

**Date:** 2021-10-25

**Subject:** **2022 Municipal Election – Administrative Matters**

**Contact:** Shawnica Hans, Senior Coordinator, Elections and Special Projects  
[shawnica.hans@brampton.ca](mailto:shawnica.hans@brampton.ca)

Shauna Danton, Coordinator, Elections and Special Projects  
[Shauna.danton@brampton.ca](mailto:Shauna.danton@brampton.ca)

**Report Number:** Legislative Services-2021-1165

**Recommendations:**

1. That the staff report re: **2022 Municipal Election – Administrative Matters** to the Committee of Council Meeting of November 17, 2021, be received; and,
2. That a by-law, substantially in a form as set out in Appendix A, be passed to provide that information to voters may be translated into the following other languages for the 2022 City of Brampton Municipal Election (being languages that are spoken at home by at least 0.5% of the population, plus French and Italian):
  - a. French
  - b. Punjabi
  - c. Urdu
  - d. Gujarati
  - e. Tamil
  - f. Hindi
  - g. Spanish
  - h. Portuguese
  - i. Tagalog (Pilipino, Filipino)
  - j. Vietnamese
  - k. Italian

**Overview:**

- **The *Municipal Elections Act, 1996* (MEA) requires municipalities to pass by-laws in order to administer certain matters related to a municipal election.**

- **This report details and recommends the passing of a by-law relating to the use of different languages for voter information.**
- **This report also details recent changes to the MEA and applicable legislation.**
- **This report achieves the Council Priority of a Well-run City by facilitating a fair and transparent election process for candidates, third party advertisers, electors, and City staff, in accordance with the MEA.**

## **Background:**

As legislated by the *Municipal Elections Act, 1996* (MEA), the 2022 Municipal Election will be held on Monday, October 24, 2022. Planning and implementation work for the election is underway within the Clerk's Office.

Section 9.1(2) of the MEA enables municipalities to pass a by-law to produce certain voter information in languages other than English.

Additional changes to the MEA require the Clerk's Office to prepare and/or update policies, procedures and forms within certain timeframes.

## **Current Situation:**

### Communications in Languages other than English and French

Section 9.1(2) of the MEA requires that a by-law be passed to provide information to voters in languages other than English, unless such information pertains to the election of a French school board candidate, in which case the information must also be provided in French.

In 2018, "how to vote" (how to mark a ballot) information was translated into languages spoken at home by at least 0.5% of the population, plus French. This information was made available to voters at all voting locations on voting day and advance voting days, and on the City's BramptonVotes website.

For the upcoming 2022 Municipal Election, recognizing Brampton's diversity, and in keeping with the spirit of inclusive customer service, the City is continuing to build on its efforts to assist voters whose first language is not English.

The current corporate policy is to translate pertinent information into the top ten (10) languages spoken by the Brampton population by Mother Tongue (based on the 2016 Census information). The election team recommends that for the purposes of the municipal election, key voter information (i.e. voter identification requirements, how to

vote, etc.) may be translated into languages spoken at home by at least 0.5% of the population based on the 2016 Census Information (2021 Census linguistic information is anticipated to be released in the late summer of 2022) provided by Statistics Canada, plus French. The same criterion was used in the 2018 municipal election. Although Italian is not spoken by at least 0.5% of the population (according to 2016 Census information), it is included in the corporate policy to translate into the top ten (10) languages spoken by the population by mother tongue. The election team recommends including Italian to align with the corporate policy. There are no other languages that differ from the corporate policy and the election team recommendations.

These languages include (this list is consistent with those languages translated in the 2018 Municipal Election, plus Italian):

- |                                 |        |
|---------------------------------|--------|
| a. Punjabi                      | 13.47% |
| b. Urdu                         | 2.19%  |
| c. Gujarati                     | 1.81%  |
| d. Tamil                        | 1.44%  |
| e. Hindi                        | 1.24%  |
| f. Spanish                      | 0.99%  |
| g. Portuguese                   | 0.74%  |
| h. Tagalog (Pilipino, Filipino) | 0.72%  |
| i. Vietnamese                   | 0.52%  |
| j. Italian                      |        |

The proposed by-law to provide for voter information to be translated into languages spoken at home by at least 0.5% of the population, plus French and Italian is attached as Appendix A to this report. Staff recommends that the by-law be passed.

It must be noted that the MEA prohibits prescribed forms (e.g. nomination form, appointment for voting proxy, etc.) from being permanently altered in any language other than English or French.

### Question on the Ballot

Under Section 8(1) of the MEA, Council may pass a by-law to include a question for electors on the ballot. A by-law must be passed on or before March 1, 2022, and cannot be amended after this date (however, the by-law can be revoked on or before Nomination Day). For example, in the 2018 municipal election, the City of Cambridge included a question on the ballot regarding ranked ballot elections.

### *Parameters for Question*

A question authorized by by-law must comply with the following rules – a question shall:

- Concern a matter within the jurisdiction of the municipality

- Not concern a matter which has been prescribed by the Minister as a matter of provincial interest
- Be clear, concise and neutral
- Be capable of being answered in the affirmative or the negative and the only permitted answers to the question are “yes” or “no”

### *Process and Timelines*

1. Notice of Intent – Before passing a by-law, the Clerk must give at least 10 days’ notice of the intention to pass the by-law to the public and the Minister and hold at least one public meeting. The last possible day for the Notice of Intent is February 18, 2022.
2. The last day to pass the by-law is March 1, 2022.
3. The Clerk must give notice of the passage of the by-law to the public and Minister within 15 days of its passing. The last possible day to give notice is March 16, 2022.
4. Within 20 days after the Clerk gives notice of the passing of a by-law, the Minister or any other person may appeal to the Chief Electoral Officer of Ontario. Any appeals would be passed on the grounds that the question is not clear, concise and neutral, or is not capable of being answered with a “yes” or “no”.
5. Within 15 days after the last day for receiving an appeal, the Clerk shall send the information pertaining to the appeal to the Chief Electoral Officer.
6. Within 60 days of receiving the appeal information, the Chief Electoral Officer shall hold a hearing regarding the appeal of the by-law.
7. If the Chief Electoral Officer allows the appeal in whole or in part, he may make an order amending the by-law or directing the City to amend the by-law in the manner ordered.
8. If revoking the by-law, the last possible day to give notice is July 16, 2022 and the last day to revoke the by-law is Nomination Day, August 19, 2022.

### *Results*

The results of a question on the ballot are binding on the City if:

- At least 50 percent of the eligible voters in the municipality vote on the question; and,
- More than 50 percent of the votes on the question are in favour of those results.

The voter turnout for the last three municipal elections has been less than 50 percent:

- 34.5% in 2018
- 36.2% in 2014
- 33.13% in 2010

The above timelines and parameters are set out in the MEA and must be adhered to, should Council decide to include a question on the ballot. Recent history shows that voter participation in Brampton municipal elections is typically lower than 50% – the results of a question cannot be binding unless voter participation is at least 50 percent, and if more than 50 percent are in favour of the results.

### Accessibility Plan

In accordance with the MEA, the Clerk is required to prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities, and make the plan available to the public before voting day. The Clerk is also required to prepare a report within 90 days after the election and make it available to the public.

The election team is currently working on developing a plan, in consultation with Brampton's Accessibility Coordinator and various stakeholder groups, and will make the plan available to the public in the Spring of 2022.

### Recount Policy

Sections 56(3) and (5) of the MEA allow a municipality to pass a by-law by May 1, 2022 to adopt a policy regarding circumstances in which the municipality requires the Clerk to hold a recount of the votes cast in an election.

The MEA contains existing provisions for requiring the Clerk to hold a recount. The Clerk shall hold a recount:

- In the event of a tie (Section 56(1))
- If Council passes a resolution requiring a recount of the votes cast (Section 57(1)(b))
  - For all or specified candidates for an office on the Council
  - For all or specified answers to a question submitted by the Council
  - For and against a by-law submitted by the Council
- If a local board passes a resolution requiring a recount of the votes cast (Section 57(1)(b))
  - For all or specified candidates for an office on the local board
  - For all or specified answers to a question submitted by the local board
- If the Minister makes an order requiring a recount of the votes cast for all or specified answers to a question submitted by him or her (Section 57(1)(c))
- If the Superior Court of Justice issues a court order for the Clerk to hold a recount (Section 58(1))

The existing provisions outlined in the MEA provide clear direction for when the Clerk must hold a recount. Therefore, it is not recommended that Council adopt a recount policy outside of these existing provisions.

### Contribution Rebate Program

Under Section 88.11 of the MEA, Councils may pass a by-law to provide rebates to individuals who contributed to a Council candidate's election campaign.

A staff report providing information and criteria for establishing a contribution rebate program was presented to Committee of Council in November 2020. The report was received and no further action was taken, and as a result, it is not anticipated that a contribution rebate program will be in place for the 2022 Municipal Election

## **New or Updated Provisions under the *Municipal Elections Act, 1996***

### Nomination Day

Nomination Day is the last day for candidates to file a nomination paper to be a candidate in a municipal election. Section 31 of the MEA was amended by striking out "fourth Friday in July" and substituting "third Friday in August". Nomination Day for the 2022 municipal election is August 19, 2022. Therefore, candidate nominations open as of May 1, 2022 (will be May 2, 2022 as May 1 falls on a Sunday in 2022) and close on Nomination Day, Friday, August 19, 2022, at 2 pm.

The time period for third party advertiser registrations remains unchanged (May 1 to the Friday before Voting Day, so May 2 to October 21, 2022).

### Ranked Ballot Elections

Ontario Regulation 310/16 – Ranked Ballot Elections – was revoked on November 20, 2020, thereby revoking a municipality's authority under Sections 41.1 and 41.2 of the MEA to pass by-laws and conduct ranked ballot elections.

### Electronic Filing of Documents

Section 14 of the MEA was amended to provide an exception for filing documents under Section 33 (nominations), 44 (voting proxies) or 88.6 (third party advertiser registrations) bearing only original signatures, if the Clerk has provided for electronic filing of the document.

Sections 88.25 (candidate's financial statements) and 88.29 (third party advertiser's financial statements) of the MEA was amended in 2016 to permit the Clerk the discretion to provide for electronic filing of financial statements.

The City does not currently provide for electronic filing of election documents. Election staff regularly investigate opportunities to offer this service, and the Clerk will consider provision of such, when the appropriate vendor or in-house solution meets all the necessary requirements.

#### Questions re. Liquor Licence Act

Although unrelated to the administration of municipal elections, Sections 52-60 of the *Liquor Licence Act* include provisions where municipalities are authorized to ask a question on the ballot regarding the sale or prohibition of liquor within the municipality. Section 4(4) of the MEA will be updated at a future date, when the *Liquor Licence Act, 1990*, will be repealed and replaced with the *Liquor Licence Control Act, 2019*. This section of the MEA, regarding the timing of a vote held under Section 53 or 54 of the *Liquor Licence Act, 1990*, will be repealed and replaced with amended wording that reflects the *Liquor Licence Control Act, 2019*. There will be no changes to the timing of when the vote may be held.

#### **Corporate Implications:**

##### Financial Implications:

Costs associated with election-related activities are funded by the Council approved 2021 Election budget and proposed 2022 Election budget. Sufficient funds are available from the Elections Reserve.

##### Other Implications:

There are no other direct implications from this report.

#### **Term of Council Priorities:**

This report fulfills the Council Priority of a Well-run City by facilitating a fair and transparent election process for candidates, third party advertisers, electors, and City staff, in accordance with the MEA.

#### **Conclusion:**

This report and attached draft by-law fulfill the City's responsibilities under the *Municipal Elections Act, 1996*, for the administration of certain matters related to a municipal election.

Authored by:

---

Shauna Danton, Coordinator of  
Elections and Special Projects

Reviewed by:

---

Shawnica Hans, Senior Coordinator,  
Elections and Special Projects, and Peter  
Fay, City Clerk

Approved by:

---

Marlon Kallideen, Commissioner,  
Legislative Services

Submitted by:

---

David Barrick, Chief Administrative Officer

**Attachments:**

Appendix A: Draft 2022 Municipal Election By-law – Voter Information Languages