

City of North Bay Report to Council

Report No: CORP-2021-132

Date: November 8, 2021

Originator: Karen McIsaac, City Clerk

Business Unit:

Department:

Corporate Services

Clerks Department

Subject: 2022 Municipal Election – Recount Policy

Closed Session: yes ☐ no ☒

Recommendation

That Council authorize the City Clerk to maintain the existing statutory threshold for recounts pursuant to section 56 of the *Municipal Elections Act* for the 2022 Municipal Election.

Background

The *Municipal Elections Act* (MEA) prescribes that an automatic recount is required if there is a tied vote or upon a court order. In addition, the MEA provides that City Council may adopt a policy by May 1, 2022 that directs the City Clerk to conduct an automatic recount under certain circumstances that departs from the existing statutory threshold.

This report recommends that the existing statutory threshold of a tied-vote be the only circumstance where the City Clerk should be required to hold a recount. At this time, it is not recommended that City Council adopt a policy that departs from this threshold. While a recount policy could be useful in some circumstances, it is more likely that decisions for recounts will be based on the particular facts that arise during the vote. A recount policy cannot anticipate these circumstances.

An example of a problem with a recount policy is as follows: if City Council adopts a recount policy that states if two candidates are within 10 votes of one another then an automatic recount will be held, there may be an occasion that arises where two candidates are within 11 votes of one another. In that scenario, City Council will be faced with whether to depart from their recount policy and may do so in any event regardless of the pre-existence of a policy after the vote.

The MEA permits City Council to order a recount within 30 days after the City Clerk has declared the results of the election even if the votes are not tied or the circumstances are not covered by the recount policy. An eligible elector can also apply to the Superior Court of Justice for an order declaring a recount or to the Minister of Municipal Affairs and Housing can order a recount. There are, therefore, a number of mechanisms already in place that allow for recounts to occur without City Council having to adopt their own recount policy.

Financial/Legal Implications

There are no financial or legal implications.

Corporate Strategic Plan

- | | |
|---|--|
| <input type="checkbox"/> Natural North and Near | <input type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input type="checkbox"/> Spirited Safe Community |
| <input checked="" type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

Ensure continuous improvement of governance.

Options Analysis

Option 1: That the City of North Bay maintain the existing statutory threshold for recounts pursuant to section 56 of the *Municipal Elections Act*.

This is the recommended option.

Option 2: That the City of North Bay adopt its own Recount Policy in relation to the 2022 Municipal Election.

This is not recommended.

Recommended Option

That Council authorize the City Clerk to maintain the existing statutory threshold for recounts pursuant to section 56 of the *Municipal Elections Act* for the 2022 Municipal Election.

Respectfully submitted,

Name: Karen McIsaac, Dipl. M.A.

Title: City Clerk

I concur with this report and recommendation

Name David Euler, P.Eng., PMP
Title: Chief Administrative Officer

Personnel designated for continuance:
Karen McIsaac, Dipl. M.A.
City Clerk