



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Fernando Lamanna
Position: Clerk & Deputy CAO
Title / Subject: Municipal Election Update
Date of Report: July 18, 2022
Date of Meeting: July 25, 2022
Report No: 2022-GG-020

1.0 Issue / Origin

The purpose of this report is to provide a general update to Council and members of the public with respect to the upcoming Municipal Election.

2.0 Background

Staff have been continuously preparing for the 2022 Municipal Election, which will occur on Monday, October 24th. As we approach election day, priority focus will be given to all matters related to election processing and preparation. The following information will highlight key dates, election procedure, and impacting legislative restrictions.

3.0 Analysis

Candidate Nominations

Candidate nominations have been received since May 2, 2022. At the time of writing this report the following positions currently have more than one candidate, creating an election race: Regional Chair, Mayor, Regional Councillor and Ward 5.

Wards 1, 2, 3 and 4 and the Durham Catholic District School Board have one candidate filed, which if no additional nominations are filed in each of those offices, the candidate filed will be acclaimed.

Conversely, no nominations have been filed for school trustee for the Durham District School Board, Conseil Scolaire de District du Centre Sud-Ouest, and conseil Scolaire Catholique Monavenir.

The last day to file nominations is **Friday, August 19th @ 2:00 p.m.** Nominations relative to Brock Township for the offices of Mayor, Regional Councillor and Ward Councillor can be filed

with the Clerks Office at the Municipal Administration building at 1 Cameron Street East, Cannington. Nominations for the office of the Regional Chair must be filed in the Regional Clerk's Office of the Regional Municipality of Durham, 605 Rossland Road East, Whitby. Nominations for the Durham District School Board Trustee must be filed in the Clerk's Office of the Township of Scugog, 181 Perry Street, Port Perry and Nominations for both French School Board Trustee must be filed in the City Clerk's Office of the City of Oshawa, 50 Centre Street South, Oshawa.

For full details of all Candidates that have filed nominations visit the [Brock Township Election page](#).

Restricted Acts (Lame Duck)

The Municipal Act, Section 275, provides that a municipal council is restricted from certain acts if the new council, with the same number of members as the outgoing council, will include less than three-quarters or 75% of the members of the outgoing council. This is commonly known as a "lame duck council" or "lame duck period". In Brock Township, three-quarters of the 7-member council is 5.25, which is rounded up to six (6).

Lame duck time periods

The possibility of a lame duck council occurs twice during the municipal election process:

1. Nomination day, August 19, 2022 at 2 p.m., until October 24, 2022. The restrictions set out in the Municipal Act shall apply if it is impossible for three-quarters of the outgoing council to be elected to the new council.

In Brock, if less than 6 members of the outgoing council run for council or run for less than 6 different positions on council, the lame duck provisions apply.

2. October 25, 2022 until the end of the current term of council, November 14, 2022. Council shall be a lame duck council if the election results, as declared by the clerk, result in less than 75% of the outgoing council returning to council, and thus the restrictions shall apply until the new council term begins on November 15, 2022.

In Brock this means that there will be a lame duck period if less than 6 members of the outgoing council are elected or acclaimed to the new council. Restrictions shall be in place from the election until the new council term begins.

Lame Duck Restrictions

The restricted acts of council set out in the Municipal Act, section 275(2) are as follows:

- a) The appointment or removal from office of any officer of the municipality;
- b) The hiring or dismissal of any employee of the municipality;
- c) The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
- d) Making expenditures or incurring any other liability which exceeds \$50,000.

Exceptions - Land matters and expenditures

Clauses c) and d) above do not apply if the disposition or liability was included in the most recent budget adopted by the council before nomination day in the election.

A contract could be awarded by a lame duck council in excess of \$50,000 only if the amount was included in the approved 2022 budget. A lame duck council may not award a contract that is not included in the 2022 budget or that exceeds the amount in the 2022 budget by \$50,000 or more.

Emergencies

Notwithstanding the above, the municipality is not prevented from taking any action deemed necessary in the event of a declared emergency.

Delegation of Authority

Council is permitted to delegate the authority to address the restricted acts listed in Section 275 of the Municipal Act; however, this delegation must occur prior to lame duck period.

Staff have considered the restrictions and have determined that for the 2022 Municipal Election, no delegation is required. In terms of the proposed sale of Ball Avenue, staff suggest that the declaration of surplus by-law proceed on the August 22nd meeting and then the actually listing and relevant disposition will not take place until Spring 2023.

Relevant Dates and Election Procedures

Voters List

The Municipal Property Assessment Corporation (MPAC) is responsible for supplying the Township of Brock with the Preliminary List of Electors (Voters' List) for the municipal election.

The Voters' List will be maintained electronically to reflect deletions, amendments and additions made by the Clerk, or designate. Voter participation in the election will also be indicated as the Return Voting Kits are received and bar codes on the Voter Declaration Forms are scanned at the Ballot Return Station.

On or before September 1, 2022, the Clerk shall have the Voters' List reproduced and available for public inspection, as well as to each registered candidate.

If an individual is qualified to vote and their name has been omitted from the Voters' List or the information is incorrectly shown that person must file an Application to Amend the Voters' List (EL15).

A 'Vote By Mail Kit' shall be mailed to every elector who is qualified to be on the Voters' List by September 29, 2022.

Voting Assistant Centres

Voting Assistant Centres will be designated locations and times within the Township to assist voters in completing an Application to Amend the Voters' List (EL15) and or obtain a new or lost 'Vote By Mail Kit'.

The Voting Assistant Centres are an added customer service level for the 2022 Municipal Election and should be utilized prior to voting day **Monday, October 24th, 2022**, in order to eliminate or reduce line ups on voting day.

Voting Assistance Centre for 2022 Municipal Election locations and times:

- Clerk's Office, Municipal Office, 1 Cameron Street East (2nd Floor), Cannington, from **Tuesday September 6th, 2022** until **October 21st, 2022**, during regular business hours, Monday through Friday, 8:30 a.m. to 4:30 p.m., and **October 24, 2022** (Voting Day) from 8:30 a.m. until the close of voting at 8:00 p.m. for all Wards (1 – 5);
- Beaverton Library, 401 Simcoe Street, from **October 11th, 2022** until **October 22nd, 2022** during regular library operating hours, to assist electors in Ward 1, Ward 2 and Ward 4. For details on operating hours, visit [Hours and Locations – Brock Township Public Library \(brocklibraries.ca\)](https://www.brocklibraries.ca). Additionally, the Beaverton Library will operate the Voting Assistance Centre on **October 24, 2022** (Voting Day) from 10:00 a.m. until the close of voting at 8:00 p.m.
- Sunderland Library, 41 Albert Street South, from **October 11th, 2022** until **October 22nd, 2022** during regular library operating hours, to assist electors in Ward 4 and Ward 5. For details on operating hours, visit [Hours and Locations – Brock Township Public Library \(brocklibraries.ca\)](https://www.brocklibraries.ca). Additionally, the Sunderland Library will operate the Voting Assistance Centre on **October 24, 2022** (Voting Day) from 10:00 a.m. until the close of voting at 8:00 p.m.

4.0 Related Policies / Procedures

This report relates to the Municipal Act, Municipal Elections Act, and the Clerk's Procedures for conducting the 2022 Municipal Election.

5.0 Financial / Budget Assessment

There are no financial impacts with respect to this report.

6.0 Climate Change Impacts

There is no climate change impact with respect to this report

7.0 Communications

All communications relevant to the 2022 Municipal Election will continue via various Township mediums. Additionally, information is posted on the Township's [Election web page](#).

8.0 Conclusion

The report is intended to provide an update with respect to aspect of the upcoming 2022 Municipal Election.

9.0 Recommendation

BE IT RESOLVED THAT report 2022-GG-020 entitled Municipal Election Update, be received for information.