

Document 4 - Bill 204 - Changes to the *Municipal Elections Act, 1996* and the *Municipal Act, 2001*

Municipal Elections Act, 1996

1. Subsection 1 (1) of the *Municipal Elections Act, 1996* is amended by adding the following definitions:

“Chief Electoral Officer” means the Chief Electoral Officer who holds office under the *Election Act*; (“directeur général des élections”)

“permanent register of electors” means the permanent register of electors for Ontario established and maintained by the Chief Electoral Officer under section 17.1 of the *Election Act*; (“registre permanent des électeurs”)

2. The Act is amended by adding the following section:

Transition

3.1 Despite any amendment made to this Act by Schedule 4 to the *Helping Tenants and Small Businesses Act, 2020*, the relevant provision of this Act, as it existed immediately before the coming into force of the amendment, continues to apply for the purposes of a by-election that commences before January 1, 2024.

3. Subsection 18 (2) of the Act is repealed and the following substituted:

~~Notice to Municipal Property Assessment Corporation~~

~~(2) If the clerk acts under subsection (1), he or she shall, on or before March 31 in the year of the regular election, inform the Municipal Property Assessment Corporation of the boundaries of the voting subdivisions. 2016, c. 15, s. 14.~~

Notice to C.E.O.

(2) A clerk who acts under subsection (1) shall, on or before March 31 in the year of the regular election, inform the Chief Electoral Officer of the boundaries of the voting subdivisions.

4. (1) Subsections 19 (1) to (3.4) of the Act are repealed and the following substituted:

Preliminary list

~~19 (1) In the year of a regular election, the Municipal Property Assessment Corporation shall prepare a preliminary list for each local municipality and deliver it to the clerk. 2009, c. 33, Sched. 21, s. 8 (9).~~

~~Deadline~~

~~(1.1) The preliminary list must be delivered to the clerk no later than the following date:~~

- ~~1. The date agreed upon by the clerk and the Municipal Property Assessment Corporation, which must be a date earlier than September 1.~~
- ~~2. If no date is agreed upon, the date prescribed by the Minister.~~
- ~~3. If no date is agreed upon or prescribed, July 31. 2009, c. 33, Sched. 21, s. 8 (9).~~

~~Same~~

~~(1.2) For the purposes of subsection (1.1), the Minister may prescribe a date even though July 31 has already passed. 2009, c. 33, Sched. 21, s. 8 (9).~~

~~Voting subdivisions~~

~~(2) If the local municipality is divided into voting subdivisions, the preliminary list shall contain a preliminary list for each voting subdivision. 1996, c. 32, Sched., s. 19 (2).~~

~~Data~~

~~(3) The preliminary list may be based on data from any source, including,~~

- ~~(a) the most recent enumeration under the *Assessment Act*; and~~
- ~~(b) information from the records in the office of the Registrar General regarding the registration of births, deaths and changes of name made under the *Vital Statistics Act* and the *Change of Name Act*. 2009, c. 33, Sched. 21, s. 8 (10).~~

~~Authority~~

~~(3.1) If the Registrar General and the Municipal Property Assessment Corporation enter into an agreement governing the disclosure of the information described in clause (3) (b) by the Registrar General to the Corporation and governing the collection, use and disclosure of the information by the Corporation,~~

~~(a) the Registrar General is authorized to disclose the information to the Corporation for the purpose of complying with the agreement; and~~

~~(b) the Corporation is authorized to collect, use and disclose the information in accordance with the agreement. 2009, c. 33, Sched. 21, s. 8 (10).~~

Same

~~(3.2) The agreement between the Registrar General and the Municipal Property Assessment Corporation must contain the terms and conditions that the Registrar General considers appropriate with respect to,~~

~~(a) the use that the Corporation may make of the information;~~

~~(b) the protection of the information, including the retention and destruction of the information; and~~

~~(c) measures to verify that the Corporation complies with the agreement. 2009, c. 33, Sched. 21, s. 8 (10).~~

Same

~~(3.3) The agreement may provide for the payment of fees. 2009, c. 33, Sched. 21, s. 8 (10).~~

Same

~~(3.4) Any disclosure of personal information that is authorized under this section is deemed to comply with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act* and clause 32 (e) of the *Municipal Freedom of Information and Protection of Privacy Act*. 2009, c. 33, Sched. 21, s. 8 (10).~~

Preliminary list

(1) The Chief Electoral Officer shall prepare and maintain a preliminary list for each local municipality and make it available to the clerk.

Subdivisions

(2) If the local municipality is divided into voting subdivisions, the preliminary list must contain a preliminary list for each voting subdivision.

Permanent register

(3) The preliminary list must be based on the permanent register of electors.

Access to list

(3.1) The clerk may obtain the preliminary list, or any information from the preliminary list, at one or more times before September 1 in the year of a regular election.

4. (2) Subsection 19 (5) of the Act is amended by striking out “entered” wherever it appears and substituting in each case “included”.

Voting subdivisions, residents and non-residents

(5) If the local municipality is divided into voting subdivisions,

(a) the name of each resident elector shall be ~~entered~~ **included** on the preliminary list for the voting subdivision in which he or she resides; and

(b) the name of each non-resident elector shall be ~~entered~~ **included** on the preliminary list for the voting subdivision in which the elector or his or her spouse is an owner or tenant of land. 1996, c. 32, Sched., s. 19 (5); 1999, c. 6, s. 43 (2); 2005, c. 5, s. 46 (2).

5. Section 20 of the Act is repealed and the following substituted:

~~Homeless persons~~

~~20 The Municipal Property Assessment Corporation is not required to enter on a preliminary list the name of a person whose residence is determined under subsection 2 (3). 1996, c. 32, Sched., s. 20; 2006, c. 33, Sched. Z.3, s. 18 (2).~~

Homeless persons

20 The Chief Electoral Officer is not required to include on a preliminary list the name of a person whose residence is determined under subsection 2 (3).

6. Subsection 22 (1) of the Act is amended by striking out “Municipal Property Assessment Corporation” and substituting “Chief Electoral Officer”.

Correction of errors

22 (1) The clerk may correct any obvious error in the preliminary list and shall notify the ~~Municipal Property Assessment Corporation~~ **Chief Electoral Officer** of the

corrections. 1996, c. 32, Sched., s. 22; 2006, c. 33, Sched. Z.3, s. 18 (3).

7. Section 23 of the Act is amended by adding the following subsections:

Redacted information

(6) A copy of the voters' list provided under subsection (3) or a part of the voters' list provided under subsection (4) shall not contain information about a person that has been redacted under section 4.7 of the *Election Act*.

Restrictions

(7) The clerk may not provide a copy of the voters' list under subsection (3) or a part of the voters' list under subsection (4) to a person unless the person provides a written acknowledgment that they,

(a) shall only use it for electoral purposes and shall not use it for commercial purposes;

(b) are bound by the restrictions in this subsection and subsection (8); and

(c) may only disclose its content to others after obtaining their written acknowledgement that they are bound by the restrictions in this subsection and subsection (8).

Further rules

(8) The following rules apply to persons who are required to provide a written acknowledgment under subsection (7):

1. In the case of a person who has been provided with a copy of the voters' list from a person described in clauses (3) (a) to (c) or part of the voters' list from a certified candidate under subsection (4),

i. they shall not provide it to any other person, and shall not make further copies, either in printed form or electronically,

ii. if they received a printed copy, they shall return it to the person who provided it, on or before the date specified by that person, and

iii. if they received an electronic copy, they shall destroy it, and shall provide the person who provided it with a written acknowledgment of the destruction, on or before the date specified by that person.

2. Where a person has been provided with a copy of the voters' list under clauses (3) (a) to (c) or a certified candidate has been provided with part of the voters' list under subsection (4), and they have provided it to another person, they shall retain the written acknowledgement provided by each person to whom they provided it, in accordance with paragraph 5.

3. A person who has been provided with a copy of the voters' list under clauses (3) (a) to (c) shall, on or before December 31 in the year of a regular election or 45 days after voting day in a by-election,

i. destroy the copy of the voters' list,

ii. destroy any printed copies returned to them under subparagraph 1 ii, and

iii. require the receipt of the written acknowledgments of destruction that are to be provided to them under subparagraph 1 iii.

4. A certified candidate who has been provided with part of the voters' list under subsection (4) shall, on or before the day when the candidate's election campaign period ends under subsection 88.24 (1),

i. destroy the part of the voters' list,

ii. destroy any printed copies returned to them under subparagraph 1 ii, and

iii. require the receipt of the written acknowledgments of destruction that are to be provided to them under subparagraph 1 iii.

5. The written acknowledgements received under this section shall be retained for the term of office of the council or local board and until their successors are elected and the newly elected council or local board is organized.

8. Section 24 of the Act is amended by adding the following subsections:

Addition of name to permanent register

(5) When a person's name is added to the voters' list under this section, it shall also be added to the permanent register of electors, unless the person objects.

Deletion of name from permanent register

(6) When a person's name is removed from the voters' list under this section, it shall also be deleted from the permanent register of electors, unless the person objects.

9. Section 27 of the Act is repealed and the following substituted:

List of changes

Interim list

~~27 (1) During the period beginning on September 15 and ending on September 25 in the year of a regular election, the clerk shall,~~

~~(a) prepare an interim list of the changes to the voters' list approved under sections 24 and 25 on or before September 15; and~~

~~(b) give a copy of the interim list to each person who received a copy of the voters' list under section 23 and to each certified candidate. 2016, c. 15, s. 20 (1).~~

Final list

~~(2) Within 30 days after voting day, the clerk shall,~~

~~(a) prepare a final list of the changes to the voters' list approved under sections 24 and 25; and~~

~~(b) give a copy of the final list of changes to the Municipal Property Assessment Corporation. 2016, c. 15, s. 20 (2).~~

List of changes

Interim list

27 (1) During the period beginning on September 20 and ending on September 30 in the year of a regular election, the clerk shall,

(a) prepare an interim list of changes to the voters' list that,

(i) must include changes approved under sections 24 and 25 on or before September 20, and

(ii) may include changes based on updated information from the permanent register of electors that the clerk obtains on or before September 20; and

(b) give a copy of the interim list to each person who received a copy of the voters' list under section 23.

Final list

(2) Within 30 days after voting day, the clerk shall,

(a) prepare a final list of the changes to the voters' list approved under sections 24 and 25; and

(b) give a copy of the final list of changes to the Chief Electoral Officer.

10. Subsection 43 (6) of the Act is repealed and the following substituted:

~~Access to list of advance voters~~

~~(6) The clerk shall, on the request of a scrutineer or certified candidate, give him or her a copy of any list referred to in subclause (5) (b) (i). 1996, c. 32, Sched., s. 43 (6).~~

Access for candidates

(6) The clerk shall give a copy of any list referred to in subclause (5) (b) (i) to any certified candidate who has made a written request under subsection 23 (4), subject to the restrictions set out in subsections 23 (6) and (7).

11. (1) Paragraph 4 of subsection 65 (4) of the Act is repealed and the following substituted:

~~4. The voters' list shall be prepared as follows:~~

- ~~i. the clerk shall notify the Municipal Property Assessment Corporation that a by-election is required,~~
- ~~ii. the Municipal Property Assessment Corporation shall, at least 21 days before nomination day, give the clerk the preliminary list or the part of it that is required for the by-election, updated to the date the Municipal Property Assessment Corporation received the clerk's notice,~~

- ~~iii. the clerk shall make corrections to the preliminary list under section 22 as soon as possible after receiving the list, and~~
- ~~iv. the corrected list constitutes the voters' list.~~

4. The voters' list shall be prepared as follows:

- i. the clerk shall notify the Chief Electoral Officer that a by-election is required,**
- ii. the clerk shall, at least 21 days before nomination day, obtain the preliminary list or the part of it that is required for the by-election,**
- iii. the clerk shall make corrections to the preliminary list as soon as possible after obtaining the list, and**
- iv. the corrected list constitutes the voters' list.**

11. (2) Subsection 65 (4) of the Act is amended by adding the following paragraph:

5.1 Within 30 days after voting day, the clerk shall,

- i. prepare a final list of the changes to the voters' list approved under sections 24 and 25, and**
- ii. give a copy of the final list of changes to the Chief Electoral Officer.**

11. (3) Paragraph 3 of subsection 65 (5) of the Act is repealed and the following substituted:

~~3. The voters' list shall be prepared as follows:~~

- ~~i. the clerk shall notify the Municipal Property Assessment Corporation that a by-election is required and,~~
 - ~~A. for a by-law under clause 8 (1) (a) or a question under subsection 8 (2) or (3), the Municipal Property Assessment Corporation shall, within 10 days after the clerk notifies the Corporation that a by-election is required, give the clerk the preliminary list that is required for the by-election, or~~
 - ~~B. for a question under clause 8 (1) (b) or (c), the Municipal Property Assessment Corporation shall, at least 60 days before voting day, give the clerk the preliminary list that is required for the by-election,~~

- ~~ii. the clerk shall make corrections to the preliminary list under section 22 as soon as possible after receiving the list, and~~
- ~~iii. the corrected list constitutes the voters' list.~~

3. The voters' list shall be prepared as follows:

- i. the clerk shall notify the Chief Electoral Officer that a by-election is required and,**

A. for a by-law under clause 8 (1) (a) or a question under subsection 8 (2) or (3), the clerk shall, within 10 days after the clerk notifies the Chief Electoral Officer that a by-election is required, obtain the preliminary list that is required for the by-election, or

B. for a question under clause 8 (1) (b) or (c), the clerk shall, at least 60 days before voting day, obtain the preliminary list that is required for the by-election,

- ii. the clerk shall make corrections to the preliminary list under section 22 as soon as possible after obtaining the list, and**

- iii. the corrected list constitutes the voters' list.**

11. (4) Subsection 65 (5) of the Act is amended by adding the following paragraph:

3.2 Within 30 days after voting day, the clerk shall,

- i. prepare a final list of the changes to the voters' list approved under sections 24 and 25, and**

- ii. give a copy of the final list of changes to the Chief Electoral Officer.**

12. (1) Section 88 of the Act is amended by adding the following subsections:

Redacted information

(6.2) Subsection (5) does not apply to information about a person that has been redacted under section 4.7 of the *Election Act*.

Restriction

(7.1) Subsection (7) does not entitle a person to make extracts from, or copies of, the voters' list, unless authorized to do so by a court order.

12. (2) Subsection 88 (9) of the Act is amended by striking out “subsection (6)” and substituting “subsection (6.1) or (7.1)”.

Grounds for order

(9) The court presiding over a proceeding in respect of any matter relating to a provision of this Act may make an order under clause (3) (a) or ~~subsection (6)~~ **subsection (6.1) or (7.1)** if satisfied that the documents are or may be required for the proceeding. 2009, c. 33, Sched. 21, s. 8 (52).

- 13.(1) Subsection 88.9.1 (2) of the Act is repealed and the following substituted:

~~Number of electors, regular election~~

~~(2) For the purposes of subsection (1), for a regular election the number of electors is the greater of the following:~~

~~1. The number determined from the voters’ list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day.~~

~~2. The number determined from the voters’ list for the current election, as it exists on September 15 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day. 2017, c. 10, Sched. 4, s. 8 (10).~~

Number of electors, regular election

(2) For the purposes of subsection (1), for a regular election the number of electors is the greater of the following:

1. The number determined from the voters’ list from the previous regular election, as it existed on September 20 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

2. The number determined from the voters’ list for the current election, as it exists on September 20 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day

and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

13.(2) Paragraph 1 of subsection 88.9.1 (3) of the Act is repealed and the following substituted:

Same, by-election

(3) For the purposes of subsection (1), for a by-election the number of electors is the greater of the following:

~~1. The number determined from the voters' list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day.~~

1. The number determined from the voters' list from the previous regular election, as it existed on September 20 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

13.(3) Clause 88.9.1 (4) (a) of the Act is amended by striking out "September 25" and substituting "September 30".

Certificate of maximum amounts

(4) The clerk shall calculate the maximum amounts permitted by subsection (1) for each office for which nominations were filed with him or her and, subject to subsection (5), give a certificate of the applicable maximum amounts to each candidate,

(a) in the case of a regular election, on or before ~~September 25~~ **September 30**;
and

13.(4) Subsection 88.9.1 (7) of the Act is repealed and the following substituted:

~~Transition~~

~~(7) For the 2018 regular election and for any by-election that takes place after this section comes into force and before that regular election, the maximum amount~~

determined under subsection (1) shall be determined as if paragraph 1 of subsection (2) read as follows:

- ~~1. The number determined from the voters' list from the previous election, as it existed on nomination day of the previous election, adjusted for applications under sections 24 and 25 that were approved as of that day. 2017, c. 10, Sched. 4, s. 8 (10).~~

Transition

(7) For the 2026 regular election, the maximum amount determined under subsection (1) shall be determined as if paragraph 1 of subsection (2) read as follows:

- 1. The number determined from the voters' list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for applications under sections 24 and 25 that were approved as of that day.**

14. (1) Subsection 88.20 (11) of the Act is repealed and the following substituted:

~~Number of electors, regular election~~

~~(11) For the purposes of subsection (7), for a regular election the number of electors is the greater of the following:~~

- ~~1. The number determined from the voters' list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day.~~
- ~~2. The number determined from the voters' list for the current election, as it exists on September 15 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day. 2016, c. 15, s. 58.~~

Number of electors, regular election

(11) For the purposes of subsection (7), for a regular election the number of electors is the greater of the following:

- 1. The number determined from the voters' list from the previous regular election, as it existed on September 20 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved**

as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

2. The number determined from the voters' list for the current election, as it exists on September 20 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

14.(2) Paragraph 1 of subsection 88.20 (12) of the Act is repealed and the following substituted:

Same, by-election

(12) For the purposes of subsection (7), for a by-election the number of electors is the greater of the following:

~~1. The number determined from the voters' list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day.~~

1. The number determined from the voters' list from the previous regular election, as it existed on September 20 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

14. (3) Clause 88.20 (13) (a) of the Act is amended by striking out "September 25" and substituting "September 30".

Certificate of maximum amounts

(13) The clerk shall calculate the maximum amounts permitted by subsections (6) and (9) for each office for which nominations were filed with him or her and give a certificate of the applicable maximum amounts to each candidate,

(a) in the case of a regular election, on or before ~~September 25~~ **September 30**;
and

14.(4) Subsection 88.20 (15) of the Act is repealed and the following substituted:

Transition

~~(15) For the 2018 regular election and for any by-election that takes place after this section comes into force and before that regular election, the maximum amount determined under subsection (6) shall be determined as if paragraph 1 of subsection (11) read as follows:~~

- ~~1. The number determined from the voters' list from the previous election, as it existed on nomination day of the previous election, adjusted for applications under sections 24 and 25 that were approved as of that day. 2016, c. 15, s. 58.~~

Transition

(15) For the 2026 regular election, the maximum amount determined under subsection (6) shall be determined as if paragraph 1 of subsection (11) read as follows:

- 1. The number determined from the voters' list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for applications under sections 24 and 25 that were approved as of that day.**

15. (1) Subsection 88.21 (11) of the Act is repealed and the following substituted:

~~Number of electors, regular election~~

~~(11) Subject to subsection (16), for the purpose of applying the prescribed formula for a regular election, the number of electors is the greater of the following:~~

- ~~1. The number determined from the voters' list from the previous regular election, as it existed on the day specified in subsection (13), adjusted for changes made under sections 24 and 25 that were approved as of that day.~~
- ~~2. The number determined from the voters' list for the current election, as it exists on September 15 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day. 2016, c. 15, s. 59.~~

Number of electors, regular election

(11) Subject to subsection (16), for the purpose of applying the prescribed formula for a regular election, the number of electors is the greater of the following:

1. The number determined from the voters' list from the previous regular election, as it existed on the day specified in subsection (13), adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

2. The number determined from the voters' list for the current election, as it exists on September 20 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

15. (2) Paragraph 1 of subsection 88.21 (12) of the Act is repealed and the following substituted:

Same, by-election

(12) Subject to subsection (16), for the purpose of applying the prescribed formula for a by-election, the number of electors is the greater of the following:

~~1. The number determined from the voters' list from the previous regular election, as it existed on the day specified in subsection (13), adjusted for changes made under sections 24 and 25 that were approved as of that day.~~

1. The number determined from the voters' list from the previous regular election, as it existed on the day specified in subsection (13), adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

15. (3) Subsection 88.21 (13) of the Act is repealed and the following substituted:

~~Same, regular election or by-election~~

~~(13) For the purposes of paragraph 1 of subsection (11) and paragraph 1 of subsection (12), the number shall be determined using the voters' list from the previous election as the list existed on,~~

~~(a) nomination day in the year of the previous election, if the formula is being applied for the purposes of the 2018 regular election; or~~

~~(b) September 15 in the year of the previous election, if the formula is being applied for the purposes of an election in any other year. 2016, c. 15, s. 59.~~

Same, regular or by-election

(13) For the purposes of paragraph 1 of subsection (11) and paragraph 1 of subsection (12), the number shall be determined using the voters' list from the previous regular election as the list existed on,

**(a) September 15 in the year of the previous regular election, if the formula is being applied for the purposes of the 2026 regular election;
or**

(b) September 20 in the year of the previous regular election, if the formula is being applied for the purposes of an election in any other year.

15. (4) Clause 88.21 (14) (a) of the Act is amended by striking out "September 25" and substituting "September 30".

When calculation must be made

(14) The clerk shall calculate the maximum amounts under subsections (6) and (9),

(a) for a regular election, no later than ~~September 25~~ **September 30** in the year of the election; and

Municipal Act, 2001

1. Subsection 222 (9.1) of the *Municipal Act, 2001* is amended by adding "and the Chief Electoral Officer" at the end of the portion before clause (a).

Notice to assessment corporation

(9.1) When a by-law described in this section is passed, the clerk of the municipality shall notify the assessment corporation **and the Chief Electoral Officer**,

Commencement

2. This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.