



AMO Background Paper and Survey on Municipal Council Term and Related Matters

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(Survey is attached as a separate Word document)

Association of
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of Ontario

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1. INTRODUCTION

Prompted by Provincial initiatives and the requests of some of our members, the Association of Municipalities of Ontario (AMO) is undertaking a review of the municipal election term.

Bill 86, the Election Statute Law Amendment Act, establishes a fixed date for provincial elections by amending the *Election Act*, the *Election Finances Act*, the *Legislative Assembly Act* and the *Representation Act*. New section 9 of the *Election Act* provides for regular general elections. The next general election will be held on Thursday, October 4, 2007 (unless the Lieutenant Governor dissolves the Legislature earlier). Thereafter, regular general elections will always be held on the first Thursday in October in the fourth calendar year following the most recent general election. New section 9.1 of the Act deals with the timing of the various steps in all provincial elections. These sections could also be applied to municipal elections by similarly amending the *Municipal Elections Act*.

2. BACKGROUND

Presently in Ontario, municipal terms are three years and voting day is the second Monday in November. In the early part of the century, voting day was the first Monday in January. However, during this period, special legislation was granted to a number of municipalities to allow them to have an earlier voting day. In 1946, the *Municipal Act* was amended to permit municipalities to establish a voting day between November 15 and January 2. This was the case until the Select Committee on Election Laws mandated uniformity in 1972. At this time, the first Monday in December was fixed as the regular voting day. In 1977 the legislation was amended again to set the second Monday in November as voting day. This date has remained unchanged.¹

School board elections are run by municipalities and the costs incurred by the clerk of a local municipality in conducting an election shall be paid by the local municipality [*Municipal Elections Act* c. 32, s. 7 (1)].

The Executive has agreed to create an AMO Advisory Committee with the mandate to develop a survey, undertake its analysis, prepare and approve documentation as a backgrounder that would accompany the survey, and provide the Board with its best advice. This Advisory Committee consists of one elected official from each of the AMO caucuses as nominated by the Chair of each caucus. The AMO Board had directed that a

¹ The municipal voting day as well as the term of council in Ontario is regulated by the *Municipal Elections Act*, which was last changed in 1996. More specifically, Section 5 reads as follows: "Voting day in a regular election is the second Monday in November," while sections 4 and 6 dictate the length of term: **4. (1)** A regular election to fill offices shall be held in 1997 and in every third year thereafter. 1996, c. 32, Sched., s. 4 (1). **6. (1)** The term of all offices to which this Act applies is three years, beginning on December 1 in the year of a regular election. 1996, c. 32, Sched., s. 6 (1).

report be brought back on moving to a four-year term at its September meeting. As a result, AMO undertook a brief survey late last year to a sample group of elected officials. The Board has asked that a full survey of Councils be undertaken and a report be prepared for its March meeting.

3. OTHER JURISDICTIONS

A review of other municipal jurisdictions has revealed the following information:

Table #1

<i>Jurisdiction</i>	<i>Term & Last Change</i>	<i>Provincial Fixed Date & any coincidence</i>	<i>Municipal Election Date</i>
Alberta	3 years, "long time ago" (from 2 years)	No No known overlap	Third Monday in October
British Columbia	3 years, 1998 (from 2 years)	Yes Not yet	Third Saturday in November
Manitoba	4 years, 1998 (from 3 years)	No Seldom	Fourth Wednesday in October
New Brunswick	4 years, April 2004	No Never	Second Monday in May
Newfoundland	4 years	No Never	Last Tuesday in September
Nova Scotia	4 years, 2000 (from 3 years)	No Never	Third Saturday in October
Ontario	3 years 1982 (from 2 years)	Yes None	Second Monday in November
PEI	3 years	No	First Monday in November
Quebec	4 years	No None Known	First Sunday in November
Saskatchewan (rural)	2 years	No 2003	Third Wednesday in October
Saskatchewan (urban)	3 years	No None known	Fourth Wednesday in October
NWT	2 or 3 depending on local by-law, 2004	No Some have been close	Third Monday in Oct. for taxed communities, second Monday in Dec. for Hamlets
Nunavut	2 or 3 depending on local by-law, 2003	No Never	Third Monday in Oct. for taxed communities, second Monday in Dec. for Hamlets
Yukon	3 years	No Seldom	Third Thursday In October

Thus, five of the thirteen provinces and territories have a four year term, six have a three year term, rural Saskatchewan has a two year term, while the North West Territories and Nunavut have a hybrid system that has three and two year terms depending on the size of the community. Seven of the province and territories (Alberta, Manitoba, Saskatchewan, Nova Scotia, Northwest Territories, Nunavut and the Yukon) hold their municipal elections in October. November is the preferred choice in British Columbia, Prince Edward Island and Quebec, while New Brunswick holds its municipal elections in May and Newfoundland in September. In terms of what specific day of the week, six of the province and territories (Alberta, New Brunswick, Prince Edward Island, Northwest Territories, Ontario and the Yukon) conduct municipal elections on Mondays, while Wednesday is preferred by Saskatchewan and Manitoba with British Columbia and Nova Scotia voting on Saturdays. Quebec conducts municipal elections on Sundays, while Newfoundland prefers Tuesdays.

New Brunswick, the most recent jurisdiction to change the term and/or date of its municipal election, moved very quickly to change the municipal term once it had decided to investigate the matter. The Province endeavored to consolidate the Elections Act and the *Municipal Elections Act* and to develop a continuous Registry of Electors. Coinciding with an inquiry into a fixed date for the provincial election, the Department of Local Government asked for municipal input into a four-year term. However, sensing that the majority of municipal councillors were in favour of longer terms, the Province decided to make the change before that consultation had finished.

Nova Scotia lengthened the term of its municipal councils at the bequest of the Union of Nova Scotia Municipalities in 2000 because of projected cost savings and the enhanced ability of municipalities to plan for the future.

Manitoba lengthened its municipal term of office from three to four years in 1998. Supported by a resolution from the Association of Manitoba Municipalities, the Province changed its Municipal Act to enable this longer term. The rationale for this change was it would give municipal councils more time to plan and implement their agenda in a similar fashion as both the provincial and federal governments enjoy. While some AMM members have proposed resolutions to return to a 3-year term, the resolutions have not succeeded.

In terms of the voting age, a review of these same jurisdictions (please see Table #2) revealed that while the voting age in municipalities across the country was the same as that for provincial and federal elections, 18, it is regulated under the *Municipal Act* and could be dissimilar.

**Table #2
Municipal Elections Voting Age (by Province)**

Province	Municipal Voting Age	Legislation	Contact / Source
B.C.	18	Local Government Act (section 49)	Ministry of Community, Aboriginal & Women's Services, (250) 387-4020
Alberta	18	Municipal Election Act	http://www.electionsalberta.ab.ca/A%20guide%20for%20polling%20place%20officials.pdf
Saskatchewan	18	Rural Municipalities Act, 1989 Local Government Election Act, 1982	http://www.municipal.gov.sk.ca/mrd/undrmungov/part5.shtml
Manitoba	18	Local Authorities Election Act	www.gov.mb.ca/ia/programs/local_gov/elections_info.html
Ontario	18	Municipal Elections Act	
Quebec	18	Election Act, Referendum Act, Act respecting elections and referendums in municipalities	http://www.electionsquebec.qc.ca/en/right_vote_municipal_level.asp
New Brunswick	18	Municipal Elections Act	http://www.canlii.org/nb/laws/sta/m-21.01/20041104/whole.html
Nova Scotia	18	Municipal Elections Act	http://www.gov.ns.ca/snsmr/election/voter.asp
PEI	18	Municipalities Act	http://www.gov.pe.ca/infopei/index.php3?number=61806&lang=E
Nfld/Labrador	18	Municipal Elections Act	http://www.canlii.org/nl/laws/sta/m-20.2/20041105/whole.html