



CITY OF VAUGHAN
SPECIAL COUNCIL MINUTES (2)
DECEMBER 8, 2003

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CITY OF VAUGHAN

SPECIAL COUNCIL MEETING (2)

MONDAY, DECEMBER 8, 2003

MINUTES

5:35 P.M.

Mayor Di Biase declared that a Special Council Meeting be convened in Council Chambers in Vaughan, Ontario, at 5:35 p.m., for which notice had been provided, for the purpose of adopting the recommendation for Item 51, Committee of the Whole Report No. 72, of December 8, 2003.

The following members were present:

Mayor Michael Di Biase, Chair
Regional Councillor Mario F. Ferri
Regional Councillor Joyce Frustaglio
Regional Councillor Linda D. Jackson
Councillor Tony Carella
Councillor Bernie Di Vona
Councillor Susan Kadis
Councillor Peter Meffe
Councillor Sandra Yeung Racco

264. CONFIRMATION OF AGENDA

MOVED by Regional Councillor Ferri
seconded by Councillor Yeung Racco

THAT the agenda be confirmed.

CARRIED

265. DISCLOSURE OF INTEREST

Councillor Carella declared an interest with respect to the matter to be considered as he is the successful candidate for Ward 2.

**266. REQUEST FOR A MANUAL RECOUNT
WARD 2 LOCAL COUNCILLOR
NOVEMBER 10, 2003 MUNICIPAL ELECTION
(Item 51, Report No. 72 Committee of the Whole)**

MOVED by Councillor Di Vona
seconded by Councillor Yeung Racco

- 1) THAT the recommendation contained in the following report of the City Clerk and Returning Officer, dated December 8, 2003, be approved; and
- 2) THAT the deputation of Mr. Nick Pinto, 57 Mapes Avenue, Woodbridge, L4L 8R4, and analysis submitted, be received.

CARRIED

Recommendation

The City Clerk and Returning Officer recommends that the letter dated November 27, 2003 from Mr. Nick Pinto be received and that a manual recount of the Ward 2 ballots for the November 10, 2003 Municipal Election not be ordered.

Purpose

To obtain Council direction on a request for a manual recount of the Ward 2 ballots.

Background - Analysis and Options

Mr. Nick Pinto, a Ward 2 candidate for Local Councillor in the November 10, 2003 Municipal Election, has submitted a letter requesting that Council order a manual recount of the Ward 2 ballots (Attachment #1). Mr. Pinto alleges that 18 percent of the information is missing and 2233 ballots are not accounted for. This is not the case. In Ward 2 there were a total of 12,682 ballots cast of which 2233 ballots were either under voted or over voted (spoiled). Further, Mr. Pinto believes there should be an audit to identify blank or spoiled ballots. Where machines are used to tabulate ballots, the Municipal Elections Act (the Act), does not require such an audit. However, the Optech IV C tabulating equipment utilized in the election to tabulate the votes does provide this information. In Ward 2 for the office of Local Councillor there were 87 ballots over voted and 2146 ballots under voted.

Mr. Pinto is requesting that Council order a manual recount. Council does not have the authority to order a manual recount. Only a Superior Court Judge has authority to order a manual recount. A person who has reasonable grounds for believing the election results are in doubt may apply to a Judge for a recount. If a judge orders a recount, the Act requires that the recount be in the same manner as the original count, which in Vaughan's case would be a machine count. Only after a machine recount has been conducted does a Judge have authority to order a manual recount if he or she believes at that point that the manner in which the original count was conducted caused or contributed to a doubtful result. The result of the Ward 2 Local Councillor race is not in doubt.

The period during which a recount can be ordered expires on December 12, 2003.

Conclusion

As Council does not have the authority to order a manual recount, Mr. Pinto's request for same should be denied.

Attachments

1. Copy of Letter

Report prepared by:

John D. Leach, City Clerk

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

Having previously declared an interest Councillor Carella did not take part in the discussion or vote on the foregoing matter.

267. CONFIRMING BY-LAW

MOVED by Councillor Di Vona
seconded by Councillor Ferri

THAT By-law Number 381-2003, being a by-law to confirm the proceedings of Council at its meeting on December 8, 2003, be read a First, Second and Third time and enacted.

CARRIED

268. ADJOURNMENT

MOVED by Councillor Di Vona
seconded by Councillor Kadis

THAT the meeting adjourn at 5:37 p.m.

CARRIED

Michael Di Biase, Mayor

J. D. Leach, City Clerk