

Report to Council

Re: Method to Fill a Vacancy for Office of Councillor, Dummer Ward Clerk's Office-2025-19

From: Martina Chait-Hartwig

Date: June 17, 2025

Recommendation:

That the report Clerk's Office-2025-19, dated June 17, 2025 regarding methods to fill the Dummer Ward Councillor vacancy be received and that Council direct Staff to proceed with Option # ____ (Option) in order to fill the Vacancy for Office of Councillor, Dummer Ward and if needed that a Special Council meeting be called.

Overview:

At the June 17, 2025 Council Meeting, Council will receive notice that the Dummer Ward Councillor seat should be declared vacant as Councillor Adam Vervoort has resigned from Council for personal reasons.

When a vacancy on Council occurs, Council determines how to fill the vacant seat, within the provisions of the Municipal Act for the remainder of the term. Rules applying to filling vacancies, [Section 263\(5\)](#) of the Act:

The following rules apply to filling vacancies:

1. Within 60 days after the day a declaration of vacancy is made with respect to the vacancy, the municipality shall,
 - a. appoint a person to fill the vacancy or
 - b. pass a by-law requiring a by-election be held to fill the vacancy.

[Section 256](#) of the Act sets out the eligibility requirements for persons qualified to be elected or to hold office as a member of a Council of a local municipality. To be an elector, the person under consideration must, on voting day:

- a. reside in the municipality or be the owner or tenant of land there, or the spouse of such owner or tenant,
- b. be a Canadian Citizen, c. be at least 18 years old, and
- d. not be prohibited from voting.

Under [Section 258\(1\)](#) of the Act, the following are not eligible to be elected as a member of a council or to hold office as a member of a council:

- an employee of the municipality;
- a person who is not an employee of the municipality but who is the clerk, treasurer, Integrity Commissioner, Auditor General, Ombudsman, registrar or an investigator of the municipality;
- a person who is not an employee of the municipality but who holds any administrative position of the municipality;
- a judge of any court;
- a member of the Legislative Assembly or of the Senate or House of Commons of Canada;
- and a public servant, with certain exceptions set out in Part V of the Public Services of Ontario Act, 2006.

[Section 264](#) of the Act provides that a person appointed or elected to fill a vacancy shall hold the office for the remainder of the term of the person they replaced. In the current situation, Council must fill the vacancy either by appointing a person who has consented to accept the office or by passing a by-law declaring a by-election prior to August 15, 2025. Leaving the seat vacant for the remainder of the term is not an option as filling the seat is required by law. In making its determination, Council should consider the costs and timelines associated with filling a vacancy by appointment or by by-election.

Dummer Ward has approximately 4035 qualified electors as defined by legislation. In the 2022 Municipal Election, Dummer Ward had 1328 voters cast ballots, a turn out of approximately 41.7%. Two options to cast ballots were provided to electors. 81.6% of Dummer Ward voters cast their ballot using internet voting, whereas 13.1% used the telephone to cast their vote, the remaining 5.3% cast their ballot using a Township kioks. The overall election turnout for the entire Municipality for the 2022 Municipal election was 36.9%.

The following provides further details on the options to consider in filling a vacancy of Office of Councillor, Ward Dummer.

Option 1 – Appointment Process

The Act does not set out specific requirements relating to the appointment of an individual to fill a Council vacancy other than meeting the qualification requirements outlined in the Act, noted earlier in this report. In accordance with best practices, there are a number of sub-options within the Appointment option:

1A – Appointment from 2022 Municipal Election Candidates

Council can appoint the next runner up, or any other candidate from the 2022 Municipal Election. The results from the 2022 Municipal Election for the Dummer Ward are attached as Appendix A.

Municipalities have done this in the past under the rationale that this person was previously judged by the electorate and had in the past consented to the Office. The Clerk would need to contact the person and confirm their eligibility still remains and that they consent to the office. If so, an Appointment By-law, attached as Appendix B, could be approved at a following Council meeting.

Considerations for Option #1A:

- Results in the earliest filling of the vacancy through appointment process.
- The Clerk would seek written confirmation and qualification and confirm the individual is interested in accepting the appointment.
- An appointment by-law and Oath of Office could be administered to the new Councillor by the early August 2025.

- Results in no financial impact to the Municipality, with the exception of staff time.
- A democratic process was undertaken in October 2022, but due to the time elapsed may not be seen as filling the vacancy through a democratic process.

1B – Appointment by Call for Applications

Council may approve an appointment process which would permit interested eligible persons to submit an application for appointment to Council. This open call for applications would be advertised on multiple platforms and in keeping with best practices, would include a process including an application, declaration of qualifications, and an interview/presentation with Council at a public meeting. At that public meeting, residents would have an opportunity to submit questions for the candidates to respond, at the discretion of Council. Staff have developed sample procedures, to be attached as Appendix C (due to emergency will be provided prior to the Council meeting), in line with other municipalities who have chosen this option.

The following provides an overview of a tentative timeline to facilitate an appointment through the application process described above:

- June 17, 2025 – Declaration of vacancy, Office of Councillor Dummer Ward 2 and Council considers methods to fill vacancy and appointment by Call for Applications selected
- June 30, 2025 – Application period begins
- July 31, 2025 at 2 p.m. – Application period ends
- First or Second Week of August, 2025 – Applications considered by Council at Special meeting
- Prior to August 16, 2025 – New Councillor Sworn into Office at Special Council meeting

Should Council decide to pursue the appointment by call for applications, staff would recommend that an additional clause be added to the recommendation to adopt the Appointment Procedures for Filling a Council Vacancy, attached as Appendix C to this report to give effect to the necessary procedures to be conducted.

Considerations for Option #1B:

- Results in the earlier filling of the vacancy through the appointment process. An appointment by-law and Oath of Office could be administered to the new Councillor by mid-August 2025.
- Open call for interested eligible candidates ensures every interested and qualified individual is provided the opportunity to be considered by Council and may reach more individuals than the election process.
- Transparent process as the presentations and questions of all eligible candidates must be conducted in an open Council meeting.

- Provides members of the public an opportunity to ask questions or attend the presentations of the applicants in order to learn more about their platform.
- Provides an opportunity to identify and select an individual possessing a skillset that may not currently be represented on Council.
- Cost effective method that invites candidates who may otherwise be concerned with financial requirements, to conduct a campaign, which would eliminate barriers to participation.
- Would require a communications plan to ensure the public and potential candidates are made aware of the appointment process.
- Does have financial implications of approximately \$3,000 for advertising costs which could be paid for by the Clerk's Office operational budget.
- There will be a financial implication from staff overtime that will be needed to ensure that the staff are available to receive nominations while also completing previously scheduled work plan items and day to day responsibilities.
- Transparent selection of the candidate may not be seen as filling the vacancy through a democratic process.

1C – Direct Appointment by Council

Council can choose to appoint an eligible individual without a public process as the Act does not prescribe any process. The Clerk would still need to ensure that any appointed person meets the eligibility requirements, and this person would need to consent to the appointment to Office. In order to make a direct appointment, a Council Member would have to nominate a candidate for appointment. The nomination would require a seconder. The motion would then be considered by Council and voted on. If there is a majority vote, then that person would be appointed the Dummer Ward Councillor.

Considerations for Option #1C:

- Results in the earlier filling of the vacancy through appointment process. An Oath of Office could be administered to the new Councillor at the at the August 5, 2025 Council meeting.
- Does not include financial implications other than staff time.
- May not be seen as filling the vacancy through a transparent or democratic process.

Should Council choose to proceed with one of the Appointment options outlined, staff will ensure additional communication and advertising is provided related to the option selected.

Option 2 – By-election

Council can choose to fill the vacancy by directing a by-election be held in accordance with the Municipal Elections Act (MEA). [Section 65](#) of the Municipal Elections Act governs by-elections requiring that the by-election be conducted as far as possible in the same way as regular elections, that nomination day must be not less than 30 days and not more than 60 days after the seat is declared vacant and voting day shall be 45 days after nomination day.

All election planning must ensure the principles of the MEA serve as a benchmark and guide for the conduct of municipal elections:

- secrecy and confidentiality of the voting process;
- fair and non-biased;
- accessible to voters;
- integrity of the voting process;
- results of the election reflect votes cast;
- voters and candidates shall be treated fairly and consistently.

If this option is selected, Council would be required to pass a by-law to ensure the Clerk can carry out the by-election. Further, if a by-election is the preferred choice to fill the vacancy, then pursuant to [Section 42](#) of the MEA, Council must also pass a by-law for the use of internet and telephone voting, as an alternative voting method. Council may wish to add on paper ballots with tabulators on voting day as has been decided for the 2026 election. A draft by-law to carry out the by-election along with a draft voting methods by-law can be presented to Council at a Special meeting in June if Council wishes.

Typically, by-elections employ the same method of voting as the preceding elections, and staff recommend that internet and telephone voting be employed as an alternate method of voting for this by-election. Staff have already spent a considerable amount of time in 2022 creating administrative processes, training and procedures for internet and telephone voting. This is also the method that voters are accustomed to, as it was most recently used in the 2022/2018 elections.

If the method of voting is changed or paper ballots with , it would result in significant delays and additional costs as staff would be required to procure new vendors for the paper ballots and tabulators and develop new procedures, training and communication plans.

The Clerk shall be responsible for conducting the by-election in accordance with the MEA and all applicable policies and procedures. The MEA purposefully gives the Clerk the authority to set Nomination Day in any by-election to permit the time required to prepare for and conduct a legislatively compliant election. Because a by-election for the Office of Councillor, Dummer Ward would be for one single Ward, preparations will still be extensive but not as wide-ranging as a municipality-wide election.

Accessible Elections:

Under both the Accessibility for Ontarians with Disabilities Act, 2005 and the MEA, the Clerk is required to ensure that municipal elections, including by-elections, are accessible to people with disabilities, including both electors and candidates. If Option 2

is selected, Staff would review and revise the Election Accessibility Plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and would make the plan available to the public before voting day.

Timelines: When setting dates, staff will strive to adhere to the proposed timeline to ensure prompt representation for Dummer Ward residents on Council. Additionally, they aim to allow for an ample campaign period, provide sufficient time for voters to cast their votes, and ensure compliance with all legislated deadlines. The following provides an overview of a tentative timeline and options for methods to deliver a by-election should Council pass a by-law to hold a by-election:

- June 17, 2025 – Council considers methods to fill vacancy – By-election selected
- Late in Fourth Week of June – Special Council meeting to pass the by-election By-law and Voting methods by-law
- August 11, 2025 – Nomination Period begins
- September 8, 2025 – Nomination Day (2 p.m.)
- October 6, 2025 – Advance Voting Days
- October 16, 2025 – Voting Day (ends at 8:00 p.m.)
- October 20, 2025 – Official Results
- November 4, 2025 – New Dummer Ward Elected Official Sworn in at Council Meeting
- December 19, 2025 – Financial Filing Deadline (2 p.m.)

Choosing to fill the vacancy for Office of Councillor, Dummer Ward by by-election means that the Office of Councillor, Dummer Ward will be vacant for approximately four months from the date that Council declared the vacancy.

Supports and Resources Required:

Typically for the general election, the Council and Committee Calendar is developed such that committee and council meetings are not held the month of the election due to the resources required to support logistics, training of election workers, and facilitate advance voting and election day. These preparations are extensive and require the full resources of the Clerk's office. Should Council decide to pursue a by-election, staff will bring a report to change the Council meetings in October 2025.

In addition, an Election Support worker may be necessary to execute and deliver the objectives in compliance with the legislation. In addition to Clerks staff, assistance would be required from IT staff for preparation and administration of the by-election. Staff from other departments may also be seconded to act as Deputy Returning Officers during advance voting days or voting days. Typically in an election year, the full resources of the Clerk's Department are dedicated to election planning as it is a large corporate project. Although a by-election would be on a smaller scale, it would still require considerable resourcing, and will impact other deliverables for the Department.

Communications:

Should Council pass a by-law to hold a by-election in the Dummer Ward, staff will build a communication plan to ensure that a Dummer Ward by-election is advertised to potential candidates and to voters. Given the tight timelines of the by-election and the limited availability of print newspaper for information dissemination, staff will craft a plan incorporating various print and digital communication methods. While time and resource constraints may limit extensive outreach efforts compared to a regular municipal election, staff will create a comprehensive communication plan for the by-election.

Budgetary Considerations: Staff have reached out to the City of Kawartha Lakes who recently held a by-election. Their costs were approximately \$70,000 for around 12,000 voters. The Town of Port Hope held a by-election in 2024 and their costs were \$25,000 for approximately 4000 eligible voters. Should Council wish to hold a by-election staff will reach out to our vendors from the 2022 election to received quotes for the necessary services. These costs will include the costs to retain the internet and telephone voting provider and Canada Post to mail the Voter Information Letters.

Though the by-election would be for a single vacant council seat, many of the cost requirements would be similar to the previous election as the same steps are required, including mailing the voter information letters and updating the Voter's List. It is anticipated that for the Dummer Ward by-election, the approximate total cost will be \$25,000. The outlined costs do not include salaries and wages for an Election Support Position and/or overtime costs related to election workers and municipal staff. Due to resourcing constraints in the Clerk's Department, it is anticipated that overtime costs for the by-election may be significant.

Following a legislative change made recently by the Province, any by-election conducted after January 1, 2024 will use the services of Election Ontario for the preliminary list of electors (PLE) as its voters' list, as opposed to the Municipal Property Assessment Corporation's (MPAC) preliminary list of electors used in the general election. As this is a new process, there may be additional fees and/or processes to be established to integrate the PLE into the Municipality's voter's list management system, DataFix, for recording electors.

Considerations for Option #2 (By-election):

- Lengthy and more labour-intensive process, thereby leaving a vacancy for a longer period.
- Significant costs arising from voting provider, communications materials and voters' list/auditor services requirements.
- Ensures a democratic process is employed for all electors.

- Requires a more extensive communications plan to ensure the public and potential candidates are made aware of key election materials and candidate information.
- Results in electors going to the polls in October 2025.
- By-election voter turnout is historically lower than a general election.

Conclusion:

As a result of Council declaring a vacancy for the Office of Councillor, Ward 2 on June 17, 2025, Council must select a method to fill the vacancy. Due to the time remaining in the term before the next election in October 2026 and due to the possible costs required to hold a by-election staff are recommending one of the appointment options.

Details for appointment or by-election processes are outlined in this report and staff seek direction from Council on how to proceed.

Financial Impact:

The 2025 Budget does not include funding for the costs of an unplanned appointment or by-election. If Council chooses to fill the vacancy by by-election, it is estimated that the costs will be approximately \$25,000, which does not include costs related to staff overtime. This estimate is based on the costs for by-elections recently held in City of Kawartha Lakes and Town of Port Hope as well as the number of estimated eligible electors in Dummer Ward. If this unplanned cost is not offset by savings elsewhere in the Clerk's Office Budget through the remainder of the year, it would result in a need to draw from the Election Reserve. This would result in the Reserve being underfunded which would require a large increase to the annual transfer to cover the costs of the 2026 Election.

Township of Douro-Dummer Strategic Plan 2023-2027



Service Modernization and Innovation

Modernizing, refining and innovating services for residents is essential to effectively meet the needs of our community, enhance our operational efficiency, and ensure we remain adaptable in a rapidly changing world.



Business Attraction, Expansion, and Retention

Business attraction, expansion, and retention is vital for the economic health and sustainability of our Township, such as job creation, tax revenue, investing in innovation, maintaining our quality of life, and supporting community stability.



Infrastructure Renewal

Infrastructure renewal is a critical investment for our Township as it will ensure our adherence to health and safety, economic development, investment attraction, environmental sustainability, quality of life, public confidence, and regional competitiveness.

Report Approval Details

Document Title:	Method to Fill a Vacancy for Office of Councillor, Dummer Ward - Clerk's Office-2025-19.docx
Attachments:	- Form EL08 - 2022 - DOURO-DUMMER - digital.pdf - Draft By-law - Appointment of Person representing Dummer Ward.docx
Final Approval Date:	Jun 11, 2025

This report and all of its attachments were approved and signed as outlined below:

Todd Davis