
Information Memo

To: Mayor and Council

From: Teresa Olsen

Date: December 3, 2021

Regarding: 2022 Municipal Election: Question on Ballot

Recommendation(s):

THAT the Information Memo regarding the 2022 Municipal Election: Question on Ballot be received as information.

Background

The *Municipal Elections Act, 1996* (MEA), provides that a municipal council may pass a bylaw to put a question on the ballot and the Ministry of Municipal Affairs provides an overview of the process as noted below.

There are conditions on the kind of questions that may be asked:

- it must be about a matter that the municipality has jurisdiction for, and that the municipality can implement
- it cannot be a matter of Provincial interest
- the wording of the question must be clear, concise and neutral
- the possible answers to the question must be “yes” and “no”
- multiple choice or multi-part questions are not permitted

If Council wants to put a question on the ballot for the 2022 election it must pass a bylaw by March 1, 2022.

There are requirements for the Clerk to provide notice of the intention to pass such a by-law for a question on the ballot and holding of a public meeting for same.

Any person may appeal the wording of the question to the Chief Electoral Officer of Elections Ontario. This appeal must be filed with the municipal clerk within 20 days of the bylaw being passed.

Members of the public cannot make a council put a question on the ballot. The Minister of Municipal Affairs may also place a question on the ballot. The question may be about any matter.

Discussion:

Result of a question on the ballot

If more than 50% of the eligible voters in a municipality vote on the question, the result is binding on the municipal council. This means:

- if “yes” receives more than 50% of the votes, the municipality must implement the results of the question in a timely manner
- if “no” receives more than 50% of the votes, the municipality cannot implement the matter in question until 4 years have passed since voting day

If less than 50% of the eligible voters in the municipality vote on the question, the results are not binding. Council may consider the results, but it is not required to act or not act on whatever the question was about.

The results of a minister’s question can provide advice to the minister or to the government, but the results are not binding.

Council may wish to consider if there is a need for a Question on the Ballot for any pertinent matters that may require elector input. Should Council be interested in exploring this related to any pertinent matters, staff recommend this be brought forward in January 2022, to provide the mandatory timelines to meet the legislative requirements.

Attachment(s):

Conclusion:

Accept for information.