



Town of Onoway Request for Decision

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| Meeting: | Council Meeting |
| Meeting Date: | June 8, 2023 |
| Presented By: | Jennifer Thompson, CAO |
| Title: | By-election Proposed September 11, 2023 |

BACKGROUND / PROPOSAL

Council has received notice that Robert Winterford has resigned from Council effective May 24, 2023. Council must set a date for a by-election

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES

By-election

Reiteration of information in report presented June 8, 2023 Resignation of Council Member & Requirement of By-election.

Within the *MGA* Council must set a by-election within 120 days of the date of vacancy.

Election day

165 Unless a council sets an earlier date, election day for a by-election under section 162 or 163 is 120 days after the vacancy occurs.

RSA 2000 cM-26 s165,2019 c22 s10(4)

Minister orders by-election

166 If a vacancy must be filled by by-election under section 162 or 163 and a by-election is not held within 120 days after the vacancy occurs, the Minister may by order

- (a) set another date for the by-election;
- (b) extend the time for filling that vacancy to the next general election;
- (c) reduce the quorum for council;
- (d) direct the chief administrative officer to conduct the by-election;
- (e) take any other action the Minister considers necessary.

RSA 2000 cM-26 s166,2019 c22 s10(4)

Administration has received quotes from two experienced election officials who have submitted their expertise and cost per hour to perform the duties of Returning Officer.

Council may appoint a Returning Officer. If Council does not appoint a Returning Officer, the secretary is deemed to have been appointed as the returning officer.

At this time, this Administration does not have the expertise in *Local Authorities Election Act* to complete Returning Officer duties, training and process required. In the past the position of Returning Officer and election workers has been contracted.

Returning Officer

Both of the following contractors are experienced in local government elections. Administration has spoken with both and is confident in their ability

Carolynn Grey

2023 Site Supervisor for Elections
Alberta
2021 General Election, Returning
Officer for the City of Spruce Grove
2017 General Election, Assistant
Returning Officer for the City of
Spruce Grove
2015-2016 - Local Authorities
Election Specialist at Municipal
Affairs
2015 Federal Election - Deputy
Returning Officer
2013 General Election, Election
Coordinator for the City of Spruce
Grove
2010 General Election, Returning
Officer for the Town of Sundre

\$85/ hour

Reanne Springer

2023 Elections Canada – Poll
Operations Manager
2022-2023 Lac Ste Anne County – RO
for Municipal By-election
2021 – present RO for Lac Ste Anne
Parkland Electoral Division
2021 Elections Canada Primary
Additional Assistant Returning Officer for
Sturgeon River Parkland Electoral
Division
2019 Elections Canada Office
Coordinator for Sturgeon River Parkland
Electoral Division for October 2019
Federal Election
2018-2019 Elections Alberta RO Lac Ste
Anne/Parkland Electoral Division

\$50/hour

The Returning Officer is able to determine the location of the polling place, however should Council wish for Institutional vote (*LAEA s. 80(1)*), a resolution must be passed authorizing the Returning Officer to establish an Institutional voting station. This would be applicable at the Chateau Lac Ste Anne Senior Assisted Living Facility.

Institutional vote eligibility and staff

80(1) The elected authority by resolution or the returning officer, if authorized by resolution of the elected authority, may designate the location of one or more institutional voting stations for an election in addition to voting stations designated under section 37.

(2) An elector who on election day

- (a) is confined to a hospital, auxiliary hospital or nursing home in the local jurisdiction, or
- (b) is a resident in the local jurisdiction in a seniors' accommodation facility,

that is established as an institutional voting station for the election is eligible to vote at that institutional voting station.

(3) The returning officer may appoint at least 2 deputies to take the votes of the electors referred to in subsection (2).

(4) If an elected authority provides for the holding of an advance vote, the returning officer may appoint the number of deputies that the returning officer considers necessary to take the votes on the day the advance vote is held of any residents of seniors' accommodation facilities that are located in the local jurisdiction.

RSA 2000 c1-21 s80,2003 c27 s30

Advance Voting

LAEA s. 73(2) states that if advance voting in a municipality below 5,000 an advance vote may be held.

Advance vote

73(1) Repealed 2020 c22 s11

(2) Subject to subsection (3), an elected authority may by resolution provide for holding an advance vote for an election

(3) Subject to subsections (4) and (7), a municipality having a population greater than 5000 must provide for holding an advance vote on

(a) the election of municipal councillors, including by-elections, and

(b) the submission of a bylaw or question to electors under section 7

(4) If the election is being held in only one ward but that ward is within a local jurisdiction with a population greater than 5000, the requirements of subsection (3) apply

(5) No advance vote shall be held within 24 hours of election day

(6) The returning officer must determine the days and hours when the advance vote under subsection (2) or (3) is to be held

(7) The Minister may, at any time, make an order to exempt an elected authority from the requirement to provide for holding an advance vote under subsection (3)

RSA 2000 c1-21 s73, 2018 c23 s77, 2020 c22 s11

If Council wishes to have advance voting, a resolution needs to be completed. The RO is able to determine the dates, times and locations of the advance vote however Council needs to resolve to hold the advance voting.

STRATEGIC ALIGNMENT

Good governance. Legislative compliance with *Municipal Government Act & Local Authority Election Act*.

COSTS / SOURCE OF FUNDING

Estimated By-election costs \$7,000 - \$10,000 of unbudgeted funds. Administration will re-allocate funds from other budgetary items. This includes all election officials and supplies.

RECOMMENDED ACTION

- 1) THAT Council direct Administration to hold a by-election on Monday, September 11, 2023 for the purpose of filling one(1) Councillor vacancy AND FURTHER THAT Council appoint _____ to act as Returning Officer, and Jennifer Thompson as Substitute Deputy Returning Officer for the September 11, 2023 by-election.
- 2) THAT Council authorize the Returning Officer to establish an institutional voting station for the by-election of Monday, September 11, 2023.
- 3) THAT Council authorize the Returning Officer to establish advance voting for the by-election of Monday, September 11, 2023.

