



REQUEST FOR DECISION

MEETING DATE: January 15, 2024

TITLE: C-1281-23 - Election Sign Bylaw

DIVISION: Strategic and Communication Services

SUMMARY:

Proposed C-1281-23 - Election Sign Bylaw would provide methods to standardize election signage throughout the municipality during the period between nomination day and election day.

PROPOSED MOTION:

To be determined based on discussion and feedback of Committee.

BACKGROUND / ANALYSIS:

Currently, election signage within the City of Spruce Grove is mandated through an Election Sign Acknowledgement Form which highlights allowances and restrictions, and which candidates have to sign. The current acknowledgement form does not provide an ability to adequately enforce contraventions. During the 2022 Council Retreat, discussion was had on introducing a standalone Election Sign Bylaw to help control and enforce the placement of election signs within the City. Topics such as limiting the number of signs in a median or the potential to remove election signs were identified.

The current Election Sign Acknowledgement Form identifies the following regarding election signage:

- candidates' responsibilities;
- timelines to erect and remove signs;
- prohibition of specific sign features; and
- permitted sign size and locations.

Administration has prepared a proposed Election Sign Bylaw based on the current Election Sign Acknowledgement Form, best practices and to address past issues that have arisen. There are also added provisions to enforce the application of the regulations set out in the bylaw. The proposed bylaw would look to establish key components of election signs specific to requirements, placement, size and number of election signs.

The *Local Authorities Election Act* which regulates municipal elections throughout Alberta, speaks to campaign activities at a voting station which can only be outside the boundaries of the land on which a building used for voting is located.

The *Municipal Government Act* authorizes the City to pass bylaws in relation to the safety of people and property; however, it is important that any regulation put in place must not impede the Canadian Charter of Rights and Freedoms.

Based on a jurisdictional scan, Spruce Grove's proposed Election Sign Bylaw follows similar provisions of those municipalities with a bylaw in place. Only Calgary and Fort Saskatchewan have a standalone Election Sign Bylaw; however, many refer to other municipal bylaws such as the Land Use Bylaw, Traffic Bylaw, or Zoning bylaws. There were no municipalities that have banned election signs completely or just banned them on public property.

The proposed Election Sign bylaw will strengthen the accountability of candidates and control the number of election signs around the City. Prohibiting signage in some areas of the City still allows for candidates to place signage in a large portion of the municipality. This bylaw would not unreasonably infringe on the candidates right to freedom of expression.

Medians

The proposed bylaw prohibits the placement of election signs in all medians within the City. If Council wishes to change the wording to allow election signs in medians, Administration recommends that the medians on both Highway 16A and McLeod Avenue remain prohibited. Prohibiting election signs along these two highways provides the ability to maintain traffic safety as well as ensuring election signs are not placed within the median potentially causing damage to the landscaping.

This prohibition of election signs in medians aligns with approach of most municipalities reviewed as part of the jurisdictional scan (see attached).

If prohibition of all election signs in medians is not a favored option of Council, it is a recommendation of Administration to leave the exclusion of medians on Highway 16A and along McLeod Avenue due to safety issues. Also, with the redesign of McLeod Avenue and the newly installed landscaping planters, this avoids potential damage to the installed planters.

Election Sign Spacing

The proposed bylaw offers the ability to enforce previously unenforceable conditions within the Election Sign Acknowledgement form such as the spacing between the same candidate's signage. The proposed bylaw prohibits signage of the same candidate to be placed within 15 meters of each election sign. Although this is not a new requirement, the bylaw allows for the enforcement of compliance.

Based on the jurisdictional scan, it was found the majority of municipalities limit the space between the same candidate signage.

Land Use Bylaw Amendment

The Land Use Bylaw (LUB) will need to be amended to delete reference to Election Sign timing and removal. Leaving the reference to election signage in the LUB may cause the two bylaws to be in contradiction if future amendments are made and is part of good bylaw drafting practice to not duplicate references in more than one bylaw. It is intended the readings for the LUB amendment will come to Council the same time as the readings for the Election Sign Bylaw.

OPTIONS / ALTERNATIVES:

Committee may provide feedback and input on further amendments.

If Committee wishes to permit election signs in medians, the following motion may be made:

THAT C-1281-23 - Election Sign Bylaw be amended to permit elections signs in medians, excluding the medians along Highway 16A and McLeod Avenue.

CONSULTATION / ENGAGEMENT:

In November 2023, the proposed bylaw was reviewed by external legal counsel.

IMPLEMENTATION / COMMUNICATION:

The proposed bylaw will be updated based on any feedback received from Committee and brought to a Regular Council Meeting for first and second reading.

IMPACTS:

The proposed Election Sign Bylaw will ensure election signage placed throughout the City is consistent and does not interfere with the safety of pedestrians and vehicular traffic.

FINANCIAL IMPLICATIONS:

n/a