Agenda - Council - January 25, 2006

Report – Executive Policy Committee – January 18, 2006

Item No. 5 Election Review
File GK-2

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2006, the Executive Policy Committee concurred in the administrative recommendation and submits the following to Council:

1. That the new Voting Counting Machines By-law be adopted so as to ensure procedures and terminology are in keeping with The Municipal Councils and School Boards Elections Act.

2. That two new election appointment by-laws be adopted appointing a Senior Election Official and a Campaign Expenses and Contributions Officers in keeping with The Municipal Councils and School Boards Elections Act and The City of Winnipeg Charter.

3. That the Campaign Expenses and Contributions By-law No. 5550/90 be revised so as to ensure procedures and terminology are in keeping with The Municipal Councils and School Boards Elections Act and the administrative changes recommended by the Campaign Expenses and Contributions Officer.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – January 18, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2006, the Executive Policy Committee concurred in the administrative recommendation and submitted the matter to Council.

On July 20, 2005, the Executive Policy Committee reconstituted the Ad Hoc Committee on Election Review and appointed Councillors De Smedt and Eadie to the Committee.

Further, the Executive Policy Committee requested the Ad Hoc Committee to review the recommendations included in the Campaign Expenses and Contributions Officer's report on the 2004 Civic By-Election, and report back with recommendations for changes to the Campaign Expenses and Contribution By-law No. 5550/90.

RE: Election Review

FOR SUBMISSION TO: Executive Policy Committee

ORIGINAL REPORT SIGNED BY: City Clerk

REPORT DATE: December 1, 2005

RECOMMENDATION(S):

1) That the new Voting Counting Machines By-law be adopted so as to ensure procedures and terminology are in keeping with *The Municipal Councils and School Boards Elections Act*.

2) That two new election appointment by-laws be adopted appointing a Senior Election Official and a Campaign Expenses and Contributions Officers in keeping with *The Municipal Councils and School Boards Elections Act* and *The City of Winnipeg Charter*.

3) That the Campaign Expenses and Contributions By-law, 5550/90 be revised so as to ensure procedures and terminology are in keeping with *The Municipal Councils and School Boards Elections Act* and the administrative changes recommended by the Campaign Expenses and Contributions Officer.

4) That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report Summary

- The Province of Manitoba, in 2005, repealed *The Local Authorities Election Act*, and adopted *The Municipal Councils and School Boards Elections Act* as the legislation governing the undertaking of elections by municipalities.

- Existing City of Winnipeg By-laws governing elections must be revised so as to be in keeping with the new legislation. As well, the Campaign Expenses and Contributions Officer has recommended changes to the forms used to submit audited statements.

Key Issues:

- The next general municipal election is October 25, 2006.

Implications of the Recommendation(s):

General Implications

X None

☐ For the organization overall and/or for other departments

☐ For the community and/or organizations external to the City

☐ Involves a multi-year contract

Comment(s):

Policy implications

☐ No

X Yes

Comment(s):

Environmental implications

X No

☐ Yes

Comment(s):

Human Resources implications

X No

☐ Yes

Comment(s):

Financial Implications

X Within approved current and/or capital budget

☐ Current and/or capital budget adjustment required

Comment:

Report

REASON FOR THE REPORT:

- On July 20, 2005, the Executive Policy Committee reconstituted the Ad Hoc Committee on Election Review and appointed Councillors De Smedt and Eadie to the Committee and requested the Ad Hoc Committee to review the recommendations included in the Campaign Expenses and Contributions Officer's report on the 2004 Civic By-Election, and report back with recommendations for changes to the Campaign Expenses and Contribution By-law No. 5550/90.

HISTORY & DISCUSSION:

On June 16, 2005, the Province enacted *The Municipal Councils and School Boards Elections Act* to replace *The Local Authorities Elections Act* as the governing legislation for the undertaking of elections by municipalities in Manitoba.

As a result of this enactment, various City By-laws need to be updated to ensure they are in keeping with the new terminology and methodologies as specified in the new Act.

By-law 6650/ 95, the Vote Counting Machine By-law, provides for the City to utilize vote counting machines to tabulate voting results. Changes to this By-law include terminology changes (such as Returning Officer to Senior Election Official), and some minor methodology changes, such as implementation of new testing procedures prior to election, the results of which must be made available to candidates upon request.

The new Act reduces the number of election officers which municipalities must appoint. No longer required are the Returning Officer, Enumerator or Revising Officer. All are replaced by the Senior Election Official. The City must also appoint a Campaign Expenses and Contributions Officer as per *The City of Winnipeg Charter.* New by-laws are required for these appointments.

By-law 5550/90, the Campaign Expenses and Contributions By-law, provides for the City to regulate expenses and contributions to candidates. Changes to this by-law as a result of the new Act include terminology changes (such as Returning Officer to Senior Election Official), and some minor methodology changes. As well, the forms attached to the By-law have been modified in keeping with recommendations of the Campaign Expenses and Contributions Officer. His recommendations include minor changes such as requiring auditors to declare what legislating bodies they are governed by. An accounting change in terms of process is the move to a cash basis for reporting. This involves the removal of inventories to be carried forward from election to election. This change is in keeping with generally accepted accounting principles.

Financial Impact Statement

Date:

Project Name:

First Year of Program

	0	1	2	3	4
Capital					
Capital Expenditures Required		$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
External	-	-	-	-	-
Grants (Identify)	-	-	-	-	-
Reserves, Equity, Surplus, Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery		-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

"Original signed by"
Marc Lemoine
Deputy City Clerk

IN PREPARING THIS REPORT THERE WAS CONSULTATION WITH, AND CONCURRENCE BY:

Ad-hoc Committee on Election Review
City Clerk's Department
Legal Services

THIS REPORT SUBMITTED BY:

City Clerk's

Prepared by: Richard Kachur (2428)
File No.