

City of Mississauga Corporate Report



<p>Date: January 12, 2024</p> <p>To: Acting Mayor and Members of Council</p> <p>From: Diana Rusnov, Director, Legislative Services and City Clerk</p>	<p>Originator's files:</p> <hr/> <p>Meeting date: January 31, 2024</p>
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Subject

2024 By-Election schedule to fill the vacant Head of Council seat

Recommendation

1. That as the City of Mississauga's Head of Council seat was declared vacant on January 17, 2024, Council be requested to pass a by-law at a special Council meeting to be held on March 6, 2024, requiring a by-election to be held to fill the vacancy.
2. That the amount of up to \$3.5 million be made available, funded through the Election Reserve 30135 to:
 - a. administer the 2024 by-election to fill the vacancy for Head of Council; and
 - b. fulfill the requirements of the City of Mississauga's Election Campaign Contribution Rebate program that pays rebates to eligible individuals who contribute to the campaigns for those running for seats on Council.

Executive Summary

- Following the resignation of former City of Mississauga Mayor, Bonnie Crombie, Council declared the seat for Head of Council vacant on January 17, 2024 in accordance with section 262(1) of the *Municipal Act, 2001*, as amended.
- After a seat on Council is declared vacant, Council has 60 days to pass a by-law requiring a by-election to be held to fill a vacancy.
- Based on when the by-law is passed, the Clerk establishes the election timeline within legislative parameters.
- It is recommended that Council pass a by-law requiring a by-election to fill the vacancy at a special Council meeting to be held on March 6, 2024. Once the by-law is passed, nominations will be accepted from March 6, 2024 to April 26, 2024. Voting day will be held on June 10, 2024

Background

On December 13, 2023, the City Clerk received the resignation of former Mayor, Bonnie Crombie. The resignation was effective as of January 12, 2024. In accordance with the *Municipal Act, 2001*, as amended (the Act), Council declared the Mayor's seat vacant at their next Council meeting held on January 17, 2024. Under section 284.12 of the Act, a vacancy for the Head of Council seat must be filled via by-election. In addition, the Act and the *Municipal Elections Act, 1996*, as amended (the MEA), provide the legislative parameters within which the Clerk must run a by-election. The legislative requirements are as follows:

Declaration of vacancy – the Act, s. 262(1): Following the resignation of a member of Council, the vacancy must be declared at the next Council meeting.

By-law to require a by-election – the Act, s. 263(5)1(ii): Council has 60 days following the declaration of a vacancy to pass a by-law requiring the Clerk to conduct a by-election to fill a vacancy for the Head of Council seat.

Nominations Open – MEA, s. 65(4)2: The nomination period will begin the day the by-law requiring a by-election is passed.

Nomination Day – MEA, s. 65(4)1(ii): Nomination Day is the last day that nominations will be accepted. The Clerk is required to set the nomination period for no less than 30 days from the day the by-law requiring a by-election is passed and no more than 60 days from the day the by-law is passed.

By-Election Day – MEA, s 65(4)3: The final day of voting must be 45 days after Nomination Day.

Comments

The City Clerk has scheduled the by-election to fill the vacancy for Head of Council for June 10, 2024. Advance Poll Days will be held at the Civic Centre on May 24 and 25 and at locations throughout the City on June 1 and 2. This schedule ensures that:

1. Election related risks are mitigated
2. Staff have enough time to complete tasks related to running a City-wide by-election
3. The timelines in the Act and MEA are met

When scheduling by-election activities, the Clerk considered:

- That June 10, 2024 is a Professional Activity Day for Peel District School Board and Dufferin-Peel District School board elementary schools; this makes it easier to use school facilities as voting locations
- That planning for a City-wide general election normally takes 2 years and staff require as much time as possible to conduct a City-wide by-election

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- The weather during the campaign period; the goal is to reduce the negative impact bad weather could have on a candidate's ability to campaign
- The amount of time candidates and Registered Third Party Advertisers may need to raise enough campaign contributions to run a City-wide campaign
- The weather during voting days. The Clerk's intention is to avoid inclement weather that could deter people from voting
- The number of election workers that must be on-boarded and trained to facilitate a City-wide by-election
- That booking school facilities can be a lengthy process
- The number of voting locations that have to be inspected by Information Technology staff to ensure that the locations meet technical requirements
- Imaging/preparing approximately 900 laptops for use at voting locations
- Preparing over 200 tabulators for use at voting locations

By-election Schedule

With the above in mind, the need to mitigate the extreme time constraints related to running a City-wide by-election, and assuming Council agrees to pass the by-law requiring a by-election at a special Council meeting to be held on March 6, 2024, the by-election schedule is as follows:

- Nominations will open at 3 p.m. on March 6, 2024
- The Clerk will fix Nomination Day (the day nominations close) for 2 p.m. April 26, 2024
- Advance Poll Days will be held at the Civic Centre on Friday, May 24 and Saturday, May 25, 2024
- Advance Poll Days will be held at locations throughout the City on Saturday, June 1, 2024 and Sunday, June 2, 2024
- Voting Day will be on Monday, June 10, 2024

Use of Alternative Voting Methods

As by-law 0043-2022, a by-law to authorize the use of voting and vote counting equipment to facilitate the 2022 Municipal Election in the City of Mississauga (attached as Appendix 1), passed on March 23, 2021 applies to both general and by-elections held between 2022 and 2026, the following equipment will be used:

- Optical scan vote counting tabulators
- AutoMark Voter Assist Terminals (AutoMark VAT) intended to provide support for voters with accessibility requirements

Unlike Advance Poll Days during the 2022 election, the ExpressVote Universal Voting System (ExpressVote) will not be used during the 2024 by-election. By way of background, this system printed ballots on demand and allowed voters to mark their ballots using a touch screen or using other accessible features. The ballot on demand printing made it easier for ballot issuing election workers to manage 55 ballot types. Because election workers will not have to manage 55 ballot types during the by-election, the requirement for ballot on demand printing is eliminated and therefore the ExpressVote is not required.

While ballot on demand printing is not required, accessibility support must be provided. With this in mind, 1 AutoMark VAT will be available at each Advance Poll location. All voters will be provided with a traditional pre-printed ballot and will be able to use a pen to mark their choices. However, if a voter has accessibility requirements, they will be able to use the AutoMark VAT on Advance Poll Days.

With the AutoMark VAT, voters insert their traditional, pre-printed ballot into the machine and use a touch screen, sip and puff or other accessibility devices and accessories to electronically mark their ballot. Marks made using an AutoMark VAT are indistinguishable from those made by a voter using a pen to mark their ballot.

As during the 2022 general election, Elections Systems and Software (ES&S) will continue to provide services related to election equipment, software and support.

Financial Impact

It is anticipated that the costs related to administering a City-wide by-election will be similar to the 2022 general election which cost approximately \$2.8 million before taking into account the Election Campaign Contribution Rebate Program. Approximately \$711,000 was paid in rebates although it is difficult to determine how much the cost of rebates might be for a by-election. Variables include the number of candidates that participate in the program and the amount of campaign contributions they receive. It is recommended that \$3.5 million be made available to cover the costs of the by-election and rebate payouts. This will be funded through the Election Reserve, 30135.

Conclusion

Former Mayor, Bonnie Crombie's resignation was effective as of January 12, 2024 and, as a result, Council declared the Head of Council seat vacant on January 17, 2024. It is recommended that Council pass a by-law requiring a by-election to fill the vacancy at a special Council meeting to be held on March 6, 2024. Once the by-law is passed, nominations will be accepted from March 6, 2024 to April 26, 2024. Voting day will be held on June 10, 2024.

Attachments

Appendix 1: By-law 0043-2022, A by-law to authorize the use of voting and vote counting equipment to facilitate the 2022 Municipal Election in the City of Mississauga



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