

## Chapter 190

### POLLING AND NOTIFICATION

#### Article I General

##### § 190-1. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

**HOLIDAY** — Saturday, Sunday, New Year's Day, **Family Day**, Good Friday, Easter Monday, Victoria Day, Canada Day, August Civic Holiday, Labour Day, Thanksgiving Day (Canada), **Remembrance Day**, Christmas Day, Boxing Day, or any day designated by City Council as a designated holiday.

**POLL** — A process to formally tabulate the opinions of residents within a specified area by requesting a response to a specific question or questions.

**POLLING AREA** – The area as determined by the requesting division or as defined by Council policy or bylaw.

**REQUESTING DIVISION** – The City division required by statute or bylaw to obtain the results of a poll before taking a specified action.

**RESIDENT** – A person residing within the polling area at their true, fixed, permanent home or lodging place to which, whenever they are absent, they have the intention of returning, including a person who occupies a room or part of a room as a regular lodger or who occupies a room to which the person habitually returns, having no other permanent lodging place.

**SPOILED BALLOT** – A ballot that is blank or marked in such a way that the voter's intent is unclear, in the sole determination of the City Clerk.

##### § 190-2. Application of polling procedure.

- A. Where there is a statutory or City bylaw requirement or Council **or Community Council** approved policy that the City conduct a poll and there is no polling process prescribed by bylaw or statute, the procedures in this Chapter shall be followed.

##### § 190-3. Initiation of the poll.

Where a requesting division determines that a poll is required, the following steps shall be taken:

- A. In consultation with the ward Councillor, the requesting division shall submit to the City Clerk in a form prescribed by the City Clerk a written request to complete the poll, and

the ward Councillor may request that the established polling area be expanded and that any additional costs be taken from the Councillor's budget for the extension of the established polling area;

- B. The requesting division shall send a copy of the written request described in § 190-3A to the Ward Councillor;
- C. The Ward Councillor may, within ten days of receiving the copy of the written request described in §190-3A, submit a written request to the requesting division that the poll be conducted in up to two languages spoken by at least three per cent of the ward's population according to the most recent Statistics Canada Census; and
- D. The City Clerk shall arrange for translation if the City Clerk determines that the written request in §190-3C complies with the requirements in §190-3C.

#### **§ 190-4. Polling list.**

The City Clerk's Office shall compile a polling list including names and corresponding addresses of those listed on the following documents **or databases** as owners, residents and tenants of property located wholly or partially within the polling area:

- A. Current Returned Assessment Roll;
- B. Municipal Connect, Toronto Property System (TPS) or any other related geographic information system (GIS) developed using information from Municipal Property Assessment Corporation (MPAC) and City records; and
- C. **Affidavit Proof of ownership or tenancy** delivered to the City Clerk during the polling period in a form prescribed by the City Clerk and asserting that the **affiant resident** is an owner, resident or tenant of property located wholly or partially within the polling area.

#### **§ 190-5. Ballot.**

- A. The City Clerk shall **mail provide** a ballot to persons named on the polling list at the addresses shown for those persons on the polling list.
- B. The ballot shall contain the question that is required by the requesting division to be included in the poll and shall also instruct those polled how to request on the ballot that they be notified of the results of the poll.
- C. The ballot shall indicate the following:
  - (1) The polling period described in §190-6;
  - (2) The criteria for accepted ballots outlined in § 190-7;

- (3) Voter eligibility; and
- (4) Ballot confidentiality.

#### **§ 190-6. Polling period.**

- A. The polling period shall be 30 days, commencing upon the day the ballots are ~~mailed~~provided.
- B. Where the thirtieth day of a polling period falls upon a holiday, Saturday or Sunday, the polling period shall end on the next regular business day that is not a holiday.

#### **§ 190-7. Accepted ballots.**

- A. Ballots will only be accepted if they are:
  - (1) ~~Original~~ Official ballots issued by the City Clerk's Office;
  - (2) Signed by only one person whose name appears on the polling list; and
  - (3) Received ~~in~~by the Office of the City Clerk by mail, courier, fax, email, or hand-delivered ~~to the City Clerk's Office as noted on the original ballot~~ by 4:30 p.m. on or before the last day of the polling period.
- B. At the end of the polling period, the City Clerk shall do the following:
  - (1) record all accepted ballots;
  - (2) certify, in writing, the results of the poll;
  - (3) provide ward Councillors with a copy of the results as soon as they are available;
  - (4) ~~write a letter to the requesting division indicating~~ provide the requesting division with the results of the poll; and
  - (5) Post the results of the poll on the City of Toronto internet website for Polling.
  - ~~(6) Notify by mail all persons who responded to the poll.~~

#### **§ 190-8. Minimum response rate and majority.**

- A. A poll will be considered valid when at least 25 percent of the ballots ~~mailed~~ provided have been returned to the City Clerk and accepted in accordance with §190-7.
- B. The result of the poll will be the response chosen in at least 50 percent plus one of the accepted ballots.
- C. If the accepted ballots are divided equally between those responding in the affirmative and those responding in the negative, the result of the poll will be a negative response to the question.

D. Where a poll has been conducted, re-polling for the same purpose may not be conducted until two years have passed from the end of the polling period.

E. **Spoiled Ballots**

(1) A Spoiled Ballot shall be counted only for the purpose of determining whether the requirement in subsection 8A has been met;

(2) A Spoiled Ballot shall not be counted as a response in the affirmative or negative for the purposes of subsections 8B or 8C.

**§ 190-9. Voting eligibility.**

A. No person shall be eligible to vote in a poll unless the person's name appears on the polling list and the person is ~~18~~16 years of age or over, and is an owner, resident or tenant of property located wholly or partially within the polling area as of the closing date of the poll.

B. Despite subsection A, for a poll conducted in accordance with Chapter 19, Business Improvement Areas, no person shall be eligible to vote in a poll unless the person's name appears on the polling list and the person is 18 years of age or over, and meets the eligibility requirements in Chapter 19, Business Improvement Areas.

**§ 190-10. Confidentiality.**

The secrecy of the ballot shall be maintained, and all polling lists, ~~revisions to the polling list,~~ and returned ballots shall be treated in confidence and are subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

**§ 190 -11. Interpretation**

Where the provisions of any other bylaws are inconsistent with the provisions of this bylaw, the provisions of this bylaw shall prevail.