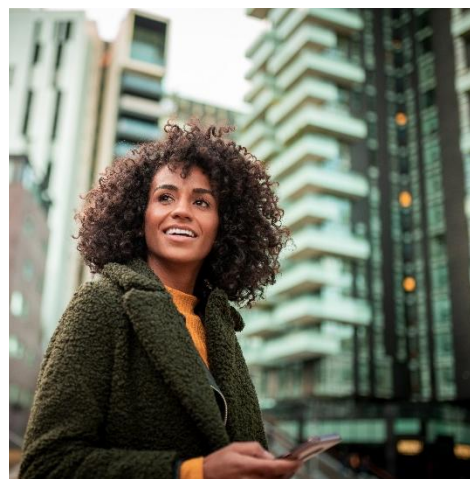


Recommendations on Recall of a Municipal Elected Official



Submitted to Alberta Municipal Affairs

June 30, 2025

Table of Contents

Executive Summary	3
Background.....	4
1. Alignment with the Recall Act.....	5
2. Threshold of Signatures Required	5
Acclamations.....	6
Tiered Threshold	7
3. Process to Recall a Municipal Elected Official	7
Financial incentives or gifts to sign a petition	8
Advertising for a recall petition	8
Fundraising for a recall petition	8
Use of personal information for purposes other than the recall petition	9
Timelines.....	10
Failure to submit a petition as required.....	11
Potential for requiring grounds for rationale for recall.....	12
4. Other Recommendations	13

Executive Summary

In May 2025, Alberta Municipal Affairs began engagements on potential improvements to the rules for recall of a municipal elected official as prescribed in the *Municipal Government Act* (MGA). This report represents Alberta Municipalities’ recommendations to Municipal Affairs based on the input we have collected from our member municipalities since the inception of recall in 2023. Our recommendations are based on the premise that recall represents the undoing of a democratic election. Therefore, the framework and processes for a municipal recall petition should be structured to provide the same standard of trust and transparency for the public.

Recommendations to Improve Municipal Recall

	Alignment with the Recall Act
Transparency and Trust in the System	
1. Appoint the Minister of Municipal Affairs, a municipal ethics commissioner, or other independent body to manage all activities related to municipal recall petitions. The municipal government and municipal staff should have zero involvement in the management of a recall petition due to the perception and power structure between municipal elected officials and municipal government staff.	✓ (Elections Alberta)
2. Require the petition application and petition form to include a written statement by the organizer explaining why the municipal elected official should be recalled.	✓
3. Require the petition form to include a written statement by the targeted elected official, if provided by the official within the prescribed time period.	✓
4. Require the independent body to vet the rationale for a recall petition to ensure it meets a test of reasonability before approving the petition application. This provides an opportunity to clarify information and a possible resolution prior to a full recall petition process.	No
5. Require the petition organizer to submit the petition at the end of the petition period regardless of how many signatures are collected.	✓
6. Require petition canvassers to register and follow a code of conduct guideline.	✓
7. Prescribe penalties if recall rules are not followed.	✓
Threshold of Signatures Required	
8. Change the threshold for a successful recall petition to be based on signatures from 40 per cent of eligible voters (except for summer villages).	No
Process for Municipal Recall Petitions	
9. Change the eligible period to launch a recall petition to open one year after election and close the eligible period one year prior to the general municipal election.	✓
10. Maintain the current requirement that signatures must be collected within 60 days for all municipal recall petitions. Or set the default to 60 days and increase to 90 days only when a recall petition requires more than 15,000 signatures.	Partial
11. Require the petition organizer to remove a signature if requested by the signatory.	No
Finances Related to Municipal Recall Petitions	
12. Create rules to prevent the offering of gifts and financial incentives to petition signatories.	✓
13. Create rules for advertising, fundraising, and an expense limit for municipal recall petitions. The rules should apply to petition organizers and the targeted elected official.	✓
14. Create a regulatory framework that prevents local political parties, slates, candidates, and third-party advertisers from launching a recall petition or fundraising from a recall petition.	
15. Create rules for petition organizers to disclose finances related to a recall petition.	✓
16. Create rules that prescribe what a petition organizer must do with any surplus funds after a recall petition has been submitted.	✓

Background

This report represents Alberta Municipalities (ABmunis) response to Municipal Affairs’ May 2025 discussion guide questions on potential improvements to the *Municipal Government Act* relating to the recall of a municipal elected official. ABmunis prepared for this engagement by:

- Meeting with administrators from most municipalities that have managed a recall petition.
- Conducted a comprehensive workshop with ABmunis’ Municipal Governance Committee in February 2025.
- Collected input from municipalities during ABmunis’ Summer 2025 Municipal Leaders’ Caucus.

Comparison of Recall of MLAs versus Municipal Officials

In May 2025, the Government of Alberta amended the *Recall Act* to update the rules for recall of an MLA. The following table summarizes some of the differences in rules for recall of an MLA versus the recall of a municipal elected official.

	Recall of an MLA	Recall of a Municipal Elected Official
Recall Period – Start	12 months after being elected.	18 months after an election.
Recall Period – End	12 months prior to a general election.	January 1 of a general election year.
Signature Collection Timeframe	90 days	60 days
Recall Threshold	60 per cent of the total number of electors who voted in the electoral district in the most recent election	40 per cent of the population of a municipality or ward. For summer villages, it is 50 per cent of the number of residences.
Reasons for recall stated on the petition	Up to 100 words	Not required
Response from the targeted official stated on the petition	Up to 100 words MLA has 7 days to provide a response.	Not required
Petition verification timelines	Determine if requirements have been met within seven days. Verify within 21 days whether a recall is authorized. Report the recall petition results within seven days of completing the verification.	45 days after the date on which a recall petition is filed, determine whether the recall petition is sufficient.
Outcome if the petition is successful	Residents of the division will vote on whether to recall the MLA. The vote must be held within six months from the date on which the successful petition results are published. If the vote is successful, then a by-election must be held.	Elected official is immediately removed from office. The municipality must hold a by-election in accordance with section 162 or 163 of the MGA as applicable. The recalled official may run in the by-election.
Fundraising	An individual in the division may contribute up to \$4,000.	No provisions.
Expense limit	A petitioner organizer may spend up to \$23,000 on a recall petition.	No provisions.

1. Alignment with the Recall Act

The *Recall Act* provides a much more comprehensive set of rules for how recall petitions should be conducted for MLAs compared to the provisions in the *Municipal Government Act* for municipal elected officials. In many cases, there is merit for municipal recall rules to be aligned with the *Recall Act*; however, there are some areas where recall rules need to differ for municipalities because of the differences in:

- The number of people in electoral divisions (small and large communities).
- Municipal governments have financial and human resource capacity challenges to run by-elections.
- The frequency that municipal officials are acclaimed to office.

Areas where MLA and municipal recall rules should be aligned

- An independent body oversees the recall process.
- The reasons for recall must be stated on the petition form in less than 100 words.
- The targeted official's response to those reasons must be stated on the petition in less than 100 words.
- The period for when a recall petition may be launched.
- Rules for advertising, fundraising, and expense limits for a petition.
- Rules for petition canvassers.
- Rules for collection and use of personal information collected on a petition.
- Penalties for violating the rules.

Areas where municipal recall rules should differ for municipal governments

- Threshold used to determine the number of signatures required for a successful recall petition.
- Timeframe to collect the required number of signatures.

2. Threshold of Signatures Required

Background

Section 240.5 (a) of the MGA establishes that a recall petition must be signed by eligible voters representing at least 40 per cent of the municipality or ward's population for municipalities other than summer villages.

2.1. Should the threshold to recall a councillor be lower, higher, or the same as the current threshold? Why?

A recall petition represents the undoing of a democratic election.

Alberta's municipal elections are run in a manner where people have sufficient time to:

- research the issues and the candidates, and
- vote in privacy without the threat of undue influence.

However, when petition organizers approach voters at their home or at events, there are opportunities for residents to feel unsafe or pressured to sign the petition in the moment without sufficient knowledge or consideration of the matter.

Therefore, to undo the results of an election, the Government of Alberta should ensure that the signature threshold continues to be a high bar to meet, regardless of the metric that is used. Particularly since a municipal recall petition results in the immediate removal from office.

We also note a successful recall petition also creates a significant expense for the municipality in the form of a by-election. It requires indirect costs in the form of a reallocation of staff time from other priorities, training of the returning officer (if necessary), and direct costs to run the election.

Recommendations on Recall of a Municipal Elected Official

Outcome of Past Recall Petitions

We note that some recall proponents suggest that the reason all but one of the recall petitions have failed is because the signature threshold is too high. However, the Government of Alberta should consider the reasons that each petition was brought forward. It's possible that those petitions failed, not because of the high threshold, but because the public saw insufficient justification on why that elected official should be removed from office. In addition, organizers of failed petitions have not been transparent about the number of signatures they received, so it's impossible to gauge the impact that a reduced, but still reasonable threshold would have had in those petitions.

2.2. What population should the recall threshold percentage be based on?

- a) Percentage of people that voted in the last general election.
- b) Percentage of eligible voters in the municipality or ward.
- c) Percentage of population.

ABmunis recommends that the signature threshold metric be changed to option B, percentage of eligible voters in the municipality or ward. This recommendation is based on our concerns with options A and C.

Concern with Option A: Percentage of people that voted in the last general election

- Just because a person didn't vote in the last election doesn't mean they aren't eligible or motivated to sign a petition.
- Voter turnout can be lower in elections when there is no contest for the mayor's seat, thereby artificially lowering the threshold for that term.
- If council is acclaimed, there is no voting data available and using voter turnout numbers from prior elections may be problematic if the council or the elected official has been acclaimed for several elections and the population of the municipality has changed since then.

Concern with Option C: Percentage of population (current system)

- Potentially unfair threshold to meet if the community has a high number of ineligible voters (e.g. children and permanent residents without citizenship).

Our recommendation is based on the assumption that the recall threshold for summer villages will remain unchanged using the number of residences.

2.3. Based on your answer to 2.2, what should the percentage be?

40 per cent of eligible voters.

Acclamations

In 2013, 37 per cent of candidates ran uncontested and were acclaimed.
In 2017, 28 per cent of candidates ran uncontested and were acclaimed.
In 2021, 26 per cent of candidates ran uncontested and were acclaimed.

2.4. In the event of an uncontested election where the candidate is acclaimed, what population should be considered? Note: option 2.2a would not be applicable.

This problem is overcome if the threshold is based on a percentage of eligible voters.

Recommendations on Recall of a Municipal Elected Official

Tiered Threshold

- 2.5. In the large municipalities there are significant logistical challenges with collecting the volume of signatures required within the petition timeframe. Should there be a tiered threshold for municipalities over a specific population size? Why, or why not?

No, a recall petition represents the undoing of an election so the threshold should be the same regardless of the size of the municipality. However, refer to question 3.10 regarding our recommendation for a tiered approach for the time available to collect signatures.

- 2.6. If tiers of thresholds were considered based on population size, what population level should be considered for tiers?

No comment.

3. Process to Recall a Municipal Elected Official

Stakeholders have expressed concerns with the current process to recall a municipal elected official related to:

- ability to use financial incentives to sign a petition;
- advertising rules;
- fundraising;
- protection of personal information;
- failure for petition organizers to submit a recall petition;
- timelines;
- requirements for recall petition information to be completed on each page of the petition; and
- potential requirement for a rationale for recall.

Section 240.95 of the MGA allows the Lieutenant Governor in Council to make regulations modifying provisions of the LAEA and its regulations for the purposes of a recall petition. There are currently no regulations in place.

- 3.1. Did your municipality develop/implement any internal policies/procedures to support the recall petition validation process?

Recall is a provincial initiative whereby the sufficiency of a petition is determined by the Minister of Municipal Affairs. Therefore, the Government of Alberta should be responsible for all policies, procedures, and end-to-end operations of all recall petition issues.

Residents who are motivated to recall a municipal elected official may perceive that the CAO and municipal administration are not independent of council and will take all orders from the elected official who is the target of a recall petition. This creates an environment for distrust in the system.

For example, the current municipal recall system is structured in a manner that is equivalent to requiring a deputy minister and staff to manage the recall petition of the minister of their department. This context is not present in the provincial recall system because Elections Alberta ensures that there is a separation of powers, but that is not present in the municipal system.

Recommendations on Recall of a Municipal Elected Official

Recommend Independent Body to Manage all Recall Activities

To build trust in government systems, a municipality should have zero involvement in the management of a recall petition. It should be the responsibility of Municipal Affairs, a municipal ethics commissioner, or other appointed body to manage the operations of recall including:

- Prescribe all policies and procedures for recall petitions.
- Provide the template forms and guide to be used by petition organizers.
- Manage all questions and operational matters in the lead up to a recall petition being considered and approved.
- Determine the number of signatures required.
- Oversee all activities during a recall petition.
- Collect the petition and verify if the petition is successful.
- Manage all communications with the petition organizer and to the community.

The municipality's only role should be to direct residents to the independent body that manages recall petitions.

Financial incentives or gifts to sign a petition

Municipal Affairs has been directed to ensure that financial incentives or gifts to sign a councillor recall petition are prohibited.

As a reference, Section 55(1)(c) of the *Recall Act*, which applies to MLAs only, establishes recall petition offences, including when a person in any manner exerts undue influence on an individual in respect of the signing of a recall petition. Section 63(1) of the *Recall Act* outlines that a person who contravenes any of the provisions of the Act is guilty of an offence and liable to: (a) in the case of an individual, a fine not to exceed \$10,000, or (b) in the case of a corporation, unincorporated organization or association, a fine not to exceed \$100,000.

3.2. What mechanisms should be in place to prohibit financial incentives or gifts?

The provisions in the *Recall Act* should also apply to municipal recall petitions and the Government of Alberta's guide should provide examples of activities that would be considered "undue influence".

Advertising for a recall petition

3.3. Should there be rules established around advertising recall petitions? If 'yes', what should be included?

Yes, but ABmunis does not have any specific recommendations and would need additional time to understand what advertising rules apply for recall of an MLA.

Fundraising for a recall petition

3.4. Should fundraising be permitted during a recall petition?

Yes, but there should be a maximum expense limit and any surplus funds must be returned to the contributor or transferred to a charity.

Fundraising by the Petition Organizer and Prevention of Campaigning

ABmunis is concerned about how fundraising for a recall petition could be intertwined with fundraising for an election campaign, particularly since candidates, local political parties, and third-party advertisers can fundraise and spend money in non-election years. Allowing fundraising for a

Recommendations on Recall of a Municipal Elected Official

recall petition creates an opportunity for a local political party, slate, or candidate to collaborate with an individual to launch a recall petition with the alternative motive of using the recall petition to raise funds and indirectly use those funds in ways that will support their own election or issues campaign.

To overcome this, the Government of Alberta will need to prescribe a detailed regulatory framework to prevent the use of recall petitions as a fundraising and campaign strategy.

Fundraising by the Targeted Elected Official

In addition, the elected official who is the target of the petition may be motivated to fundraise to conduct their own campaign to counter or respond to the information being shared by petition organizers. Therefore, fundraising rules should be clear for both parties.

3.5. If fundraising is permitted, should there be rules established around fundraising for recall petitions? If 'yes', what should be included?

- Clear rules to prevent funds from a recall petition being used for any other purpose (e.g. future election campaign, or issues campaign).
- Prescribe a maximum amount that a petition organizer may spend on a recall petition. (e.g. the *Recall Act* limits expenses on a recall petition to \$23,000). Since municipalities are different sizes, the expense limit should be set on a per capita basis.
- Requirement to submit a financial report to the authority that oversees recall.
- Donations may only be accepted from individuals that are eligible to sign the petition.
- Prescribe what the petition organizer must do with any surplus funds remaining after the recall petition has been submitted. For example, the funds must be returned to the contributor(s) or gifted to a registered charity.

Use of personal information for purposes other than the recall petition

Section 226.2(1) (a) and (b) of the MGA establishes that personal information contained in a petition must not be disclosed to anyone except the CAO or their delegate(s) and must not be used for any purpose other than validating the petition. Section 240.2(1)(4) of the MGA states that personal information gathered in a petition must not be disclosed, except to the Minister, the CAO or their delegate(s), as necessary for administration or enforcement of the process, or for judicial review.

3.6. Should penalties be established for misuse and/or unauthorized sharing of personal data collected during the recall process?

Yes. The current system provides an opportunity for petition organizers to use a recall petition to discredit a mayor/councillor to build support for a future election campaign and as such, there may be motivations to use a recall petition to collect personal information of voters for the purposes of future campaigning.

The MGA should prescribe the penalties that apply towards the petition organizer or persons found guilty of the offence. The legislation should be clear that the Minister, not the municipality, is responsible for imposing the penalty.

3.7. What security measures should be mandated for storing personal data collected for recall petitions?

We recommend consulting with data security experts.

Recommendations on Recall of a Municipal Elected Official

3.8. Should there be a reporting mechanism for individuals who suspect their data has been misused? If yes, who should oversee this investigation?

Similar to our previous recommendations, investigations should be managed by the appointed body (e.g. Minister, municipal ethics commissioner, other independent body) outside of the municipality.

Timelines

Bill 54 received Royal Assent on May 15, 2025, and upon proclamation will amend the provincial *Recall Act* for Members of the Legislative Assembly (MLAs). The proposed changes will allow that recall petitions can only begin 12 months after an MLA is elected and may not be issued 12 months before a set date general election. Bill 54 also proposed to extend the recall petition signature collection timeline to 90 days.

3.9. Should the timeline to submit a recall petition be amended to align with the changes to the *Recall Act* under Bill 54?

Yes, ABmunis is supportive of reducing the wait period from 18 months to 12 months after the election for when a recall petition may be launched. It is also reasonable to change the closing period of municipal recall petitions to be consistent with the *Recall Act*, as it would only reduce the eligible recall window by three months.

3.10. Should the recall petition signature collection timeline be extended to 90 days to align with the proposed changes to the *Recall Act* under Bill 54?

Strain on Municipal Government Resources & Progress

Past recall petitions have shown that the time period that a recall petition is open presents a significant strain on municipal administrative resources. For example, it demands time for staff to:

- Respond to media.
- Respond to questions and complaints from residents who have been approached by petition canvassers.
- Answer questions from the petition organizer.
- General management of the issue amongst other operational priorities.

While having an outside body manage a recall petition would mitigate some of the administrative burden, the municipality would likely still need to field questions from the public and media.

A recall petition can also cause the council to feel that they must delay decisions on important matters until the recall petition is resolved. This results in delays in government decision-making which can have adverse effects on the future of the community.

Strain on Mental Health

The time period that a recall petition is open also places a significant burden on the mental health of the targeted elected official as well as the staff involved, particularly when the petition is unjustified or based on misinformation.

At least one municipality who managed a recall petition noted that the recall petition and resulting conversation in the community impacted staff morale resulting in some staff resigning, which created a further challenge for the municipality.

Recommendation

Therefore, ABmunis recommends maintaining the petition period at 60 days to limit the costs and impact on the municipality and community; however, if the Minister determines that 60 days is an

Recommendations on Recall of a Municipal Elected Official

insufficient period to collect the required number of signatures in a large municipality, then the legislation should be drafted to:

- set the default time period to 60 days, and
- increase to 90 days when a recall petition requires more than 15,000 signatures.

Failure to submit a petition as required

Section 240.9 of the MGA establishes that if a recall petition is insufficient or if no recall petition is submitted to the Minister before the end of the recall petition signature period, the Minister must declare the recall petition is insufficient, provide the declaration, and direct the CAO to publish the declaration of insufficiency on the municipality's website no later than seven days after the declaration is provided.

3.11. Should Section 240.9 of the MGA be modified to ensure all recall petitions are submitted, even in cases of insufficient signatures?

Yes, requiring the petition to be submitted is important for several reasons:

- Transparency of information for the media and community to verify the number of signatures the petition received versus relying on a statement by the organizer where there is potential for misinformation.
- Gives confidence to the signatories that their personal information was not collected for alternative motives.
- Provides an opportunity to repair the reputation of the elected official if the number of signatures is low.

Municipalities have reported that petition organizers have not submitted the petition because of concerns that the council or administration will then see the names of signatories and seek retribution. This has a notable context in small communities where most people are known to one another and may impact personal relationships and businesses. This demonstrates the value in removing the municipality from any process associated with a recall petition and require the petition to be submitted directly to the Minister or municipal ethics commissioner where the use and reporting of information will be seen as independent and unbiased.

3.12. Should there be consequences if a petitioner fails to submit a recall petition, even in cases of insufficient signatures? If yes, what kind of legal and/or financial consequences should be in place?

Yes, there should be a financial penalty similar to other offences in the MGA. The Minister or appointed body responsible for managing recall should be responsible for issuing and enforcing the penalty.

3.13. Should there be guidelines and training on the process for filing a recall petition and the roles and responsibilities of the petitioners, the CAO, and the ministry of Municipal Affairs in a recall petition process? If yes, what types of guidelines or training would be beneficial?

ABmunis is recommending that the municipality have no role in the management of a recall petition so that it is seen as independent. Therefore, municipalities would require no training other than knowing where to direct residents who are interested in launching a recall petition.

Potential for requiring grounds for rationale for recall

Section 2(2)(c) of the *Recall Act* for MLAs establishes that the notice of the recall petition must include a statement not exceeding 100 words, and set out why, in the opinion of the applicant, the elected official should be recalled. The targeted MLA then has the option to provide a written response of no more than 100 words. Both statements must be printed on the petition.

3.14. Should a rationale statement be a requirement to submit a councillor recall petition? Why or why not?

Yes, the rules should mirror the *Recall Act* whereby both the petition organizer and the elected official provide a statement that is printed on each page of the petition. This provides transparency of information for residents when considering whether to support the petition.

It also provides an opportunity for the targeted official to correct misinformation.

3.15. Should there be criteria to determine whether the rationale for a recall petition is valid (i.e., legal violation, ethical misconduct, policy failures)? If yes, why should criteria be added?

Yes, the Minister or appointed independent body should be responsible to vet the rationale for each petition application and rule on whether the recall petition can proceed. This process would enable an opportunity to:

- Educate the petition organizer to overcome any potential confusion or misinformation on a matter before the organizer launches a petition.
- Offer an informal resolution process for frivolous matters prior to going through a recall petition process.

This will save time and money for all involved.

Prevention of Unjustified Recall Petitions

There should be guardrails that prevent a resident from launching a recall petition for unjustified and spurious reasons or due to a lack of understanding of how municipal government operates.

Examples of unjustified recall petitions may include:

- Decisions of a previous council.
- A petition that targets the mayor or a minority group of council members instead of all councillors that voted in favour of a decision that is the cause for concern by the petitioner.
- Differing political views.
- Personal grudge towards a member(s) of council.

Justified Recall Petitions

The MGA should define the criteria for which a recall petition may be launched. Suggestions include:

- Found to be in contravention of the *Municipal Government Act* or *Local Authorities Election Act*.
- Found guilty of fraud, assault, or other criminal offence that is unjust of the office.
- Ethical misconduct as determined by an independent ethics commissioner or panel.
- Inadequate performance (missing multiple board or committee meetings).

4. Other Recommendations

4.1. Do you have any other suggestions related to recall thresholds or processes?

Code of Conduct for Petition Canvassers

There should be a requirement for canvassers to understand the rules by which they can operate to collect signatures from residents. For example, the *Recall Act* prescribes that every petition canvasser must register as a canvasser and read and sign a code of conduct guideline and they are liable for a fine of up to \$10,000 for violating the rules.

Removal of a Signature from a Petition

The MGA should define that the petition organizer must remove a person's signature if requested by the signatory. Currently, the MGA only prescribes how a signatory can request removal from a petition after the petition has been submitted.

Responsibility for Enforcement

The MGA includes many provisions related to fines for people who are guilty of an offence under the MGA but it is not always clear whether it is the Minister's responsibility or the municipality's responsibility to enforce those fines. Any amendments to prescribe fines and offences should also prescribe who is responsible to enforce those fines.

Consequences for Violating the Rules

A recall petition carries significant importance as it represents the undoing of a democratic election. Therefore, there should be significant consequences when rules are not followed including fines and potential imprisonment. However, fines may not always serve as an effective deterrent and there should be consideration of what rules are important enough that if violated it would result in a recall petition being declared null and void. For example, the collection of signatures by persons that are not approved canvassers should void the petition.

Resources to Manage a Recall Petition

ABmunis shares the following information to create awareness of the time invested by a municipality when managing a recall petition:

- Clerks/CAO communicate with the applicant about requirements.
- Clerks/CAO communicate with the petition organizer to answer questions about the interpretation of recall rules and any concerns with activities related to the petition.
- Communications staff/CAO manage inquiries by the media.
- Front line staff/CAO manage inquiries by residents about the issues.
- Front line staff/CAO manage complaints from residents about activities by petition canvassers, if necessary.
- Senior management's time invested to adjust schedules for other project work due to the recall petition work.
- If staff need to be hired to verify the petition signatures, then human resources and management need to invest time to write a job description, advertise, interview, hire, and conduct orientation and training for the new staff.



Alberta Municipalities Strength In Members

Connect

300, 8616 51 Avenue
Edmonton, AB T6E 6E6
780.433.4431 ■ 310.MUNI

abmunis.ca

