Agenda – Council – May 30, 2012

Report - Governance Committee of Council - April 12, 2012

Item No. 1 Senior Election Official's Report and Recommendations – 2010 General Civic Election

COMMITTEE RECOMMENDATION:

On April 18, 2012, the Executive Policy Committee concurred in the recommendation of the Governance Committee of Council and submits the following to Council:

1. That the "Report and Recommendations – 2010 General Civic Election" be received as information.

2. That the City of Winnipeg recommend to the Province of Manitoba that:

   A. *The Municipal Councils and School Boards Elections Act* (and any other related legislation) be amended to specifically allow students, including those of 16 or 17 years of age, to act as Election Workers.

   B. The Province enter into an agreement with Elections Canada to provide the same motor vehicle registrar data to update the National Register of Electors that all other provinces in Canada provide.

   C. Section 19 of *The City of Winnipeg Charter* be amended to change the day of the general election from being prescribed as the 4th Wednesday of October every 4 years to a date in October set by Council every 4 years, with such change to allow for the convening of future general elections on a Saturday or Sunday.

   D. The residency requirement outlined in Section 21(1) (b) of *The Municipal Councils and School Boards Election Act* be reduced from six months to sixty (60) days.

   E. *The City of Winnipeg Charter* be amended to include a provision that would require all candidate advertisements, including third party advertisements, to be allowable only if approved by a candidate and that all advertisements be required to be considered part of at least one candidate's campaign and be in compliance with contribution guidelines and all other applicable legislation.

   F. The Province investigate the rules on campaign advertising to not allow an individual to undertake an unusual amount of high profile advertising not related to their candidacy during the campaign period.

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COMMITTEE RECOMMENDATION (continued):

G. The relevant legislation(s) be amended to prevent expenditure of funds prior to candidate registration, by political parties or potential candidates, for the purpose of political party endorsement.

H. The Campaign Period for Councillor Candidates conclude 60 days later, on May 31st following the election date and that the time for filing audited financial statements be adjusted accordingly to also be 60 days later.

I. The applicable legislation be amended to require deposits of all registered candidates in the amount of $1,000 for candidates for the Office of Mayor and $250 for candidates for the office of Councillor, with all deposits being refundable upon submission of an audited financial statement within the time limits specified. Deposits would be required at the time of registration and to be paid by cash, credit card, debit card, certified cheque or money order.

J. Section 44(3) of *The City of Winnipeg Charter* be amended to not only disqualify those who fail to file an audited financial statement from running in the subsequent General Civic Election, but that it also preclude repeat non-filers from running in any future Civic Elections, not only the subsequent election after the offence.

K. The rules around fundraisers be clarified in the applicable legislation.

L. The applicable legislation be amended to allow candidates to receive funds and expend funds by means other than by cheque, including debit, credit card, and mechanisms such as PayPal that can be tracked and audited.

M. The applicable legislation be updated to exclude the cost of completing an audited financial statement from any limits on spending to be incurred by the candidates.

3. That the Campaign Expenses and Contributions By-law No. 10/2010 be updated to ensure the Audit Statement, signed by Audit firms who complete audited financial statements, meets current standards.

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

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 16, 2012, the Executive Policy Committee concurred in the recommendation of the Governance Committee of Council and submitted the matter to Council.

COMMITTEE RECOMMENDATION:

On May 10, 2012, the Governance Committee of Council concurred in the recommendation of the Senior Election Official, as amended by the Governance Committee of Council on April 12, 2012, with the following further amendments:

- That the following Recommendation H be deleted in its entirety

  H) The campaign period for Councillor candidates commence on May 1 to coincide with that of Mayoralty candidates.

  and be replaced with the following Recommendation H

  H) The Campaign Period for Councillor Candidates conclude 60 days later, on May 31st following the election date and that the time for filing audited financial statements be adjusted accordingly to also be 60 days later.

- That the following Recommendation I be deleted in its entirety

  I) The applicable legislation be amended to allow for deposits to be required of all registered candidates, with the amount of deposit to be set by Council and for said deposits to be refundable upon submission of an audited financial statement within the time limits specified.

and be replaced with the following Recommendation I

I) The applicable legislation be amended to require deposits of all registered candidates in the amount of $1,000 for candidates for the Office of Mayor and $250 for candidates for the office of Councillor, with all deposits being refundable upon submission of an audited financial statement within the time limits specified. Deposits would be required at the time of registration and to be paid by cash, credit card, debit card, certified cheque or money order.

and submitted the matter to the Executive Policy Committee and Council.

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DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 2012, the Executive Policy Committee referred the matter back to the Governance Committee of Council.

COMMITTEE RECOMMENDATION:

On April 12, 2012, the Governance Committee of Council concurred in the recommendation of the Senior Election Official, as amended, namely:

- That the following item be added after Recommendation e) and the subsequent items renumbered accordingly:

  "That the Province investigate the rules on campaign advertising to not allow an individual to undertake an unusual amount of high profile advertising not related to their candidacy during the campaign period."

- That the following item be added after Recommendation f) and the subsequent items renumbered accordingly:

  "That the campaign period for Councillor candidates commence on May 1 to coincide with that of Mayoralty candidates"

and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

ISSUE: **Recommendations – Civic Election 2010**

Critical Path: **Governance Committee – Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Lemoine	R. Kachur		

RECOMMENDATIONS

That Council receive as information the attached report, "Report and Recommendations – 2010 General Civic Election" and specifically adopt the following recommendations included in the report:

a) That Council recommend to the Province of Manitoba that The Municipal Councils and School Boards Elections Act (and any other related legislation) be amended to specifically allow students, including those of 16 or 17 years of age, to act as Election Workers.

b) That Council recommend to the Province of Manitoba that they enter into an agreement with Elections Canada to provide them with the same motor vehicle registrar data to update the National Register of Electors that all other provinces in Canada provide.

c) That Council recommend to the Province of Manitoba that Section 19 of the City of Winnipeg Charter be amended to change the day the of the general election from being prescribed as the 4th Wednesday of October every 4 years to a date in October set by Council every 4 years, with such change to allow for the convening of future general elections on a Saturday or Sunday.

d) That Council recommend to the Province of Manitoba that the residency requirement outlined in Section 21(1) (b) of The Municipal Councils and School Boards Election Act be reduced from six months to sixty (60) days.

e) That Council recommend to the Province of Manitoba that The City of Winnipeg Charter be amended to include a provision that would require all candidate advertisements, including third party advertisements, to be allowable only if approved by a candidate and that all advertisements be required to be considered part of at least one candidate's campaign and be in compliance with contribution guidelines and all other applicable legislation.

f) That Council recommend to the Province of Manitoba that the relevant legislation(s) be amended to prevent expenditure of funds prior to candidate registration, by political parties or potential candidates, for the purpose of political party endorsement.

g) That Council recommend to the Province of Manitoba that the applicable legislation be amended to allow for deposits to be required of all registered candidates, with the amount of deposit to be set by Council and for said deposits to be refundable upon submission of an audited financial statement within the time limits specified.

h) That Council recommend to the Province of Manitoba that Section 44(3) of The City of Winnipeg Charter be amended to not only disqualify those who fail to file an audited financial statement from running in the subsequent General Civic Election, but that it also preclude repeat non-filers from running in any future Civic Elections, not only the subsequent election after the offence.

i) That Council recommend to the Province of Manitoba that the rules around fundraisers be clarified in the applicable legislation.

j) That Council recommend to the Province of Manitoba that the applicable legislation be amended to allow candidates to receive funds and expend funds by means other than by cheque, including debit, credit card, and mechanisms such as PayPal that can be tracked and audited.

k) That Council recommend to the Province of Manitoba that the applicable legislation be updated to exclude the cost of completing an audited financial statement from any limits on spending to be incurred by the candidates.

l) That the City of Winnipeg update the Campaign Expenses and Contributions By-law No. 10/2010 to ensure the Audit Statement, signed by Audit firms who complete audited financial statements, meets current standards.

REASON FOR THE REPORT

A review of 2010 Civic Election has been undertaken focusing on processes, issues and results. Recommendations are made to improve future elections for voters, candidates and in terms of election administration. Recommendations to another level of Government must be made by Council.

HISTORY / DISCUSSION

The 2010 Civic Election took place on October 27, 2010. There is no permanent election office at the City of Winnipeg, in contrast to Elections Manitoba at the Provincial Level and Elections Canada at the Federal level. The City Clerk's Department undertakes elections every 4 years and in by-elections as required.

While the City of Winnipeg is recognized amongst major North American municipalities as a leader in election practices, changes are required to provide for improved future elections.

The attached report is a review of the 2010 Civic Election focusing on processes, issues and results. Recommendations are made to improve opportunities for voters, candidates' processes, and in terms of election administration. Recommendations include suggested changes to Provincial legislation, changes to City by-laws and changes to internal administrative Election processes and practices.

FINANCIAL IMPLICATIONS

There are no Financial Implications associated with the recommendations of this report.

CONSULTATION

In preparing this Report there was consultation with:

Elections Canada

SUBMITTED BY

Department: City Clerk's Department
Prepared by: M. Lemoine
Date: February 6, 2012
File No.

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