
Overview of Proposed Amendments to The Local Government Election Amendment Act

Recommendation

That the report of the City Clerk dated January 21, 2019 be received as information.

Topic and Purpose

The purpose of this report is to provide information on *The Local Government Election Amendment Act, 2018* of Saskatchewan.

Report Highlights

1. Amendments to *The Local Government Election Act* are being considered by the Legislature.
2. The most significant amendment is to change the date of provincial and municipal/school board elections for 2020 and beyond. The next provincial election is scheduled for Monday, October 26, 2020 and the next general municipal/school board election is scheduled for Monday, November 9, 2020. Subsequent municipal/school board elections are to be scheduled for the second Wednesday of November. A provision has been made should that date fall on November 11 (Remembrance Day).
3. The election date changes will present challenges for voters, candidates, election administrators and the City.
4. Additional amendments propose to increase transparency as well as clarify and improve general election processes.

Strategic Goal(s)

This report supports A Culture of Continuous Improvement as adapting to legislative requirements ensures that the City continues to provide high-quality civic services to its citizens.

Background

Following the 2016 municipal government elections, the Ministry of Government Relations undertook a review of *The Local Government Election Act, 2015*. As part of the process, municipal administrators and stakeholders provided input into proposed amendments. The City Clerk, on behalf of the City of Saskatoon, provided input as part of this process. The Saskatchewan Association of City Clerks also provided feedback on proposed amendments. Bill No. 134, An Act to amend *The Local Government Election Amendment Act, 2015* was introduced and given first reading in the Legislature on October 31, 2018.

Report

The most significant amendment to *The Local Government Election Amendment Act* is to change the date, as well as the future dates, of general municipal/school board

elections in Saskatchewan. Historically, general municipal/school board elections were held on the fourth Wednesday in October. The 2020 general municipal/school board election date is scheduled for Monday, November 9. Future municipal/school board elections will be then be held on the second Wednesday of November. However, a provision was included that, should a future election day fall on November 11 (Remembrance Day), the election will be moved to the Monday of that week. The second Wednesday of November 2020 is November 11, thereby moving the next municipal/school board election date to Monday, November 9.

Bill No. 133, An Act to amend *The Legislative Assembly Amendment Act, 2007* was also introduced and given first reading in the Legislature on October 31, 2018. This bill establishes the 2020 provincial election date to be Monday, October 26, 2020 with subsequent provincial elections to be held on the last Monday in October, every four years.

Amendments to the provincial and municipal/school board election dates will result in both elections being held within a two-week time period. Under the previous legislation, the elections were to be held five days apart, on October 28 (municipal/school board) and November 2 (provincial) in 2020.

It is important to note that these new changes to the election dates may not alleviate potential confusion for voters:

- Provincial, municipal and school board elections information will be disseminated at the same time, including messaging regarding voting eligibility rules; voter registration procedures; assigned voting locations; voting times and advance poll dates; mail-in ballot procedures and rules; acceptable identification documents along with required election notices.
- Advance polls for municipal/school board elections must be open at least three days, but not more than 15 days, before an election. Prior to holding an advance poll, required notice must be provided. Saskatoon's municipal/school board elections have typically taken advantage of the increased period of time to provide voters with as many voting options as possible. However, with both elections taking place within a two-week period, municipal and school board advance voting options may be impacted. For instance, in the past, on designated days, advance polls have been held in larger shopping malls in the two week period preceding the election date. As notice must be provided in advance, there is the potential for confusion of provincial/municipal/school board advance poll dates, locations and times. The potential for voter fatigue and voter confusion, particularly with respect to participation at municipal advance polls, still exists.

It is anticipated that the changes to the election dates also will present challenges for Candidates. Candidates may deal with confusion between provincial/municipal jurisdictions and election issues, as well as competing demands for campaign volunteers and other campaign resources.

In terms of administering local elections, there are some concerns with the amended dates:

- Provincial and municipal jurisdictions use many of the same voting locations (such as schools and community halls). In a two-week period, these locations will be requested to provide space for two or more days to accommodate advance poll and Election Day voting;
- Both jurisdictions draw from the same pool of temporary election workers to work on Election Day, during advance poll voting and during special poll voting. Training is required for election workers in both jurisdictions and the legislation governing each, differs; and
- The number of available voting options for both jurisdictions within a short period of time is expected to impact worker availability and put a strain on workers, resulting in training confusion and fatigue.

From a Corporate Administration perspective, the new election date may result in changes to the way in which Council deliberates the business plan and budget in those years of a municipal election. For example, Council typically deliberates the business plan and budget in the last week of November. Under the proposed election dates in Bill 134 – and assuming budget deliberation dates are maintained – Council would have approximately two weeks after being officially sworn-in to undergo orientation, briefings, deliberate and approve the business plan and budget.

The proposed election dates will also affect Council appointments to various Boards, Commissions and Committees. Currently, the City makes appointments to its Boards, Commissions and Committees in November and December of each year. In an election year, the appointment and confirmation process would likely be delayed until after January 1 in the year following a municipal general election.

Other notable proposed amendments that will affect the City of Saskatoon's election processes include:

Council Transparency:

- Candidates will be required to attach a completed version of the municipality's public disclosure statement with their nomination papers.
- A requirement that it is the Candidate's responsibility (not the Returning Officer's) to verify and ensure their nomination form is correct, truthful and complete.

- These changes will need to be communicated through updated municipal/school board Candidate information and materials and adapted into existing elections bylaws, processes and procedures.

Election Processes:

- Provisions of *The Controverted Municipal Election Act* will be consolidated into *The Local Government Election Act*.
- Alternatives are provided to newspaper advertising for required public notices.
- Municipalities/school boards have the option not to include a Candidate's occupation on the ballot.
- Council, by bylaw, shall establish the rules for return of a Candidate's deposit following the election.
- These changes will need to be reviewed and adapted into existing elections bylaws, processes and procedures, where appropriate.

Policy Implications

Policy amendment may be necessary to ensure alignment with existing, related municipal policy and/or bylaws. A review will be conducted.

Other Considerations/Implications

There are no financial, environmental, Privacy, or CPTED implications or considerations at this time.

Due Date for Follow-up and/or Project Completion

Bill No. 134, An Act to amend *The Local Government Election Amendment Act, 2015* and Bill No. 133, An Act to amend *The Legislative Assembly Amendment Act, 2007*, will continue to be debated in the Legislative Assembly in spring 2019. Both pieces of legislation will be passed by the Legislature prior to the conclusion of the spring sitting in May 2019.

Administration is continuing with its elections preparation for the pending 2020 municipal/school board elections.

Public Notice

Public Notice pursuant to Section 3 of Policy No. C01-021, Public Notice Policy, is not required.

Report Approval

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