

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON DECEMBER 10, 2013
FROM:	CATHY SAUNDERS CITY CLERK
SUBJECT:	SUBMISSION OF QUESTION ON BALLOT – 2014 MUNICIPAL ELECTION

RECOMMENDATION

That, on the recommendation of the City Clerk, this report providing information outlining the legislative requirements to place a question on the 2014 Municipal Election ballot BE RECEIVED for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None.

BACKGROUND

At the November 19, 2013 meeting of Municipal Council, an enquiry was made with respect to placing a question on the 2014 Municipal Election ballot seeking the public's input on whether or not the City of London should be funding a Performing Arts Centre. The matter was referred to the City Clerk for a response.

As set out in *Municipal Elections Act*, 1996, (MEA) as amended, a question must:

- a) concern a matter within the jurisdiction of the municipality
- b) not concern a matter that has been prescribed as a matter of provincial interest
- c) be clear, concise and neutral
- d) be capable of being answered in the affirmative or the negative with a response of "yes" or "no"

The Process

In order to place a question on the ballot for the 2014 Municipal Election, a by-law to put the question on the ballot must be passed at least 180 days (April 30, 2014) before Voting Day (October 27, 2014). In order to meet the City of London Council and Standing Committee meeting schedule, the by-law would need to be passed, at the latest, at the Council Meeting of April 15, 2014. No amendments may be made to the by-law after April 30, 2014.

Council must give at least ten (10) days notice of its intention to enact a by-law to place a question on the Municipal Election ballot, to the public and the Minister, and hold at least one public participation meeting. In order to meet the April 15, 2014 Council Meeting deadline, a public participation meeting would need to be held at the April 8, 2014 Corporate Services Committee meeting.

Notice of passing of the by-law to place a question on the ballot to the public and the Minister must be given within fifteen (15) days of the passage of the by-law.

The Minister or any other person or entity may, within twenty (20) days of giving the notice of passing of the by-law, may appeal to the Chief Election Officer of the Province of Ontario on the grounds that the question does not comply with the requirement for the question to be clear, concise and neutral or is not capable of being answered in the affirmative or the negative. The Chief Election Officer shall hold a hearing and dismiss or allow the appeal within 60 days of receiving

notice of appeal. If the appeal is allowed in whole or part, the Chief Election Officer makes an order amending the by-law or directing the municipal to amend the by-law.

Binding Results

The results of a question authorized by by-law shall be binding if,

- at least 50% of the eligible electors in the municipality vote on the question; and
- more than 50% of the votes on the question are in favour.

If the vote results in a “yes” vote, the municipality shall do everything in its power to implement the results in a timely matter (actions must be taken between 14 and 180 days after Voting Day). If the vote results in a “no” vote, the municipality shall do nothing within its jurisdiction to implement the matter for a period of 4 years following Voting Day.

Implementation may include:

- the placement of a required by-law and/or resolution before council
- the placement of a required change to a policy or practice before council

Implementation cannot eliminate or override “any substantive or procedural legal right of any person or entity who is or may be affected by the implementation of the result of the question”.

Time Restrictions

Sections 8.3(5) and (6) of the *MEA* states the following with respect to time restrictions:

“8.3(5) A municipality that has passed a by-law or resolution or taken any other action to implement the results of the question shall not do anything within its jurisdiction to reverse or substantially change the action for a period of four years following the day the action took effect.

8.3(6) Nothing in this section requires a municipality to do anything or prevents a municipality from doing anything if,

- (a) a subsequent binding question authorizes such action or inaction; or
- (b) the council is of the opinion, reasonably held, that there has been a material change in circumstances since the time it passed the by-law under clause 8(1)(b) to put the binding question to the electors.”

The process with respect to this matter is prescribed in the *MEA*.

RECOMMENDED BY:
CATHY SAUNDERS CITY CLERK