

1985

c 4 Municipal Elections Amendment Act, 1985 (No. 1)

Ontario

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Bibliographic Citation

Municipal Elections Amendment Act, 1985 (No. 1), SO 1985, c 4

Repository Citation

Ontario (1985) "c 4 Municipal Elections Amendment Act, 1985 (No. 1)," *Ontario: Annual Statutes*: Vol. 1985, Article 6.

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CHAPTER 4

An Act to amend the Municipal Elections Act

Assented to October 28th, 1985

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 37, section 1, is further amended by adding thereto the following paragraph:

37. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

2. Subsection 6 (1) of the said Act is amended by striking out "sixteen" in the second line and inserting in lieu thereof "eighteen".

3. Clause 12 (b) of the said Act is repealed and the following substituted therefor:

(b) is a Canadian citizen; and

.

4. Clause 13 (b) of the said Act is repealed and the following substituted therefor:

(b) is a Canadian citizen; and

.

5. Section 14 of the said Act is repealed and the following substituted therefor:

14. Every person who is an inmate in a penal or correctional institution under sentence of imprisonment is disqualified from voting.

Disquali-
fication

6. Section 15 of the said Act is amended by striking out “or other British subject” in the third line.

7. Subsection 33 (2) of the said Act is amended by striking out “or other British subject” in the sixth line and in the ninth line.

8. Subsection 47 (1) of the said Act is repealed and the following substituted therefor:

Polling
places in
hospitals, etc.

(1) Where an institution for the reception, treatment or vocational training of persons who have served or are serving in the Canadian Forces or who are disabled, a hospital, a psychiatric facility, a home for the aged, a nursing home or other institution of twenty beds or more, in which chronically ill or infirm persons reside or a retirement home of fifty beds or more is situate in a municipality, a polling place shall be provided in such institution or upon the premises.

9.—(1) Subsection 67 (1) of the said Act is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding thereto the following clause:

(d) a person who is an inmate in a penal or correctional institution and who is not under sentence of imprisonment,

(2) Subsection 67 (3) of the said Act is amended by striking out “husband or wife” in the fourth line and inserting in lieu thereof “or spouse”.

(3) A person who is an inmate in a penal or correctional institution and who is not under sentence of imprisonment may vote by proxy in the regular elections to be held in 1985 under the said Act in the polling subdivision in which the person normally resides notwithstanding that the person’s name is not entered in the polling list for the subdivision and notwithstanding that the person has not obtained a certificate under section 33 of the said Act.

(4) A person who is entitled to vote by proxy under subsection (3) may appoint in writing in Form 1 as the person’s voting proxy any other person who is eligible as an elector in the municipality in which the person appointing the proxy normally resides.

(5) Subsections 67 (3) to (10) of the said Act apply with necessary modifications where a proxy is appointed under subsection (4).

(6) If a person appointed as a voting proxy under subsection (4) applies to a deputy returning officer at a polling place for a ballot and the name of the person who appointed the proxy does not appear on the polling list or in a certificate issued under section 33 of the said Act as entitled to vote at the polling place, the name of the person appointing the proxy and the person's normal address shall be entered on the polling list by the deputy returning officer and the voting proxy shall be entitled to receive a ballot and to vote if the voting proxy has made the statutory declaration before the clerk in the form set out in Form 1 and otherwise establishes his or her identity to the satisfaction of the deputy returning officer and takes the oath required by subsection 67 (8) of the said Act.

10. Clause 121 (1) (e) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 37, section 25, is repealed.

11.—(1) This Act, except sections 3, 4, 6 and 7, shall be deemed to have come into force on the 3rd day of September, 1985. Commence-
ment

(2) Sections 3, 4, 6 and 7 come into force on the 1st day of July, 1988. Idem

12. The short title of this Act is the *Municipal Elections Amendment Act, 1985*. Short title

FORM 1

Municipal Elections Amendment Act, 1985

**APPOINTMENT OF VOTING PROXY
BY PERSON NOT UNDER SENTENCE**

This Form to be completed in duplicate.

Part I: To be completed by person appointing proxy.

1. My name is
(first names) (last name)

2. I am an inmate of
(name of institution)

3. I normally reside at
(street address or lot and concession)
.....
(municipality)

4. I hereby appoint.....
(first names) (last name)

as my proxy to vote in the regular elections to be held in the municipality named above in 1985. He/She lives at

.....
(street address or lot and concession)

.....
(municipality)

(Note the person appointed must be entitled to vote in the municipality in which the election is being held.)

5. Indicate (x) in the appropriate spaces below, the facts applicable to you:

- Resident in municipality
- Spouse of owner of land in the municipality
- Owner of land in municipality
- Spouse of tenant of land in municipality
- Separate school elector
- Tenant of land in municipality
- Public school elector

6. I have not voted in the elections being held in 1985 in the municipality named above in paragraph 3.

7. I am entitled to have my name entered on the polling list for the appropriate polling subdivision in which I normally reside and to vote in the elections to be held in 1985 in the municipality named above in paragraph 3.

8. Date.....

.....
Signature of person appointing voting proxy

Part II: Statutory declaration of voting proxy to be made before the clerk of the municipality.

I,....., the undersigned voting proxy, hereby solemnly declare that I am the person appointed as voting proxy by Part I of this form.

I declare that I am entitled to vote at the elections now pending in the municipality named in paragraph 3 of Part I of this form.

I further declare that the person appointing me as voting proxy is entitled to have his or her name entered on the polling list and vote at the elections to be held in the municipality named in paragraph 3 of Part I of this form.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at

.....

of.....

in the.....of.....

this.....day of....., 1985.

.....
Clerk of the municipality

.....
Name of Municipality

.....
Signature of voting proxy

Part III: Certificate to be completed by the clerk of the municipality.

I certify that:

1. I am satisfied that the person appointing a voting proxy by Part I of this form is entitled to vote at the municipal elections in this municipality in 1985.

2. the person referred to in paragraph 1 is entitled to vote in polling subdivision number (for ward number.....).

3. the person appointed as voting proxy by Part I of this form is a duly qualified elector in this municipality.

.....
Signature of Clerk

.....
Date Certified

.....
Name of Municipality