

COMMITTEE OF THE WHOLE – DECEMBER 7, 2010

YORK CATHOLIC DISTRICT SCHOOL BOARD AREA 3 (WARD 3) TRUSTEE BY-ELECTION

Recommendation:

The City Clerk and Returning Officer recommends:

- 1) That the dates and times for advance voting in respect of the York Catholic District School Board ("YCDSB") Area 3 (Ward 3) by-election be as follows:

Thursday January 6, 2011	12:00 noon to 8:00 p.m.
Saturday January 8, 2011	10:00 a.m. to 6:00 p.m.; and

- 2) That a special meeting of Council be called immediately after the adjournment of the Committee of the Whole for the purpose of adopting the necessary by-law.

Contribution to Sustainability

N/A

Economic Impact

The reasonable costs of the by-election, including advance voting costs, will be paid by the YCDSB pursuant to section 7(3) of the *Municipal Elections Act, 1996*. Discussions are being held with the Director of Education for the provision of services in kind which will reduce the cost exposure to the Board. City staff time and expenditures are being tracked and will be submitted to the Board for reimbursement.

Purpose

On September 29, 2010 a candidate for the office of York Catholic District School Board Area 3 (Ward 3) Trustee passed away. As a result of the death, the remaining candidate would have been acclaimed but for section 39 of the *Municipal Elections Act, 1996* which causes an election in such circumstances to be void, necessitating the holding of a by-election. This report provides some background on the by-election, and facilitates the adoption of a by-law to set advance vote dates and times.

Background

Pursuant to the *Municipal Elections Act, 1996*, by-elections are to be conducted so far as possible in the same manner as regular elections. Nomination Day for the by-election is to occur within 60 days after the triggering event, and voting day is 45 days after Nomination Day. In the case of the upcoming by-election, Nomination Day is November 26, 2010 (nominations closed at 2:00 p.m.) and voting will occur on January 10, 2011.

As is the case in general elections, Council must pass a by-law to provide for at least one advance voting day prior to election day. Given the timing and nature of the by-election, it is proposed that Council authorize the holding of two advance voting days, as follows:

Thursday January 6, 2011	12:00 noon to 8:00 p.m.
Saturday January 8, 2011	10:00 a.m. to 6:00 p.m.

Only one location for advance voting is required given the restricted area for the election. Though the exact location was yet to be determined at the time of writing this report, advance voting will occur at either Vellore Community Centre or the adjoining St. Jean de Brebeuf school.

As noted above, the *Municipal Elections Act, 1996* provides that by-elections are to be conducted as far as possible in the same manner as regular elections [section 65]. Section 43(1) of the Act requires a municipality to pass an advance vote by-law at least 30 days before voting day. Given the schedule of meetings of the newly formed Council for the 2010 – 2014 term, the 30 day requirement can only be achieved if a special meeting of Council is called at the conclusion of Committee of the Whole on December 7, 2010, for the purpose of formally adopting the required by-law.

No other by-laws are required to be adopted by Council in respect of this by-election. The languages by-law adopted in respect of the October election will suffice; the vote tabulators have already been authorized for use; and there are no retirement/nursing homes in the ward which mandate the establishment of a polling location, so there is no need to adopt a by-law to modify voting hours in such places.

Relationship to Vaughan Vision 2020/Strategic Plan

This report supports the objectives of Vaughan vision 2020, particularly with respect to 'Management EXCELLENCE: Demonstrate leadership & Promote Effective Governance.'

Regional Implications

N/A

Conclusion

The proposed advance voting dates and times provide reasonable opportunities for electors in the upcoming by-election to cast votes prior to election day.

Attachments

None

Report prepared by:

Jeffrey A. Abrams, City Clerk and Returning Officer

Respectfully submitted,

Jeffrey A. Abrams
City Clerk and Returning Officer