

1988

c 20 Municipal Elections Statute Law Amendment Act, 1988 (No. 1)

Ontario

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CHAPTER 20

**An Act to amend the
Municipal Elections Act and the Assessment Act**

Assented to April 11th, 1988

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

PART 1

MUNICIPAL ELECTIONS ACT

1.—(1) Paragraph 14 of section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

14. “enumeration” means the latest enumeration under the *Assessment Act*;

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c. 31

14a. “enumeration list” means the most recent list of electors prepared by the assessment commissioner under section 19.

(2) Paragraph 29 of section 1 of the said Act is repealed and the following substituted therefor:

29. “preliminary list” means an enumeration list of electors which has been corrected under section 23 and printed or reproduced under clause 24 (a).

2.—(1) Section 12 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 4, section 3, is further amended by striking out “Wednesday in October that precedes polling day by nineteen” in the sixth line and inserting in lieu thereof “Monday in October that precedes polling day by twenty-eight”.

(2) The said section 12 is further amended by adding thereto the following subsection:

Deeming
provision

(2) A person whose name is on the preliminary list is deemed to be entitled to be an elector unless there is evidence to the contrary.

3.—(1) Section 13 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 4, section 4, is further amended by striking out “Wednesday in October that precedes polling day by nineteen” in the sixth and seventh lines and inserting in lieu thereof “Monday in October that precedes polling day by twenty-eight”.

(2) The said section 13 is further amended by adding thereto the following subsection:

Deeming
provision

(2) A person whose name appears on the preliminary list is deemed to be entitled to be an elector unless there is evidence to the contrary.

4. Section 17 of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 7, section 1, is amended by inserting after “clerk” in the first line “on or before the date prescribed by the Minister of Revenue under the *Assessment Act*”.

5. The heading immediately preceding section 19 of the said Act is amended by striking out “Preliminary” and inserting in lieu thereof “Enumeration”.

6. Section 19 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

Enumeration
list

19. An assessment commissioner shall, on or before the 31st day of July in an election year, from the latest enumeration and from data received from other sources, compile for each polling subdivision in each municipality and locality in the assessment region an enumeration list containing the name and address of each person who meets the requirements for an elector under subsection 12 (1) or subsection 13 (1) and such list shall signify opposite the name of an elector,

7.—(1) Subsection 20 (1) of the said Act is amended by striking out “preliminary” in the third line and inserting in lieu thereof “enumeration”.

(2) Subsection 20 (2) of the said Act is amended by striking out “preliminary” in the second line and inserting in lieu thereof “enumeration”.

8.—(1) Subsection 21 (1) of the said Act is amended by striking out “preliminary” in the second line and inserting in lieu thereof “enumeration”.

(2) Subsection 21 (2) of the said Act is amended by striking out “preliminary” in the second line and inserting in lieu thereof “enumeration”.

9. Section 22 of the said Act is repealed and the following substituted therefor:

22.—(1) The assessment commissioner shall deliver the enumeration list to the clerk and, in respect of a locality, to the secretary of the school board on or before the 31st day of July in an election year. Delivery of enumeration list

(2) At the written request of the clerk, the assessment commissioner may deliver the enumeration list in a format that will facilitate the use of mechanical or electronic means in the printing or reproduction of the list. Idem

10. Section 23 of the said Act is amended by adding thereto the following subsections:

(2) The clerk or secretary, after making the corrections under subsection (1), shall establish the places where and fix the times when the list will be revised and notify the assessment commissioner of such places and times on or before the date prescribed by the Minister of Revenue under the *Assessment Act*. Revision of list
R.S.O. 1980, c. 31

(3) On or before the 31st day of August in an election year, the assessment commissioner shall mail to each elector on the preliminary list, at the address shown in the list, a notice in the form prescribed by the Minister of Revenue under the *Assessment Act* stating the electoral status of such person and the places and times for the revision of the preliminary list. Mailing of notice of electoral status

(4) If there is more than one elector at any address, only one notice is required to be sent to that address. One mailing per address

11. Clause 24 (b) of the said Act is repealed.

12. Subsections 25 (2) and (3) of the said Act are repealed and the following substituted therefor:

(2) On the Tuesday following the first Monday in September, copies of the preliminary list under subsection (1) shall be posted, notice given under section 24 and the revision of the list commenced. Time for posting, etc.

Last day for
filing
applications
for revision

(3) The last day for filing applications for revision of the preliminary list shall be the day immediately preceding the twenty-eighth day before polling day and the applications may be filed with the clerk during normal office hours.

13. Section 30 of the said Act is repealed and the following substituted therefor:

Statement of
changes

30.—(1) Upon the determination of all applications for revision of the preliminary list filed on or before the last day for filing applications, the clerk shall compile a statement of changes to the list including deletions and additions.

Idem

(2) The statement shall set out the full name and address of each person who is the subject of the addition, change or deletion.

Distribution
of statement

(3) The clerk shall, on or before the twenty-eighth day before polling day, send a certified copy of the statement to each person specified in subsection 25 (5) and shall furnish two certified copies of the statement to every candidate for office.

14. Subsection 35 (1) of the said Act is amended by striking out “twenty-first” in the second line and inserting in lieu thereof “twenty-eighth”.

15. Section 89 of the said Act is amended by adding thereto the following subsection:

Clerk to
forward
certain
documents
R.S.O. 1980,
c. 31

(3) After polling day, within the time prescribed by the Minister of Revenue under the *Assessment Act*, the clerk shall send to the assessment commissioner the certificates filed under subsection 33 (3) and the declarations taken under subsection 56 (1).

16. Subsections 92 (4) and (5) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 47, section 24, are repealed and the following substituted therefor:

Preliminary
list of
electors

(4) The preliminary list to be used for a new election shall be prepared as follows:

1. The clerk shall notify the assessment commissioner by registered mail of the requirement for a new election.
2. The assessment commissioner shall deliver to the clerk the enumeration list dated as of the date of the mailing of the notice.

3. Upon receipt of the enumeration list, the clerk, after making corrections under section 23, shall cause the list to be printed or reproduced, whereupon the list shall be the preliminary list.

(5) The preliminary list shall be posted in accordance with subsections 25 (1) and (2). Posting of list

(5a) The preliminary list is subject to revision for fifteen days before nomination day and sections 25 to 30 apply to the revision with necessary modifications. Revision of preliminary list

(5b) The requirements for the qualification of electors are the same as those set out in subsection 12 (1) or 13 (1) but electors may meet the requirements at any time during the fifteen days before nomination day. Qualifications

(5c) If a by-law or question is to be submitted to the electors at an election, other than a regular election, in compliance with an order of the Ontario Municipal Board given under subsection 132 (4) of the *Municipal Act*, unless the Board otherwise directs, Procedures
R.S.O. 1980,
c. 302

- (a) the clerk of the municipality shall set a date for polling day which shall be within sixty days of the effective date of the Board's order;
- (b) the clerk shall prepare, correct, print or reproduce and post the preliminary list in accordance with subsections (4) and (5);
- (c) the preliminary list shall be subject to revision for a period commencing twenty-one days after the effective date of the Board's order and ending thirty-six days thereafter; and
- (d) the period during which a person may qualify as an elector entitled to vote on the by-law or question shall be the period commencing thirty-four days after the effective date of the Board's order and ending on polling day.

PART II

ASSESSMENT ACT

17. Clause 2 (1a) (e) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 28, section 1, is repealed and the following substituted therefor:

R.S.O. 1980,
c. 308

- (e) prescribing anything the Minister is permitted or required by this Act or by the *Municipal Elections Act* to prescribe.

18. Subsection 9 (2) of the said Act is amended by striking out “census” in the twelfth line and inserting in lieu thereof “enumeration”.

19. Subsection 10 (3) of the said Act is amended by striking out “census” in the fifth line and inserting in lieu thereof “enumeration”.

20. Subsection 13 (4) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 47, section 2, is amended by striking out “list prepared and revised by him” in the fifth line and inserting in lieu thereof “applications for the direction of school taxes received and approved by the assessment commissioner”.

21.—(1) Subsections 14 (1) and (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 47, section 3, are repealed and the following substituted therefor:

Enumeration

R.S.O. 1980,
c. 308

(1) The assessment commissioner shall, commencing on the 1st day of May and ending on the 30th day of June in each election year as defined in the *Municipal Elections Act* and in any other year in which the Minister considers it necessary, cause an enumeration to be taken of the inhabitants of each municipality and locality in the assessment region in the manner prescribed by the Minister and including such information as may be prescribed by the Minister.

Other
enumeration

(2) The assessment commissioner shall, at a time to be prescribed by the Minister, in each year in which an enumeration is not taken under subsection (1), cause an enumeration to be taken of the occupants of any domestic establishment that is,

- (a) used or intended to be used as a residence by the tenant or lessee;
- (b) separately assessed under this Act; and
- (c) contained in a building having not less than seven such domestic establishments,

and the enumeration shall include the information prescribed under subsection (1).

(2) Subsection 14 (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 47, section 3, is amended by

striking out “census” in the second line and in the third line and inserting in lieu thereof in each instance “enumeration”.

(3) Subsection 14 (4) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 47, section 3, is repealed and the following substituted therefor:

(4) The enumeration taken under this section shall be the enumeration referred to in the *Municipal Elections Act*.

Enumeration
for R.S.O.
1980, c. 308
purposes

(4) Section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 47, section 3, is amended by adding thereto the following subsections:

(5) The enumeration under this section shall be taken by,

How
enumeration
to be taken

- (a) delivering or mailing a municipal enumeration form as prescribed by the Minister to the last known address of each inhabitant;
- (b) canvassing the premises of those inhabitants who have not completed and returned the notice delivered or mailed under clause (a) on or before the 15th day of May or such other day as the Minister may prescribe; and
- (c) such other means or in such other manner as the Minister may prescribe.

(6) The assessment commissioner shall update the information received on the last enumeration under subsection (1) or (2) with such further information as may come to the attention of the assessment commissioner.

Update of
information

(7) The assessment commissioner may cause to be delivered or mailed to the address of any person who is or may be assessed in respect of land, whether resident in the municipality or not, the form referred to in clause (5) (a).

Delivery of
notice

22.—(1) Subsection 15 (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 47, section 3, is amended by,

- (a) striking out “to the clerk of the municipality and” in the fifth line; and
- (b) striking out “second Tuesday of October in each year” at the end thereof and inserting in lieu thereof “30th day of September in each year”.

(2) Subsections 15 (2) to (6) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 47, section 3, are repealed and the following substituted therefor:

Preparation
of list

(2) Subject to subsection (3), the list referred to in subsection (1) shall be prepared on the basis of information contained in the enumeration, including updates thereto under subsection 14 (6), that has been completed by the assessment commissioner on or before the 30th day of September in that year.

Application
respecting
assessment
roll

(3) Any person may apply to the assessment commissioner to have that person's name included or altered in the assessment roll as a separate school supporter, if the person is a Roman Catholic, or a public school supporter and the assessment commissioner may make the addition or alteration.

Format of
list

(4) At the request of the secretary of the school board, the assessment commissioner may deliver the list referred to in subsection (1) in a format that will facilitate the use of mechanical or electronic means in the printing, reproduction or other use of the list.

Regulations

(5) The Minister may make regulations prescribing the forms and procedures to be used by a person applying to the assessment commissioner under subsection (3).

(3) Subsection 15 (7) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 47, section 3, is amended by striking out "subsection (6)" in the third line and inserting in lieu thereof "subsection (3)".

(4) Subsection 15 (8) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 47, section 3, is repealed and the following substituted therefor:

Delivery of
application
by
assessment
commissioner

(8) If the assessment commissioner approves an application under subsection (3), the assessment commissioner shall deliver a copy of the approved application to the secretary of each school board in the municipality or locality in which the applicant is entitled to direct taxes for school support.

(5) Subsections 15 (11) and (12) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 47, section 3, are repealed.

23. This Act comes into force on the day it receives Royal Assent. Commence-
ment

24. The short title of this Act is the *Municipal Elections Statute Law Amendment Act, 1988*. Short title

