



SUFFICIENCY OF DIVISION BOUNDARY REFERENDUM PETITION

❖ Purpose of report

- To convey the results of the analysis of a petition presented requesting Council to hold a referendum respecting alteration of existing RM division boundaries

❖ Applicable legislation or bylaw(s)

- *The Municipalities Act*

Interpretation

2(1) In this Act:

(ccc) “**voter**” means a voter as defined in *The Local Government Election Act, 2015*.

Petition for referendum

132(1) Voters in a municipality may petition for a referendum on a bylaw or resolution on any matter within the jurisdiction of the council pursuant to this Act, except for the following:

- (a) the adoption of an operating budget;
- (b) the adoption of a capital budget;
- (c) the authorization of the tax levy in accordance with section 283.

(2) A council that receives a petition requesting a referendum signed by the greater of 15% of the population or 25 voters of the municipality shall submit the request for a referendum to a vote in accordance with sections 133 to 138.

(3) Only voters of the municipality are eligible to be petitioners.

Requirements for petition

133(2) The petition must include, for each petitioner:

- (a) the printed surname and printed given names or initials of the petitioner;
- (b) the petitioner’s signature;



- (c) the petitioner's street or road address or the legal description of the land located within the municipality on which the petitioner's right to be a voter is based; and
 - (d) the date on which the petitioner signs the petition.
- (3) Each signature must be witnessed by an adult person who shall sign opposite the signature of the petitioner.
- (4) The petition must have attached to it a signed statement of a person stating:
- (a) that the person is the representative of the petitioners;
 - (b) that the municipality may direct any inquiries about the petition to the representative; and
 - (c) the date on which the first signature was collected.
- (4.1) No signatures collected before the date mentioned in clause (4)(c) shall be included in the petition.
- (4.2) For the purposes of clauses (2)(d) and (4)(c), the date must include the month, day and year.
- (5) The petition must be filed with the administrator within 90 days after the date on which the first signature is obtained on the petition.

Counting petitioners

134(2) No name may be added to or removed from a petition after it has been filed with the administrator.

(3) In counting the number of petitioners on a petition, the administrator shall exclude the name of any person:

- (a) whose signature is not witnessed;
- (b) whose signature appears on a page of the petition that does not have the same purpose statement that is contained on all the other pages of the petition;
- (c) whose printed name is not included or is incorrect;
- (d) whose street or road address or legal description of land is not included or is incorrect;
- (e) whose signature is not accompanied by the date on which the person signed the petition or the date is incomplete; or
- (f) who signed the petition before the date mentioned in clause 133(4)(c).

(4) Instead of verifying that the requirements of subsection (3) have been met with respect to each petitioner, an administrator may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition.

(5) An administrator shall not use a random sampling method to determine the sufficiency of the petition as provided for in subsection (4) if the



administrator has already excluded the name of any person pursuant to subsection (3).

(6) An administrator may apply to the court for direction as to the sufficiency of the petition.

Report on sufficiency of petition

135(1) Within 30 days after the date on which a petition for a referendum is filed, the administrator shall report to the council on whether the petition is sufficient or insufficient.

(2) The administrator's determination as to sufficiency or insufficiency is final.

(3) If a petition is not sufficient, the council is not required to take any notice of it.

- *The Local Government Elections Act, 2015*

Interpretation

2(1) In this Act:

"**voter**" means a person described in section 36 who is eligible to vote in an election;

Eligibility to vote

36(1) A person is eligible to vote in a municipality or school division who, on election day:

(a) is a Canadian citizen;

(b) is at least 18 years of age;

(e) in the case of a rural municipality:

(i) has resided in the municipality for at least three consecutive months immediately preceding the day of the election;

(ii) is the assessed person with respect to property situated in the municipality pursuant to section 207 of *The Municipalities Act*;

(iii) is the occupant of a trailer or mobile home in the municipality that is the object of a permit required pursuant to section 306 of *The Municipalities Act*;

(iv) is the spouse of a person mentioned in subclause (ii) or (iii); or

(v) is the chief executive officer of a duly incorporated co-operative, corporation or religious association that is assessed on the last revised assessment roll with respect to property in the rural municipality that is not exempt from taxation;



❖ **Background**

- The petition for a referendum was personally presented to Administrator Michele Cruise-Pratchler at approximately 10:00am on Monday, February 12, 2018, at the R. M. of McKillop No. 220 administration office
- The petition is composed of:
 - A letter dated February 12, 2018, signed by Bob Schmidt transmitting the petitions;
 - A Statement of Representative of Petitioners identifying Bob Schmidt as the representative of the petitioners; and
 - Petition document pages, each with a Petition Summary and an Action Petitioned For statement at the top of each page along with a copy of a map on the back of the page which is referred to in the Action Petitioned For statement
- The census population of the R. M. of McKillop No. 220 on February 12, 2018, was 732
- The required number of valid signatures to make the petition sufficient is 110 signatures
- Valid signatures on the petition equal 171

❖ **Issues identified**

- The petition contains 5 duplicate witnessed signatures
- The petition question refers to a document that is not contained on the face of the petition page

❖ **Determination of Sufficiency**

- The petition is sufficient

Michele Cruise-Pratchler, R. M. A. CPA, CGA BAaccS
Administrator