

Procedure re Council Vacancy – Application for Appointment Process

The Town Clerk, or designate, shall be responsible for interpreting and, where appropriate, facilitating this Appointment Application Process. For the purposes of this procedure, the term “lot” means a method of determination by placing the names of the Candidates on equal size pieces of paper and placed in a container with one name being drawn by the Clerk, or designate.

Application Procedure:

1. The process will be initiated through an Advertisement placed in a local newspaper and on the Town’s municipal website, indicating Council’s intent to appoint a qualified elector to fill the Ward seat vacancy and calling for applications for a minimum of two consecutive weeks following Council’s decision to fill a vacancy by appointment;
2. Such Notice shall indicate Council’s intention to appoint an individual to fill a vacancy and shall outline the nomination process, similar to the example provided in Appendix A to this process;
3. Interested persons will be required to complete a Consent of Nominee (Appendix B) and a Declaration of Qualification (Appendix C), provide personal identification showing their name and qualifying address within the Town of Pelham, and may be required to provide a written response to specific questions as may be determined by Council;
4. Applicants are referred to hereinafter as Candidates.
5. Candidate(s) may submit, to the Clerk, a personal statement of qualification for consideration of Council. Personal statements shall be typewritten on 8 ½” X 11” paper not exceeding two pages in length and will include the Candidate name and address. Statements that do not comply shall not be included in the Council meeting agenda or provided to Council by the Clerk. Candidates will be advised of the deadline for submission of a personal statement.
6. Once submitted, the forms will be made available to the public in the same way as a nomination form for a Candidate in a municipal election or by-election and may be included on a Council agenda published on the municipal website;
7. A deadline will be established for filing the Consent of Nominee and Declaration of Qualification, as determined by Council in consultation with the Clerk;
8. Individuals who have submitted the necessary forms may appear before Council at a date and time so determined by the Council, and the Clerk will advise all applicants of the established date and time;
9. The Clerk will create a list of all Candidates and publicly post said list on the Town’s website and at the Municipal Town Hall. This list will be updated as applications are received, once deemed complete by the Clerk;
10. Notwithstanding the requirement of the Town’s Procedural By-law, the agenda for the meeting shall be set by the Clerk to allow for the orderly proceeding of selecting a Candidate and the agenda shall include the following:
 - a. A certified list of all Candidates listed in alphabetical order, by last name;
 - b. Any personal statement of qualification for consideration of Council;

From the Clerk’s Department

**Administration
Services**

11. Copies of all application documents will be included with the agenda package for the Appointment Meeting and will be made available as part of the public agenda posted on the Town's website. The Agenda shall be published to Members of Council and to the public in the same manner as a Regular or Special Council agenda.

Procedure at Appointment Meeting of Council:

12. At the Appointment Meeting which may be at a Regular or Special Meeting of Council, the Presiding Officer shall make a brief statement to outline the purpose of the meeting and the order of proceedings;
13. The Clerk will provide a list of Candidates who have completed the Consent of Nominee and Declaration of Qualification, and the Chair will call for a motion to consider the Candidates to fill the vacancy, as follows:
 - a. *"BE IT RESOLVED THAT the following individuals who have signified in writing that they are legally qualified to hold office and consented to accept the office if they are appointed to fill the vacancy, be considered for appointment to fill such vacancy";*
14. Copies of all application documents will be included with the agenda package for the Appointment Meeting and will be made available as part of the public agenda posted on the Town's website;
15. Candidates will be sequestered in an adjacent room until it is their time to answer questions posed by Council. Once a Candidate has answered the questions, they will return to a separate room until all Candidate interviews are complete.
16. At the Appointment Meeting, each Candidate will be afforded an opportunity to address Council for a period not to exceed ten(10) minutes;
17. The order of speaking will be alphabetical by last name;
18. Each member of Council will be allowed no more than one question to each Candidate and responses from Candidates shall be limited to a maximum of two (2) minutes per question;
19. Upon hearing all Candidate submissions, Council will proceed to vote, by way of a public ballot vote, similar to the Ranked Voting process, in rounds of voting as follows;
 - a. Candidate names will be displayed on the Council Chamber viewing screen and shall be displayed in alphabetical order, by last name for use in a public tally of votes;
 - b. Each of the pieces of paper to be used as either ballots, or to be used by the Clerk to draw names in accordance with Section 19(m) (i)(ii) will be equal in size and type;
 - c. Only the Clerk or Clerk's designate may handle the papers, ballots and Container referenced in this procedure, save and except the Members being permitted to mark their ballots;
 - d. Ballots will be provided to Members of Council in the form of a voting card on which to indicate their choice of Candidate in writing; and all voting cards shall be of identical size, paper quality, and colour and shall be pre-printed with the Member's name and a place to be initialed by the Member;
 - e. The first round ballots may contain the name of each Candidate, in alphabetical order by surname and have a box immediately preceding the surname in which the Member of Council may mark an "X" beside the name of the Candidate of their preference;
 - f. All subsequent ballots shall be in the form described in (d) above however will not contain any Candidate names in a pre-printed format;
 - g. The Clerk will ask Members of Council to vote by clearly printing the name of their preferred Candidate on the ballot, initialing the ballot for authentication purposes, folding the ballot and returning it directly to the Clerk;
 - h. Any Round One ballot marked with more than one "X", or any subsequent round ballot that is not legibly printed, or any ballot that does not contain the authentication initials

of the Member of Council shall be considered a spoiled ballot and shall not be included in the tally;

- i. The Clerk will read aloud the Member's name and selected Candidate and announce the tallies of all votes, while maintaining the tally on the viewing screen;
- j. If the Candidate receiving the greatest number of votes cast does not receive more than one-half the votes of all voting Members of Council, the Candidate or Candidates who received the fewest number of votes shall be excluded from consideration;
- k. The vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the Candidate or Candidates who receive the fewest number of votes*;
- l. The process shall be repeated until the Candidate receiving the greatest number of votes has also received more than one-half of the votes of the voting Members of Council;
- m. In the event the votes cast are equal for all Candidates:
 - i. If there are three or more Candidates remaining, the Clerk shall by lot select one such Candidate to be excluded from subsequent voting;
 - ii. If only two Candidates remain, the tie shall be broken and vacancy shall be filled by the Candidate selected by lot, as conducted by the Clerk, wherein the first name drawn shall be declared the successful Candidate**;
- n. Upon conclusion of the voting, the Clerk will declare to be elected the Candidate receiving the votes of more than one-half of the number of voting Members, or as provided in 19(m)(ii);
- o. A by-law confirming the appointment shall be enacted by Council to appoint the successful Candidate to the office for the remainder of the term and the Clerk will administer the Oath of Office to the successful Candidate;
- p. The Minutes of the Appointment Meeting shall include a full disclosure of all voting results, including the name of each Member of Council and their selected Candidate in any and all voting rounds.

*Explanation of Voting:

Example: In a contest with four (Candidates) and six (6) Members of Council present, a Candidate would need a minimum of four (4) votes to be Appointed:

Round One:

Candidate A – 3 votes

Candidate B – 2 votes

Candidate C – 1 vote

Candidate D – 0 votes

In this scenario, as no majority vote was achieved, Candidate D is eliminated from further voting and another round of voting will occur.

Round Two:

Candidate A – 3 votes

Candidate B – 2 votes

Candidate C – 1 vote

In this scenario, Candidate C is eliminated and a further voting round will occur.

Round Three – Scenario “A”: Candidate A is the Successful Appointee

Candidate A – 4 votes

Candidate C – 2 votes

Round Three – Scenario “B”: Clerk Proceeds with i(ii), Determination by Lot**

Candidate A – 3 votes

Candidate B – 3 votes

**The process of determination by lot in the event of a tied vote is provided for in the *Municipal Elections Act, 1996*, Subsection 63(10). Although it specifically relates to recount procedures, it is an accepted practice throughout Ontario in this type of voting process.