



Options for Filling Ward 7 Vacancy on Markham City Council

June 24, 2025



Purpose

- To provide City Council with additional information on the options for filling the Ward 7 vacancy, including timelines and costs associated with conducting a by-election.



Background

- On May 20, 2025, Juanita Nathan formally submitted her written resignation as Ward 7 Councillor to the City Clerk. This followed the official publication of her election as an MP in the *Canada Gazette* on May 14, 2025.
- At its meeting on May 27, 2025, Markham City Council declared the Ward 7 seat vacant.



Background continued

- The City Clerk delivered a presentation outlining the options for filling the Ward 7 vacancy based on the City's Council Vacancy Policy ([Council Vacancy Presentation](#)).
- Council directed staff to report back with further information on the timing and cost implications of holding a Ward 7 by-election.



Legislative Framework

- Provincial law prescribes rules and deadlines for filling municipal Council vacancies.
- Markham City Council is required to fill the vacancy by appointment or pass a by-law requiring a by-election within 60 days of declaring the seat vacant.



Legislative Framework

- As Markham City Council declared its Ward 7 vacancy on May 27, 2025, it is required to appoint a replacement or call for a by-election by **July 26, 2025** (60 day legislated deadline).



Legislative / Policy Framework

Aspect	Legislation	Council Vacancy Policy
Decision deadline	Within 60 days of vacancy being declared	When vacancy is declared or next meeting
Method for filling vacancy	Appointment or By-election	Appointment (according to outlined procedures)
Appointment method	No detailed rules	Appointment according to outlined procedures
By-election rules	Nomination Day and Voting Day timelines prescribed by law; City Clerk determines implementation schedule.	N/A



Jurisdictional Scan

Municipality	Appointment or By-Election	Voting Day
Belleville	Appointment	Not applicable
East Ferris	Appointment	Not applicable
Guelph	Appointment	Not applicable
Hamilton	By-election	September 22, 2025
Milton	By-election	October 6, 2025
Toronto	By-election	September 29, 2025



Option 1: By-Election

- If Markham City Council chooses to fill the Ward 7 vacancy by by-election, it must pass a by-law authorizing this within **60 days** of having declared the vacancy (**July 26, 2025**).
- While Council determines the method of filling a vacancy, the City Clerk is statutorily responsible for all aspects of election administration and operates independently of Council in fulfilling this mandate.



Option 1: By-Election (continued)

- A by-law authorizing the by-election must be passed by Markham City Council.
- Once passed, the City Clerk would determine the precise timing of the by-election within parameters set by provincial law, including:
 - **Nomination period** (30 to 60 days starting once the by-law comes into force)
 - **Voting Day** (45 days after close of nomination period).
- To determine the exact dates of the nomination period and Voting Day, the City Clerk would consider various factors required to support the integrity, transparency and accessibility of the election process.



Option 1: By-Election (continued)

- If Council chooses to call a by-election, the City Clerk has determined the following dates will be used:

Action	Date
Declaration of vacancy	May 27, 2025
Council decision on by-election	June 24, 2025
By-election by-law effective date	June 29, 2025 at 11:59 PM
Nominations begin	June 30, 2025
Nominations close	August 15, 2025 at 2:00 PM
Early voting days	September 27 and 28
Voting Day	Monday, September 29



Option 1: By-Election (continued)

- Due to operational considerations, voting would be by paper ballots only.
- Online voting would not be available in this by-election.



Option 1: By-Election (continued)

- The following table provides a breakdown of the estimated costs of conducting a by-election:

Cost category	Estimated cost
Voting equipment and services (e.g., tabulators, ballots and ePoll books)	\$120,000
Poll workers	\$32,000
Communications and outreach (e.g., voter information letters)	\$70,000
Contribution rebate program	\$35,000
Miscellaneous	\$5,000
Total	\$262,000



Option 1: By-Election (continued)

Financial Considerations:

- Funding to cover election costs incurred during a general election is built up over a four-year period, through planned annual contributions into designated reserves.
- These annual contributions are funded by the tax levy. At the end of 2024, Election-related reserves had a balance of approximately \$1.2 million.
- Costs related to a by-election would either be funded from the reserves (which would then need to be topped up as part of the annual budget process to ensure sufficient funds are available to support the general election in October 2026) or, if feasible, be addressed through this year's result of operations and funded by any operating surplus.
 - Year-end surpluses are managed in accordance with City policy, with most funds generally allocated to the City's Life Cycle Reserve to support the City's increasing asset management needs.



Option 1: By-Election (continued)

People Services Considerations:

- Legislative Services works closely with many City Departments to conduct electoral events and typically, City staff and external people are utilized to assist with operating designated voting places.



Option 2a: Appointment of Former Candidate (Council Vacancy Policy - Appendix B)

Eligible Candidates:

- Candidate who came second in Ward 7, 2022 Municipal Election
- Any other **unsuccessful Ward 7 candidate** from 2022

If Second Place Candidate Chosen:

- City Clerk confirms interest and eligibility
- Council votes to appoint

If Selecting from all the Unsuccessful Ward 7 Candidates:

- City Clerk notifies all 2022 Ward 7 unsuccessful candidates
- Confirms interest and eligibility
- Provides Council with Certified Candidate List for consideration at a Council Appointment Meeting

Suggested Council Appointment Meeting Dates:

- **July 8** (existing Council meeting)
- **July 16** (afternoon meeting)



Option 2b: Appointment of Eligible Voter (Council Vacancy Policy - Appendix C)

City Clerk Responsibilities:

- Advertise vacancy via City's website, social media, ratepayer groups and community organizations
- Include link to forms and deadline
- Review all submissions and provides Council with Certified Candidate List for consideration at a Council Appointment Meeting

Suggested Meeting Dates:

- **July 8** (2-week notice)
- **July 16** (3-week notice)

Council Appointment Meeting Format:

- Each Certified Candidate has **5 minutes to speak**
- City Clerk calls for **nominations** from Council
 - Mover & Secorder required
 - Candidates must be certified
- **No remote participation or substitutes**



Option 2b: Appointment of Eligible Voter (Council Vacancy Policy - Appendix C) (Continued)

Nomination Process:

- Only individuals on Certified List of Candidates can be nominated
- City Clerk calls 3 times, then closes nominations
- Nominated candidates form the **Slate of Nominees**

Appointment Procedure:

- **Only One nominee:** Individual declared elected by City Clerk
- **Multiple nominees:** Voting by show of hands
- No secret ballots per Municipal Act
- Remaining procedures follow Council Vacancy Policy



Recommendations

1. That the presentation entitled “Options for Filling Ward 7 Vacancy on Markham City Council” be received; and
2. That Council provide direction on the preferred process to fill the vacancy of the Ward 7 Councillor seat; and,
3. That should Council choose to fill the Ward 7 vacancy via By-Election, it adopt the [draft By-law to declare a By-Election](#) attached to this presentation as Attachment "A" effective June 29, 2025 at 11:59 P.M.; and,
4. That the City Treasurer be authorized to identify and implement a funding approach to address costs incurred to administer the By-Election; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to these resolutions.