



MEMO

TO: Mayor, Deputy Mayor & Council

FROM: Alison Thomas, Clerk

DATE: December 23, 2009

SUBJECT: **Bill 212 – *Good Government Act* & Impact on the 2010 Municipal Election**

This memo is for information purposes to increase awareness of the changes Bill 212 will have on the upcoming Municipal Election.

In October 2008, the Ministry of Municipal Affairs and Housing introduced Bill 212, the *Good Government Act* (the “Act”), to the Provincial Legislature. The Act amends a handful of Acts such as *the Municipal Elections Act*, *the Municipal Act*, *the Planning Act* and *the Building Code*; however, this memo will focus on the changes to the *Municipal Elections Act*.

Election Day – now Monday, October 25, 2010

Election Day has been moved from the second Monday in November to the fourth Monday in October. In addition, it should be noted that this will ensure the election never coincides with a holiday or Hallowe’en (i.e. the 2006 election was held on Remembrance Day).

Nominations & Nomination Day – now Friday, September 10, 2010

The opening of nominations on the first business day following January 1 of the election year remains unchanged; therefore, for the 2010 Election, nominations may be received effective January 4, 2010 at 8:30 a.m.

Nomination Day has been moved from the last Friday of September to the second Friday in September (Friday, September 10, 2010). In addition, nominations close at 2:00 p.m. rather than 5:00 p.m.

An additional change is regarding the withdrawal of nominations which must be made by the close of nominations on Friday, September 10, 2010 by 2:00 p.m. rather than the following Monday as previously legislated.

Polling Stations (Voting Places) & Accessibility

The Act now requires that “each voting place is accessible to person with disabilities”, and further that the Clerk “have regard for the needs of electors with disabilities”.

The Advance Vote is traditionally held at the Municipal Office and this practice will continue for the 2010 Election as the Municipal Office is now fully accessible to voters.

In prior elections, a polling station for Poll 101 has been established at the Old Fort Fire Hall. Following a review of the new accessibility requirements, as set out in the legislation, it is no longer possible to hold the polling station at the Old Fort Fire Hall for the 2010 Election. In similar practice to the other two wards, those living in the rural area of Ward 1 will be directed to vote in Port McNicoll (Ward 2 – rural residents vote in Victoria Harbour & Ward 3 - rural residents vote in Waubaushene).

As it is now legislated that each voting place be accessible, a concern has emerged regarding access to the Port McNicoll Community Centre, which is scheduled to be used as a polling station. The concern is access through the front door to the polling station as the rest of the polling station is accessible once voters are inside (i.e. accessible washrooms, even surface floor, etc.). To resolve this accessibility issue staff will be provided to act as a “door greeter” to make sure voters are provided with the necessary assistance to enter the facility.

The Oakwood Community Centre meets the accessibility standards and the automatic door openers will be checked to ensure they are in proper working order before Election Day.

In Waubaushene, the local elementary school gymnasium has been utilized as a polling station in past elections. While not fully accessible, due to a lack of alternatives within Ward 3 that provides enough space for the poll station set-up, staff will be working with the school to ensure all considerations are given to make the polling station accessible.

As a result of Bill 212, the Clerk is now required to report to the Province through a formal “election accessibility measures” report which will be made available to the public 90 days after the election per the legislation.

Retirement Homes

Indirectly as a result of Bill 212 and the requirement to “have regard for the needs of electors with disabilities”, staff are proposing to hold a “special” polling station in Elim Homes in Waubaushene on Election Day for the residents of the home. In addition to the new requirements enacted under Bill 212, Section 45(7) of the *Municipal Elections Act* requires that a polling station be provided to retirement homes in which, on Nomination Day, 20 or more beds are occupied.

Per Section 46(3) of the *Municipal Elections Act*, and following discussions with the Administrator of Elim Homes, the “special” polling station will be open to the Elim Homes’ residents between the hours of 2:00 to 4:00 p.m. on Election Day. This polling station is not open to all voters of Ward 3 as it will only be open to Elim Homes’ residents, per the requirements of the legislation.

Campaign Finances & Mandatory Audit Committee

The Act was specifically created to deal with municipal election finances and providing increased regulation and transparency to campaign finances. To that effect a general “candidates guide” will be produced in early 2010 that will outline all the requirements, rules of campaign finances and new penalties for contravention.

A new mandatory requirement under the Act, which was previously optional, is the creation of an Audit Committee. This audit committee may only be members of the community and its members cannot have been candidates in the election, council/board members or employees. The only exception is that the Clerk is to act as the officer of the Committee. This Committee, per the legislation, must be appointed by October 1 of the election year and serves a four-year term (same as term of office for council/board).

Other Information – Voters List

Following each election municipal clerks are asked to report to MPAC, AMCTO and the Province on an array of issues and concerns. In particular, after each election there are always complaints and concerns expressed regarding the number of inaccuracies on the voters list.

To this effect, MPAC has recently signed information exchange agreements with the Elections Canada and Elections Ontario with the intent of have a more accurate voters list produced. In addition, MPAC is pursuing an agreement with the Registrar General's Office to obtain access to vital statistics information; however, if MPAC fails to obtain an agreement before delivering the Preliminary Voters List, Bill 212 now provides municipal clerks with the authority to use all information in the municipality's databases to update the Voters List (i.e. birth & death information, tax roll, etc.).

Conclusion

The intent of Bill 212 is clear – to provide for accessible, open and transparent municipal elections. While the legislation does provide for new challenges, staff are confident that these challenges can be met over the next year.

Should you have any questions or concerns, please feel free to contact me at extension 240.

Regards,