



REFERRAL OF MEMBER MOTION BY CITY COUNCIL

Toronto City Council Supports Recall Legislation for Elected Officials

Date:	April 4, 2014
To:	Executive Committee
From:	City Council
Wards:	All Wards

City Council Decision

City Council on April 1, 2 and 3, 2014, referred Motion MM50.2 to the Executive Committee.

Recommendations

Councillor Chin Lee, seconded by Councillor Mike Del Grande, recommends that:

1. City Council support Bill 124 and request:
 - a. the Province of Ontario to include municipalities in voter recall legislation;
 - b. that a recall petition must be signed by the lesser of 25 percent of eligible voters in an electoral district or 50 percent of the number of voters who voted in the last election in that electoral district, and that the signatures must be verified by the Chief Electoral Officer;
 - c. the period of the recall drive be 99 days;
 - d. that three-quarters (75 percent) of the estimated cost of the by-election as a result of a successful recall drive be borne by the proponent of the recall drive; and
 - e. that a mechanism be implemented whereby proponents of a recall drive can raise money to fund at minimum three quarters of the estimated cost of the resulting by-election.

Summary

On October 30, 2013, MPP Randy Hillier introduced a Private Member's Bill in the Ontario Legislature. Bill 124, the Election Amendment Act (MPP's Recall), introduces a process whereby citizens can recall elected members of the Legislative Assembly of Ontario and a by-election held to fill the vacant seat.

Proponents would need to acquire the signatures of at least 25 percent of total eligible voters on a recall petition and those voters must live in the electoral district where the recall drive is held. Applications for the issuance of a recall petition cannot occur within the first year of a Member's election and a year before the next general provincial election.

When a recall petition is issued, the proponent has 60 days to have at least 25 percent of the electorate in the electoral district sign the recall petition. The recall petition must be submitted to the Chief Electoral Officer within that 60 day period. Failure to meet the aforementioned two conditions allows the Member to hold on to his or her seat.

In the case where the recall organizer acquires the signatures of at least 25 percent of the electorate in the electoral district on a recall petition and submits the recall petition to the Chief Electoral Officer within 60 days of the recall petition being issued, the seat of the Member in the Ontario Legislature becomes vacant. A by-election must be held to fill the vacant seat. The recalled member can be a candidate in the by-election.

As the percentage of votes cast in municipal elections could be lower than 50 percent, it is suggested that 50 percent of the number of votes cast in the last election could also be used as the minimum threshold for signatures on the recall petition.

Whereas the Private Member's Bill does not address the added cost of holding by-elections, the legislation includes the added responsibility for the proponent to raise 75 percent of the estimated cost of holding the by-election and the petition period be increased to 99 days to allow for this additional responsibility.

(Submitted to City Council on April 1 and 2, 2014 as MM50.2)