



Report to: General Committee

Meeting Date: April 18, 2017

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**SUBJECT:** 2018 Municipal Election - Question on the Ballot  
**PREPARED BY:** Josh Machesney, Acting Legislative Coordinator  
Martha Pettit, Deputy Clerk  
Kimberley Kitteringham, City Clerk

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**RECOMMENDATION:**

That the report entitled "2018 Municipal Election - Question on the Ballot" be received.

**PURPOSE:**

The purpose of this report is to provide information to General Committee regarding the placement of a question on the ballot during Markham's 2018 Municipal Election.

**BACKGROUND:**

The legislative framework for submitting a question to electors via the municipal election ballot is contained in the Municipal Elections Act, 1996 (the "Act"). The relevant section of the Act is attached as **Appendix A**.<sup>i</sup>

In accordance with the Act, the following may submit a question to Markham voters:

- Markham City Council
- A Local Board
- The Minister of Municipal Affairs and Housing

In order to place a question on the ballot for the 2018 Municipal Election, a by-law to put the question on the ballot must be passed by Markham City Council on or before March 1, 2018. This by-law cannot be amended after this date, but can be repealed on or before Nomination Day (Friday, July 27, 2018).

Nature of the Question

To comply with the Act, a question on the ballot must:

- concern a matter within the jurisdiction of the City of Markham;
- not concern a matter that has been prescribed as a matter of Provincial interest.<sup>ii</sup>
- be clear, concise and neutral; and,
- be capable of being answered in the affirmative or the negative – the only permitted answers to the question are “yes” and “no”.

Public Notice

At least 10 days prior to passing a by-law to authorize the placement of a question on the ballot for 2018, the City Clerk is required to: 1) provide notice of its intention to do so to both the public and to the Minister of Municipal Affairs; and 2) hold at least one public meeting. If Council adopts the by-law, the City Clerk must also provide notice of the passage of the by-law within 15 days after it is adopted.

The notice in both of the circumstances described above must include the following elements: 1) the wording of the question; 2) a clear, concise and neutral description of the consequences of the question if it is approved and if it is rejected (including an estimate of the costs that the municipality may incur to implement the results of the question); and

3) a description of the right to appeal Markham City Council's decision to place a question on the ballot.

### Appeals

Within 20 days after the City Clerk gives notice of the passage of a by-law to authorize the placement of a question on the ballot, the Minister or any other person or entity may appeal to the Chief Electoral Officer of Ontario on the grounds that the question does not comply with the legislation, by filing with the City Clerk a notice of appeal setting out their objections.

### Binding Results

The results of a question placed on the ballot in the 2018 Municipal Election will be binding on the City if:

- At least 50% of Markham eligible voters vote on the question; and
- More than 50% of the votes on the question are in favour of those results.

The number of voters shall be determined by the Voters' List as it exists at the close of voting (including amendments to the Voters' List on Voting Day).

If the results are binding,

- On a yes vote, the City must do everything in its power to implement the results in a timely manner (action must be taken between 14 and 180 days after Voting Day.)
- On a no vote, the City is not permitted to do anything to implement the matter which was the subject of the question for a period of four years following Voting Day.

### **OPTIONS/ DISCUSSION:**

Some Ontario municipalities have placed questions on municipal election ballots in an effort to formally gauge public opinion on important topics. To-date, the City of Markham has not done so. In 2010, Markham Town Council considered placing a question on the October 25, 2010 ballot regarding Markham's Growth Management Strategy - the motion to authorize this was defeated. In 1997, Markham Town Council deliberated on a motion to place a question on the ballot asking residents if they were in favour of casinos in the municipality – this motion was also defeated (see minute excerpts attached as **Appendix B**).

In York Region, the Town of East Gwillimbury placed a question on the ballot in 2010 to assess public opinion regarding the at-large versus ward based method of election its Councillors. In 2014, the Town of Aurora placed two questions on the ballot asking residents 1) if they supported switching to a council-ward system, rather than an at-large electoral system; and 2) if they supported reducing the size of Aurora Council.

Markham City Council should consider the following prior to authorizing the placement of a question on the ballot in 2018:

- The impact on voter turnout;<sup>iii</sup>
- The costs for inclusion on the ballot (public notice, public meeting, communication to public);
- The costs if decision is binding; and,
- The method of implementing decision if binding.

**FINANCIAL CONSIDERATIONS**

The costs associated with the administrative requirement for placing a question on the municipal ballot are minimal and will likely not exceed \$5,000. The costs associated with the implementation of any decision resulting from placing a question on the ballot will vary however depending on the nature of the question. Markham City Council should consider these financial implications and be prepared to allocate funds to support the implementation of a binding decision.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Legal Services has been consulted in the preparation of this report.

**RECOMMENDED BY:**

11/04/2017

  
X

Kimberley Kitteringham  
Clerk

11/04/2017

  
X

Trinela Cane  
Commissioner, Corporate Services

**ATTACHMENTS:**

[Attachment A – Section 8 of the Municipal Elections Act, 1996](#)

[Attachment B – Minute Excerpts](#)

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<sup>i</sup> In accordance with the Act, a vote on a question that a municipality wishes to submit to the voters shall be combined with the next regular election, unless the municipality provides, via by-law, that the vote shall be held at another time.

ii The Province, through Regulation 425/00, as amended, has defined matters of provincial interest as: 1) any matter for which the municipality does not have the authority to implement all aspects of the results of the question; 2) any matter for which the municipality requires an action by the Province of Ontario in order to implement the results of the question; 3) casinos and charity casino; 4) municipal restructuring, including consideration, investigation, discussion and negotiation of municipal restructuring (some exceptions apply with regards to casinos and charity casinos);

iii Voter turnout in the City of Markham municipal elections has not surpassed 50 percent in the past four elections (26.7 percent in 2003; 37.6 percent in 2006; 35.5 percent in 2010; and 37.1 in 2014).