

1978

c 12 The Municipal Elections Amendment Act, 1978 (No. 1)

Ontario

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CHAPTER 12

**An Act to amend
The Municipal Elections Act, 1977**

Assented to April 24th, 1978

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

1. Subsection 2 of section 9 of *The Municipal Elections Act, 1977*, s. 9(2), re-enacted being chapter 62, is repealed and the following substituted therefor:
 - (2) The term of office of members of a council or local board who hold office on the 30th day of November, 1978, and whose term of office but for this subsection would expire with the 31st day of December, 1978, shall, subject to subsection 3, expire with the 30th day of November, 1978, and where such members are paid an annual allowance, the allowance for the year 1978 shall be reduced proportionately. Expiry of term of office and proportional reduction in annual allowances
 - (3) The holders of offices hold office until their successors are elected and the newly elected council or local board is organized. Until new council organized
2. Clause *a* of subsection 1 of section 36 of the said Act is s. 36(1)(a), re-enacted repealed and the following substituted therefor:
 - (a) shall be signed by at least ten electors, either whose names are entered in the preliminary list of electors or who have furnished to the clerk an affidavit in the prescribed form that they are entitled to vote in the election to such office.
3. Subsection 5 of section 37 of the said Act is s. 37(5), re-enacted repealed and the following substituted therefor:
 - (5) Where the number of candidates for an office who are nominated at the end of nomination day is not sufficient to fill the number of vacancies to which candidates may Where number of candidates nominated insufficient

be elected, subsection 1 of section 40 respecting acclamation applies to those candidates, but additional nominations for the remaining vacancies in the office in respect of which there was an insufficient number of candidates may be filed in the office of the clerk on the Wednesday following nomination day between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon and the provisions of subsection 4 apply, with the necessary modifications, as though the additional nomination papers had been filed on nomination day.

s. 40(1),
re-enacted

4. Subsection 1 of section 40 of the said Act is repealed and the following substituted therefor:

Acclama-
tion

(1) If no more candidates are nominated at the end of nomination day for any office than the number to be elected, the clerk shall forthwith after 5 o'clock in the afternoon of the day following nomination day declare that candidate or those candidates duly elected.

Idem

(1a) In the case where additional nominations have been filed under subsection 5 of section 37 and the additional number of candidates nominated is not more than the remaining number of vacancies for which the additional candidates were nominated, the clerk shall forthwith after 5 o'clock in the afternoon of the Thursday following nomination day, declare that candidate or those candidates duly elected.

s. 55(1),
par. 4,
re-enacted

5. Paragraph 4 of subsection 1 of section 55 of the said Act is repealed and the following substituted therefor:

4. If voting by such person is objected to by any candidate or scrutineer, the deputy returning officer shall enter the objection or cause it to be entered on the polling list maintained by the poll clerk, by writing opposite the name of such person the

words "*Objected to by*
(name of candidate on whose behalf the objection was made)" and the deputy returning officer shall require the person in respect of whom the objection was made to take the prescribed oath.

s. 92(5),
re-enacted

6. Subsection 5 of section 92 of the said Act is repealed and the following substituted therefor:

Idem
R. S. O. 1970,
c. 32

(5) Where in the year following an election year the annual enumeration under *The Assessment Act* has, not less than sixty days prior to the holding of the new election, been

completed for the municipality or municipalities in which the new election is to be held, the assessment commissioner shall, within fourteen days of a request by the clerk or clerks of such municipality or municipalities, furnish a new preliminary list of electors based on such annual enumeration and in accordance with the requirements of this Act pertaining to the preparation of such lists and such preliminary list shall for all purposes, including revision by the clerk, be the preliminary list of electors for the new election and the revision shall be subject to the rule set out in paragraph 2, 3 or 4 of subsection 4, as the case requires, except that in the application of the relevant rule the qualification period expressed therein as "the period of qualification specified under section 12 or 13" shall be deemed instead to be the period in the year following the election year during which the enumeration was taken under section 23 of *The Assessment Act*.

R.S.O. 1970.
c. 32

7. Subsection 3 of section 117 of the said Act is amended by striking out "104" in the third line and inserting in lieu thereof "106".

s. 117 (3).
amended

8. Subsection 2 of section 32 of *The Liquor Licence Act, 1975*, being chapter 40, as re-enacted by the Statutes of Ontario, 1977, chapter 62, section 124, is repealed and the following substituted therefor:

1975, c. 40.
s. 32 (2),
re-enacted

(2) Where the vote is held on a day other than the date set for the election of members to the council of the municipality, for the purpose of determining the period during which a person may qualify as an elector entitled to vote on the question, the reference in paragraph 4 of subsection 4 of section 92 of *The Municipal Elections Act, 1977*, to the order of the Ontario Municipal Board given under section 262 of *The Municipal Act* shall be deemed to be a reference to the date of the approval given by the Board as required by section 31 of this Act.

Qualifica-
tion period
for
determining
eligibility
of electors

1977, c. 62

R.S.O. 1970.
c. 284

9. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

10. The short title of this Act is *The Municipal Elections Amendment Act, 1978*.

Short title

