances that arise with homebound voters that may miss the mobile poll application deadline.

COMMUNICATIONS

A communication strategy is being developed for informing candidates, election officials and the general public on the 2016 Municipal Election process.

DELEGATED AUTHORITY

This recommendations contained in this report require City Council approval.

Respectfully submitted,

EXECUTIVE COMMITTEE



Jim Nicol, Secretary