

Request for Decision

Title	2019 Division 2 By-election
Proposed Motion	<ol style="list-style-type: none"> 1. That Council fix September 17, 2019 as the date for the Division 2 by-election, and that Council appoint Jesse Sopko as Returning Officer and Lisa Schovanek as Substitute Returning Officer. 2. That Council provide for special ballots in the Division 2 by-election and that the application for special ballots be made available in writing, by telephone, by fax, in person, or by e-mail between 8:30 a.m. on July 10, 2019 and 4:30 p.m. on Monday, September 9, 2019. 3. That Council set the deadline for the receipt of a special ballot outer envelope for the Division 2 by-election to 7:30 p.m. on September 17, 2019. 4. That Council provide for the attendance of two deputies at the residence of an elector during the hours an advance voting station is open in order to take the votes of an elector who, because of physical disability, is unable to attend a voting station or an advance voting station to vote in the Division 2 by-election. 5. That Council authorize a withdrawal of \$15,000 from the Election Reserve to fund the 2019 Division 2 by-election.
Administrative Recommendation	That Council approve resolutions required for the conduct of the 2019 Division 2 by-election as required by the <i>Municipal Government Act</i> , <i>Local Authorities Election Act</i> , and Sturgeon County Bylaws.
Previous Council Direction	<p>June 28, 2019 Special Council Meeting:</p> <p>Motion 259/19: That Council receive the Chief Administrative Officer's report regarding the resignation of Susan Evans as Councillor for Division 2 as information.</p> <p>Motion 260/19: That Council direct Administration to bring forward a Request for Decision at the July 9, 2019 Regular Council Meeting regarding the Division 2 by-election.</p>
Report	<p><u>Background Information</u></p> <p><u>Resignation of Division 2 Councillor</u></p> <ul style="list-style-type: none"> • The Chief Administrative Officer (CAO) received the written resignation of Susan Evans as Councillor for Division 2 on June 27, 2019 and

reported the resignation to Council at the June 28, 2019 Special Council Meeting.

- The *Municipal Government Act* (MGA) is prescriptive in its requirement for Council resignations, vacancies and municipal by-election dates. As the next general election is more than two years away in October 2021, and in accordance with section 162 of the MGA, a by-election must be held to fill the vacant Councillor position.
- Council is required to set the election date, and the date can be no later than 90 days after the date that the vacancy occurs. In this case, the by-election must be conducted no later than September 25, 2019.
- At the June 28, 2019 Special Council Meeting, Council directed Administration to bring forward a Request for Decision at the July 9, 2019 Regular Council Meeting for Council to set the date of the by-election, to appoint a Returning Officer and to provide other direction as required by the *Local Authorities Election Act*.

Matters Requiring Council Decision

Fixing of Election Day

- Section 11(1)(b) of the *Local Authorities Election Act* (LAEA) states that election day for a local jurisdiction, in the case of a by-election, shall be the day fixed by a resolution of the elected authority.
- Administration recommends that Council fix Tuesday, September 17, 2019 as election day for the Division 2 by-election.
- If September 17, 2019 is selected by Council as election day, and in accordance with recent amendments to the LAEA since the 2017 general election, nomination day would be six weeks before election day (August 6, 2019). Therefore, nominations would be accepted from July 10, 2019 to 12 noon on August 6, 2019.

Appointment of Returning Officer and Substitute Returning Officer

- Section 13(1) of the LAEA states that an elected authority may, by resolution, appoint a returning officer for the purposes of conducting elections under this Act for a by-election in the resolution that fixes the day for the by-election.
- Administration recommends that Council appoint Jesse Sopko, Manager of Legislative Services and Information Management, as the Returning Officer and Lisa Schovanek, Legislative Officer, as the Substitute Returning Officer for the 2019 Division 2 by-election.

Vote by Special Ballot

- Section 77.1(1) of the LAEA states that an elector who is unable to vote at an advance vote or at the voting station on election day because of physical disability, absence from the local jurisdiction, or being an election officer, scrutineer, or official agent, may apply to vote by special ballot.

- Section 77.1(2) of the LAEA states that an elected authority may, by resolution passed prior to nomination day, provide for special ballots and provide that the application for special ballots be made by any one or more of the following methods: in writing, by telephone, by fax, in person, by e-mail, or by secure website.
- Administration recommends that Council provide for special ballots in the Division 2 by-election and that the application for special ballots be made available in writing, by telephone, by fax, in person, or by e-mail between 8:30 a.m. on July 10, 2019 and 4:30 p.m. on Monday, September 9, 2019.
- Section 77.2(3.1) of the LAEA states that an elected authority may, by resolution, set a time and date earlier than the closing of the voting station on election day for when the outer envelope of a special ballot must be received by a returning officer.
- Administration recommends that Council set the deadline for the receipt of a special ballot outer envelope to 7:30 p.m. on September 17, 2019 (voting station is open from 10:00 a.m. to 8:00 p.m.).

Elector Assistance at Home

- Section 79(1) of the LAEA states that an elected authority may by resolution provide for the attendance of two deputies at the residence of an elector, during the hours an advance voting station is open or other times as may be fixed by the resolution, in order to take the votes of an elector who, because of physical disability, is unable to attend a voting station or an advance voting station to vote.
- Administration recommends that that Council provide for the attendance of two deputies at the residence of an elector who requires assistance at home during the hours of advance voting, which will be determined by the Returning Officer.

Funding the Division 2 By-election

- An Election Reserve has been created to finance general municipal elections that occur every four years. Funding is allocated annually to the reserve and funds are withdrawn in the fourth year to pay for the election. There is currently \$41,167 in the reserve and an additional \$28,000 will be added in 2019 for a balance of \$69,167.00.
- Administration recommends that Council withdraw \$15,000 from the Election Reserve to fund the 2019 Division 2 by-election. Costs include voting station rentals, advertising, election worker costs and election supplies. Administration does not anticipate that the entire \$15,000 will be required and any unused funds can be reallocated to the Election Reserve.
- Administration will recommend a 2020 budget contribution to replenish the reserve, so the full amount of the reserve is available for the 2021 general election.

Matters Not Requiring Council Decision

Advance Vote

- Section 73(3)(a) of the LAEA states that a local jurisdiction having a population greater than 5,000 must provide for holding an advance vote on the election of municipal councillors, including by-elections. Section 73(4) states that, if the election is being held in only one ward but that ward is within a local jurisdiction with a population greater than 5,000, the requirements of section 73(3)(a) apply. Therefore, a Council resolution is not required to allow for advance voting.
- The Returning Officer will fix the dates, times, and locations of advance voting and advertise advance voting opportunities to electors.

Voting Stations and Voting Subdivisions

- At the July 9, 2019 Council Meeting, Council will consider Bylaw 1448/19 – Voting Station Bylaw. If that Bylaw is passed, the Returning Officer will be authorized to divide the local jurisdiction into voting subdivisions and designate more than one voting station for each subdivision.

Printing of Ballots in Lots

- Bylaw 1391/17, which was passed on June 13, 2017, allows for the printing of ballots in lots. This means that in the first lot of ballots, the names of candidates shall appear in alphabetical order; in the second lot the names shall appear in the same order except that the first name in the first lot shall be placed last; and in each succeeding lot, the order shall be the same as that of the preceding lot, except that the first name in the preceding lots shall be placed last.
- As Bylaw 1391/17 is in effect, no Council decision is required.

Nomination Deposit

- Section 27(1)(d) of the LAEA states that every nomination of a candidate must, if required by bylaw, be accompanied with a deposit in the required amount.
- Bylaw 646/89 states that a fee of \$25.00 shall be required to accompany every nomination for elected office in Sturgeon County.
- As Bylaw 646/89 is in effect, no Council decision is required.

External Communication

- The Returning Officer will conduct the Division 2 by-election in accordance with the *Local Authorities Election Act*, Regulations, Sturgeon County Bylaws, Sturgeon County Policies and Council direction at the July 9, 2019 Council meeting.
- The Candidate Handbook will be finalized and made available on the County website on July 10, 2019.

	<ul style="list-style-type: none"> Advertising of nomination day, voting opportunities and election day will be coordinated by the Returning Officer. <p><u>Relevant Policy/Legislation/Practices:</u></p> <ul style="list-style-type: none"> <i>Municipal Government Act</i> <i>Local Authorities Election Act</i> Local Authorities Election Forms Regulation Deficit Elimination Transitional Regulation Bylaw 646/89 – Deposit Accompanying Nomination Paper Bylaw 1000/03 – Municipal Electoral Boundaries Bylaw 1391/17 – Printing Ballots in Lots Bylaw 1448/19 – Voting Stations Bylaw Sturgeon County Election Campaigns Policy
Implication of Administrative Recommendation	<p><u>Strategic Alignment:</u></p> <p>Strong Local Governance and Regional Leadership – Council providing direction for the conduct of the 2019 Division 2 by-election shows a commitment to strong local governance. Providing opportunities for special ballots and elector assistance at home supports democratic principles.</p> <p><u>Organizational:</u></p> <p>The Legislative Services Department will need to re-prioritize other 2019 initiatives in order to be able to conduct the 2019 Division 2 by-election.</p> <p><u>Financial:</u></p> <p>Approximately \$15,000 is required to conduct the by-election. Funds will be withdrawn from the Election Reserve and replenished in 2020 and 2021 for the 2021 general election.</p>
Alternatives Considered	<p>Council could select an alternate Division 2 by-election date, appoint an alternate Returning Officer or Substitute Returning Officer, not provide for special ballots, provide for special ballots but vary the dates they can be applied for and received by the Returning Officer, not authorize elector assistance at home, or fund the by-election from alternate funding sources.</p>
Implications of Alternatives	<p>A decision not to approve special ballots or elector assistance at home would not support the principles of Strong Local Governance and Regional Leadership as these provide additional opportunities for electors to participate in the democratic process.</p> <p>A decision to select a by-election date other than September 17, 2019 will require Legislative Services to determine availability of voting stations and confirmation that legislated timelines can be met.</p> <p>A decision to fund the by-election from a source other than the Election Reserve would have impacts on the 2019 operating budget.</p>

Follow up Action	1. The Returning Officer will conduct the election in accordance with the <i>Local Authorities Election Act</i> , Regulations, Sturgeon County Bylaws, Sturgeon County Policies, and direction given by Council at the July 9, 2019 Council Meeting.
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Attachment(s)	None.
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Report Reviewed by:	
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Jesse Sopko, Manager, Legislative Services & Information Management



Reegan McCullough, County Commissioner – CAO

Strategic Alignment Checklist

Vision: Sturgeon County: a diverse, active community that pioneers opportunities and promotes initiative while embracing rural lifestyles.

Mission: Provide quality, cost effective services and infrastructure to meet the diverse needs of the Sturgeon County community, while improving competitiveness and sustainability.

Focus Areas	Not consistent	N/A	Consistent
Planned Growth and Prosperity			
<i>We encourage varied and integrated enterprises that enhance our strong economic base, while balancing the needs of the community and natural environment. (Strategic Plan and MDP pg. 36)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Supports a strong thriving business environment to strengthen our economic foundation 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Plans for responsible growth through the MDP and regional growth plan. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Manages growth for current and future developments through: <ul style="list-style-type: none"> transparent bylaws, policies and processes to enable responsible land development targeting growth around existing and identified future growth areas 	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Maintain and Enhance Strong Communities			
<i>We are committed to a safe and viable community, where our residents are provided with access to opportunities and quality of life. (Strategic Plan and pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Provides access to programs and services that have a positive impact on residents' quality of life 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Provides access to safe and reliable infrastructure assets 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Supports the safety of people and property 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Strong Local and Regional Governance			
<i>We promote consistent and accountable leadership through collaborative and transparent processes (Strategic Plan and pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Provides effective leadership and management consistent with Strategic Plan, MDP, master plans, bylaws, policies, community engagement 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Considers fiscal stability and sustainability 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Fosters collaborative intergovernmental partnerships 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Identity & Spirit			
<i>We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan and MDP pg. 27)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Promotes and/or enhances residents' identification with Sturgeon County 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Support and/or collaborate with voluntary organizations in the region 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Stewardship			
<i>We foster a healthy environment and minimize our impact on ecosystems. (Strategic Plan and MDP pg. 27)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Plans and partnerships that minimize environmental impact on natural areas 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Provides awareness of environmental issues impacting the County 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>