



Staff Report for Council Meeting

Date of Meeting: July 8, 2020

Report Number: SRCM.20.18

Department: Office of the City Manager

Division: Office of the Clerk

Subject: **SRCM.20.18 - 2020 York Region District School Board By-election**

Purpose:

To seek Council's direction with respect to the use of internet and telephone voting for the 2020 York Region District School Board Richmond Hill Trustee (Wards 1, 2 & 4) by-election, and to recommend amendments to the October 2020 Council/Committee meeting calendar meeting as a result of the by-election.

Recommendation(s):

- a) That Council provide direction on the use of alternative voting methods (internet and telephone voting) for the 2020 York Region District School Board Richmond Hill Trustee (Wards 1, 2 & 4) by-election.
- b) That, notwithstanding anything to the contrary in the Procedure By-law 74-12, as amended, the City Clerk be authorized to amend the 2020 Council/Committee Meeting calendar, by adding or cancelling meetings in October 2020 to accommodate the 2020 York Region District School Board Richmond Hill Trustee (Wards 1, 2 & 4) by-election.

Contact Person:

Stephen M.A. Huycke, Director, Legislative Services/City Clerk, extension 2529

Report Approval:

Submitted by: Stephen M.A. Huycke, City Clerk

Approved by: Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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Background:

On May 19, 2020, the York Region District School Board (“YRDSB” or “Board”) accepted the resignation of Corrie McBain, Richmond Hill Trustee (Wards 1, 2 & 4) effective June 30, 2020. Under Section 221(2) of the *Education Act*, R.S.O. 1990, c.E.2, as amended, the Board may require the local Municipal Clerk to conduct a by-election to fill any vacancy on the Board. On July 6, 2020, the Board passed a resolution requiring the City Clerk to conduct a by-election. The Board is responsible for all costs associated with a school board by-election.

Under Section 65(4) of the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, as amended (“Act”), the Clerk is responsible for fixing the date of Nomination Day to be a day not less than 30 days and not more than 60 days after the Clerk receives a copy of a resolution indicating a by-election is required. Voting Day is 45 days after Nomination Day. Based on this, Nomination Day will be set by the Clerk to be a date between August 6, 2020 and September 5, 2020, with Voting Day occurring between September 20, 2020 and October 20, 2020.

On May 26, 2020, the City Clerk provided the Board with a quotation for conducting a by-election using optical scan vote tabulators. Before providing a response to the Board, the Clerk consulted York Region’s Health Emergency Operations Centre (“HEOC”) on the potential by-election and COVID-19. The HEOC responded as follows:

“With the COVID-19 situation and response changing daily, it is certainly challenging to schedule an event such as a Public School Board By-election this fall.

At this time, it is difficult to give any clarity into what the fall season will bring as the situation is constantly evolving, and decisions by public health and various levels of government, are based upon up-to-date epidemiological evidence.”

The City Clerk advised that Board of challenges of holding a by-election during the COVID-19 pandemic including the HEOC advice. The Board was informed that it is expected that extraordinary health and safety measures may be needed because of COVID-19. The health and safety measures would likely include an increase in the number of voting locations to reduce the number of potential voters attending at the location for social distancing purposes, as well as the provision of personal protective equipment (PPE) for both election officials and voters. The Board was advised that the pandemic would likely affect the public engagement aspects of an election, including candidate’s ability to campaign.

In response to a further question from the Board, on June 2, 2020 the City Clerk provided a quotation for conducting the by-election exclusively using internet voting. The Board was advised that under Section 42 of the Act, the use of alternative voting methods, such as voting by internet or telephone, must be authorized by a by-law passed by Richmond Hill Council. Council has the sole discretion to determine if alternative voting methods can be used in any election conducted by the City Clerk,

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including any school board by-election. As the Board has ordered a by-election, Council should consider authorizing the use of internet and telephone voting for the upcoming by-election. The Board has urged Council to consider approving the use of alternative voting methods (see Attachment B). The use of internet and telephone voting would be an effective response to COVID-19 as it would require minimal in-person interaction. However, as Richmond Hill voters have not previously voted using internet or telephone voting, significant communication efforts will be required to educate eligible voters on a voting method that has not been previously used. As the period of time between voting day and the calling of a by-election is very short when compared to a regular election, the City's ability to effectively educate voters on internet voting will be impacted.

Council last considered the use of Internet Voting prior to the October 2018 municipal election. Council decided not to approve the use of alternative voting for that election. A copy of Staff Report SRCFS.17.005 is attached for information

October Council/Committee Meeting Calendar

The Office of the Clerk is responsible for the delivery of legislatively compliant elections, as well as effective and efficient Council and Committee meetings. Regardless of the voting method chosen, any election is a highly labour intensive process. The period of time just prior to the start of any advance vote and until shortly after voting day normally requires the full effort of all staff in the Office of the Clerk, significantly reducing the ability to administer Council/Committee meetings. As a result, it is recommended that the Clerk be given the authority to cancel or move currently scheduled October Council/Committee meetings as needed. It is expected that there will be a two week period around voting day where no meetings will be held. The actual dates will be determined once voting day has been set in accordance with the Act.

Option 1 – Approve the use of internet and telephone voting for the School Board by-election

If Council chooses to approve the use of internet and telephone voting for the 2020 York Region District School Board Richmond Hill Trustee (Wards 1, 2 & 4) by-election, the following resolution should be passed:

- a) That, in accordance with Section 42(1)(b) of the *Municipal Elections Act, 1996*, S.O. 1996, c.32, as amended, Council approve the use of alternative voting methods, namely voting by internet and telephone, that does not require electors to attend a voting place in order to vote in the 2020 York Region District School Board Richmond Hill Trustee (Wards 1, 2 & 4) by-election.
- b) That By-law 14-17, A By-law to authorize the use of voting and vote-counting equipment for the 2018 municipal election, shall not apply to the 2020 York Region District School Board Richmond Hill Trustee (Wards 1, 2 & 4) by-election.

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- c) That a By-law to authorize the use of alternative voting methods for the 2020 York Region District School Board Richmond Hill Trustee (Wards 1, 2 & 4) by-election be enacted at the July 8, 2020 Council meeting.
- d) That notwithstanding anything to the contrary in the Procedure By-law 74-12, as amended, the City Clerk be authorized to amend the 2020 Council/Committee Meeting calendar, by adding or cancelling meetings in October 2020 to accommodate the 2020 York Region District School Board Richmond Hill Trustee (Wards 1, 2 & 4) by-election.

Option 2 – Approve the use of optical scan tabulators for the School Board by-election

In 2017, Council passed By-law 14-17, a By-law to authorize the use of voting and vote-counting equipment for the 2018 municipal election. Normally, this by-law would apply to any by-election held during the current term of Council. However, a review of the by-law suggests that it is only applicable to the October 2018 regular election. Out of an abundance of caution, should Council choose to not approve the use of internet and telephone voting for the 2020 York Region District School Board Richmond Hill Trustee (Wards 1, 2 & 4) by-election, the following resolution should be passed:

- a) That Council confirm that By-law 14-17, being a By-law to authorize the use of voting and vote-counting equipment for the 2018 municipal election, be and is in effect for any by-election held during the 2018 to 2022 Term of Council.
- b) That, notwithstanding anything to the contrary in the Procedure By-law 74-12, as amended, the City Clerk be authorized to amend the 2020 Council/Committee Meeting calendar, by adding or cancelling meetings in October 2020 to accommodate the 2020 York Region District School Board Richmond Hill Trustee (Wards 1, 2 & 4) by-election.

Financial/Staffing/Other Implications:

There are no financial implications associated with 2020 York Region District School Board Richmond Hill Trustee (Wards 1, 2 & 4) by-election. The school board is responsible for all costs, including any staff time, associated with the by-election.

Relationship to the Strategic Plan:

None

Conclusion:

Council direction is required on the use of internet and telephone voting for the 2020 YRDSB trustee by-election in response to COVID-19. Staff recommend that authorization to cancel council and committee meetings immediately around voting day also be approved.

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Attachments:

- Attachment A - Staff Report SRCFS.17.005 - 2018 Municipal Election – Internet Voting
- Attachment B – Letter from York Region District School Board, dated July 7, 2020

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Report Approval Details

Document Title:	SRCM.20.18 - YRDSB 2020 By-election.docx
Attachments:	- SRCM.20.18 - Attachment A - SRCFS 17 005 - 2018 Election.docx - SRCM.20.18 - Attachment B - Letter from York Region District School Board, dated July 7, 2020
Final Approval Date:	Jul 7, 2020

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

MaryAnne Dempster - Jul 7, 2020 - 9:18 AM