



Staff Memo

Report To: Dan Best, Chief Administrative Officer
From: **Rebekah Msuya-Collison, Director of Legislative Services**
Date: November 15 2021
Report: CL#38-2021
Subject: 2022 Municipal Election Update

Recommendations:

That the report of R. Msuya-Collison, Director of Legislative Services regarding the 2022 Municipal Election Update be received.

Purpose:

Information

Background and Analysis:

The purpose of this report is to update Council on the planning and preparation currently underway in advance of the October 2022 municipal election and to provide Council with key dates.

[Legislative Changes and Framework](#)

On November 20, 2020, Bill 218, Supporting Ontario's Recovery and Municipal Elections Act received Royal Assent and proposed several amendments to the *Municipal Elections Act* (MEA). Amendments that were approved include the following:

- The removal of sections that permit municipalities to offer a ranked ballot election.
- Nomination date has been changed from the fourth Friday in July to the third Friday in August;

- A by-law to permit voting and vote-counting equipment and alternative methods has changed to May 1 in the year of the election and
- On or before June 1, 2022 the Clerk shall establish procedures and forms for the use of any voting and vote-counting equipment authorized by by-law, and any alternative method authorized by by-law and provide a copy of the procedures and forms to each candidate when his or her nomination is filed.

On April 19, 2021 Bill 254, *Protecting Ontario Elections Act*, received Royal Assent. This Act amends the *Municipal Elections Act*, 1996 to

- Enable Clerks to allow candidates and third-party advertisers to submit their nomination and registration forms electronically;
- Allow registered third-party advertisers to end their advertising campaigns before voting day; and
- Clarify that if a third-party advertiser files a nomination to run for office, their advertising campaign automatically ends.

On October 1, 2020, the *Helping Tenants and Small Businesses Act*, 2020 received Royal Assent. Included in the Act was the transfer of responsibility from the Municipal Property Assessment Corporation (MPAC) to Elections Ontario (EO) for producing Preliminary Lists of Electors (PLE) for municipal elections from January 1, 2024. The list will be developed from a single register of electors for municipal and provincial elections.

While election administration is primarily governed by the MEA, there are several other pieces of legislation which also impact municipal election administration and these include the *Education Act*, *Assessment Act*, *Municipal Act* and *Liquour Licence Act*.

Key Dates

Council has authority as it relates to municipal elections but authority does not extend to the planning, conduct or execution of the municipal election. Some examples of Council's role in an election are itemized below:

- Prepare and adopt a budget (2022 Budget Process – in progress);
- Authorize the use of voting and vote counting equipment and alternative voting methods (Complete);
- Conduct a vote on a by-law or question in the next regular municipal election or to be held at another time (Last day to provide notice to the public and the Minister of the intention to pass a by-law to submit

a question to the electors is February 19, 2022 and at least one public meeting must be held, by-law passed by March 1, 2022);

- Authorize the use of languages other than English (not previously authorized - optional - is for languages other than English and French);
- Adopt a policy with respect to the circumstances in which the municipality requires the clerk to hold a recount (not previously authorized as procedures as based on MEA - optional - in order for the policy to be in effect for the 2022 elections, Council must approve the policy on or before May 1, year of election).

South Huron ran a hybrid of an internet and telephone voting election in 2018. This year Council has authorized the use of internet and telephone based voting by By-Law 24-2021 and also authorized staff to proceed in a Joint Municipal RFP process with lower-tier Huron County municipalities. Council also authorized By-Law 50-2021, an agreement to engage Simply Voting Inc. ,for the provision of telephone and internet voting services and for the supply of associated goods and services for the 2022 Municipal Election.

These decisions were undertaken in 2021 well in advance of the June 1, 2022 legislated deadline, as any delay in procurement into 2022 could have resulted in equipment or vendors being unavailable.

For Council reference, the AMCTO Elections calendar has been attached to this report which outlined key dates for the municipal 2022 election. This calendar should be used as a guide only and as noted please verify by the legislation or contact the Clerk.

Election Procedures

The Clerk is responsible for conducting elections, including School Board Trustees, within the municipality. There is a significant amount of planning and preparation that takes place prior to Nomination Day and a significant amount of post-election tasks to be completed after Voting Day.

The procedures and forms for the election must be established by June 1, 2022 in the year of the election (changed from the previous date of December 31, 2021). Although the date has changed to provide more time for the election procedures and forms to be finalized, this process has been started as we aim to have these well in place early in 2022. This fall, we are involved in the following:

- reviewing circumstances in which a recount may be required;

- reviewing the Sign By-Law;
- reviewing options for e-filing of financial statements;
- reviewing the rules and procedures policy regarding the use of municipal resources during the election campaign period, accessibility plan;
- preparing workplan, communication plan and drafting procedures and forms for voting; and
- updating website as information becomes available.

COVID 19 Considerations

While it is important to ensure that the legislative requirements of the MEA are adhered to, the health and safety of voters, candidates, election officials and everyone else involved during all phases of the election process is vital. Given the continued impact on public health, election planning for 2022 must now shift to acknowledge and accommodate the reality of COVID-19. Significant contingency planning will be required to cover a range of possible pandemic scenarios that may exist through to October 2022 so that programs and practices can be safely implemented by voting day.

Conclusion

Staff will continue to update Council and the public on the election process leading up to the 2022 Election.

Operational Considerations:

This report is for information only, with no operational impact.

South Huron's Strategic Plan:

Section 6.2.2 of the Municipality of South Huron 2015- 2019 Strategic Plan identifies transparent, accountable and collaborative governance as a strategic objective.

Financial Impact:

This report is for information only, with no financial impact. Funding for the 2022 municipal election will be included in the 2022 Operating Budget submission and from the Election Reserve Fund.

Legal Impact:

Timelines must be met to comply with legislation.

Staffing Impact:

Significant staff time will be allocated in 2021 and 2022 preparing for and administering the 2022 election.

Policies/Legislation:

Municipal Elections Act
Election Manual

Consultation:

AMCTO

Related Documents:

[CL#017-2022 – Alternative Voting Method](#) – Internet and Telephone
[CL#023-2021 – Electronic Service Provider](#) – Simply Voting Inc.
[AMCTO – Elections Calendar](#)

Respectfully submitted,

Rebekah Msuya-Collison, Director of Legislative Services