



STAFF REPORT ACTION REQUIRED

By-laws for the 2012 Toronto Catholic District School Board by-election

Date:	October 1, 2012
To:	City Council
From:	City Clerk
Wards:	TCDSB Ward 8 – (City wards 41, 42 and 44)
Reference Number:	

SUMMARY

The Toronto Catholic District School Board (TCDSB) has passed a resolution requiring the City Clerk to conduct a by-election to fill the vacancy in the office of Trustee for TCDSB Ward 8 (City wards 41, 42 and 44). This was a seat vacated by Trustee Tobias Enverga when he was appointed to the Canadian Senate in September 2012.

Pursuant to section 65(4)3 of the *Municipal Elections Act, 1996* (the MEA), the City Clerk has established Monday, December 10, 2012 to be Election Day for the by-election. Section 65(3) of the MEA states that by-elections must be conducted as far as possible in the same way as regular elections.

This report recommends City Council pass two by-laws: (1) to establish the advance voting date and hours, as required by section 43(1) of the MEA; and (2) to reduce the voting hours at institutions and retirement homes, as permitted by section 46(3) of the MEA.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council authorize advance voting for the 2012 Toronto Catholic District School Board by-election to fill the Trustee vacancy in Ward 8 (City wards 41, 42

and 44) to be held on Saturday, December 1, 2012, from the hours of 10:00 a.m. to 6:00 p.m.

2. City Council pass a by-law that authorizes the City Clerk to assign either a morning voting period (10:00 a.m. to 1:00 p.m.) or an afternoon voting period (3:00 p.m. to 6:00 p.m.) on Election Day for voting places required to be provided at institutions and retirement homes, pursuant to section 45(7) of the *Municipal Elections Act, 1996*.
3. City Council authorize and direct the appropriate City Officials to take the necessary action, including the introduction of the bills attached as Appendix "A" and "B".

Financial Impact

Pursuant to sections 7(3)2 and (4) of the *MEA*, the TCDSB is required to reimburse the City for its reasonable costs of the by-election as soon as possible after the TCDSB receives a certificate verifying the amount and signed by the Clerk.

The cost of the advance vote is included in the by-election cost which is fully recoverable from the TCDSB.

The Deputy City Manager & Chief Financial Officer has reviewed this report and concurs with the financial implications.

ISSUE BACKGROUND

In September 2012, Tobias Enverga, Trustee for TCDSB Ward 8, was appointed to the Canadian Senate. According to section 219(4)(d) of the *Education Act*, a member of the Canadian Senate is disqualified from holding the office of school board trustee. As a result, there is a vacancy in this office.

At its meeting of September 26, 2012, the TCDSB passed a resolution requiring the City Clerk to conduct a by-election to fill the vacancy in the office of trustee, TCDSB Ward 8. A copy of that resolution is attached as Appendix "C".

COMMENTS

This report recommends City Council pass two by-laws:

- (1) to establish the advance voting date and hours, which is a mandatory by-law, as required by section 43(1) of the *MEA*; and

- (2) to reduce the voting hours at institutions and retirement homes, which is a permissive by-law, pursuant to section 46(3) of the *MEA*.

The Clerk has established Election Day to be on Monday, December 10, 2012, in accordance with the legislative timelines required in section 65(4) of the *MEA*.

a. Advance Vote

Subsection 43(1) of the *MEA* requires Council to pass a by-law establishing one or more days for advance voting and the hours during which voting places shall be open on those dates. This by-law must be passed at least 30 days before Election Day.

City Council has traditionally approved two advance voting dates. Based on the 2010 voters' list, there are approximately 26,403 separate school electors in TCDSB Ward 8. Due to the relatively small number of electors and the need to ensure secrecy of the vote, the Clerk recommends that City Council establish one day for advance voting, Saturday, December 1, 2012 from 10:00 a.m. to 6:00 p.m. in each of the three City wards.

A draft bill outlining the proposed date and hours of advance voting is attached as Appendix "A".

b. Reduced Voting Hours for Institutions and Retirement Homes

Section 45(7) of the *MEA* requires voting places be provided at institutions (long-term care) and retirement homes. Section 46(3) also permits Council to pass a by-law to provide reduced voting hours at institutions and retirement homes.

There are ten institutions and retirement homes in the TCDSB Ward 8. Based on the 2010 voters' list, there a small number of Catholic school electors residing in these facilities - three facilities do not have any eligible electors and in the remaining seven facilities, there are between 1 and 27 eligible electors.

The proposed bill, if passed by Council, would permit the Clerk to protect the secrecy of the vote by assigning either a morning voting period (10:00 a.m. to 1:00 p.m.) or an afternoon voting period (3:00 p.m. to 6:00 p.m.) on Election Day.

The Clerk will make every effort to communicate the reduced hours to those living in the affected buildings in order to provide every eligible elector the opportunity to exercise their right to vote.

A draft bill outlining the reduced hours for voting at institutions and retirement homes is attached as Appendix "B".

This report has been prepared in consultation with Legal Services.

CONTACT

Bonita Pietrangelo
Director, Elections and Registry Services
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Fax: 416-392-3781
E-mail: bpietran@toronto.ca

SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Appendix "A" – Draft bill to establish the date and hours of advance voting for the 2012 Toronto Catholic District School Board by-election

Appendix "B" – Draft bill to provide reduced opening hours at institutions and retirement homes for the 2012 Toronto Catholic District School Board by-election

Appendix "C" – TCDSB resolution, dated September 28, 2012, requiring the City Clerk to conduct a by-election.

Appendix "A"

Date and Hours of Advance Voting for the
2012 Toronto Catholic District School Board By-Election for Ward 8

CITY OF TORONTO

BY-LAW No. _____

**To establish the date and hours of advance voting for the
2012 TCDSB by-election for Ward 8**

WHEREAS the Toronto Catholic District School Board has passed a resolution requiring the City Clerk to conduct a by-election to fill the vacancy in the office of the Trustee for Ward 8 (City Wards 41, 42 and 44); and

WHEREAS subsection 43(1) of the *Municipal Elections Act, 1996*, requires City of Toronto Council to, by by-law, establish the dates and hours for advance voting;

The Council of the City of Toronto HEREBY ENACTS as follows:

The date and hours for advance voting for the 2012 Toronto Catholic District School Board by-election to fill the vacancy on the Toronto Catholic District School Board, Ward 8 shall be on Saturday, December 1, 2012, from 10:00 a.m. to 6:00 p.m.

ENACTED AND PASSED this ____ day of _____, A.D. 2012.

ROB FORD
Mayor

ULLI S. WATKISS
City Clerk

Appendix "B"

Reduced opening hours for voting at institutions and retirement homes for the 2012
Toronto Catholic District School Board by-election

CITY OF TORONTO

BY-LAW No. _____

To establish reduced opening hours for voting at institutions and retirement homes for the 2012 Toronto Catholic District School Board by-election for Ward 8

WHEREAS the Toronto Catholic District School Board has passed a resolution requiring the City Clerk to conduct a by-election to fill the vacancy in the office of Trustee for Ward 8 (City Wards 41, 42 and 44); and

WHEREAS subsection 46(3) of the *Municipal Elections Act, 1996*, permits that City Council may to pass a by-law to provide reduced opening hours for voting at institutions and retirement homes, as defined by section 47(5) of the *Municipal Elections Act, 1996*;

The Council of the City of Toronto HEREBY ENACTS as follows:

That the City Clerk be authorized to assign either a morning voting period (10:00 a.m. to 1:00 p.m.) or an afternoon voting period (3:00 p.m. to 6:00 p.m.) on Election Day for voting places required to be provided at institutions and retirement homes pursuant to section 45(7) of the *Municipal Elections Act, 1996*.

ENACTED AND PASSED this ____ day of _____, A.D. 2012.

ROB FORD
Mayor

ULLI S. WATKISS
City Clerk

Appendix "C"

TCDSB resolution, dated September 28, 2012, requiring the City Clerk to conduct a by-election.



Office of the Director of Education

September 28, 2012

Ms. Ulli S. Watkiss
City Clerk
City Hall, 2nd Floor
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Bonita Pietrangelo, Director, Elections & Registry Services

Dear Ms. Watkiss:

This is to inform you, pursuant to Subsection 221(2) of the *Municipal Elections Act, 1996*, that the Board of Trustees of the Toronto Catholic District School Board (TCDSB) approved a resolution at its Board Meeting of September 26, 2012 to require that an election be held in accordance with the Act to fill the vacancy of Mr. Tobias Enverga.

The formal Board resolution adopted by majority vote reads:

"That the City of Toronto hold a by-election in Ward 8 to replace Tobias Enverga, who was appointed to the Senate, subject to the Director identifying the funding source."

Available funding has been identified. Consequently, I respectfully request that this election be held on Monday, December 10, 2012, as outlined in your letter of September 25, 2012.

Please feel free to contact me, should you have any questions or require more information.

Sincerely,

Bruce Rodrigues
Director of Education
and Secretary to the Board