



Township of East Zorra-Tavistock

General Policy Manual

Title: Municipal Election Recount Policy	
Section: Corporate Policies	Number: 1.12
Version: 1.0	Review Frequency: As required
Approved by: Council	Approval Date: 2009-11-04
Application: n/a	
Resolution #2009-11-04.006	

POLICY:

Resolved that Council establish the following municipal election recount policy in addition to the provisions set out in the Municipal Elections Act:

If the number of votes separating candidates from winning an office is a variance of:

- 5 votes or less, or;
- 1% of voters casting ballots for the office, whichever is the lesser,

the Clerk shall hold a recount of the votes for the candidates in question.

CARRIED.

Staff Report attached.

STAFF REPORT

Report #TC2009-03

To: His Worship the Mayor and Members of Council
From: Brenda Junker, Tax Collector
Re: Recount Policy for Municipal Elections
Date: October 29, 2009

Background:

At the start of Council's term, one item identified for consideration was a close vote recount policy. Staff has developed a proposal for a recount policy for municipal elections.

Provisions of the Municipal Elections Act set out when a recount will be held, as illustrated by the following excerpts:

56. (1) The clerk shall hold a recount,

(a) of the votes for two or more candidates who receive the same number of votes and cannot both or all be declared elected to the office;

Recount for municipality, local board or Minister

57. (1) Within 30 days after the clerk's declaration of the results,

(a) the council of a municipality may pass a resolution requiring a recount of the votes cast,
(i) for all or specified candidates for an office on the council

Recount

(2) The clerk shall hold a recount in accordance with the resolution or order, within 15 days after it is passed or made. 1996, c. 32, Sched., s. 57 (2); 2002, c. 17, Sched. D, s. 21.

Application for order for recount

58. (1) A person who is entitled to vote in an election and has reasonable grounds for believing the election results to be in doubt may apply to the Superior Court of Justice for an order that the clerk hold a recount. 1996, c. 32, Sched., s. 58 (1); 2002, c. 17, Sched. D, s. 22 (1).

With the exception of a tie, it is at the discretion of Council whether a recount will be held, barring a judicial order to do so. It is also Council that establishes the threshold for the recount.

Discussion:

A poll of various municipalities revealed very few recount policies. It is staff's opinion that a policy that takes into account voter turnout would best suit our township. Historically, voter turnout has been approximately 45 - 55%, to a low of 35% in both 2003 & 2006 when there were only two offices to be filled.

We studied various methods of calculating the minimum threshold at which a recount could be requested. One option would be a structure used in a larger municipality whereby recounts would be considered only if

- the number of votes separating a candidate from election is less than the greater of;
 - (i) 10 votes and
 - (ii) one half of one vote for each polling station or .25% of the total number of votes cast for that office, whichever is the lesser.

In applying this calculation to our own historical voter turnout (paying special attention to the situation that arose in the 2006 election) the result was generally a variance of less than 1% of the votes cast.

Based on that assumption, a more suitable option for East Zorra-Tavistock would be to set the maximum threshold at a variance of 5 votes or 1% of votes cast for the office, whichever is the lesser. This also takes into account the tallying method currently used, and the potential for electronic tabulators in the future. Given current voter turnout, if a recount were held, rarely would a variance be greater than 1% of votes cast. Results of a recount may fluctuate by a couple votes either way, but staff believes that to set the threshold at a difference of 10 votes, for example, would be too excessive based on the number of voters.

Proposed Policy:

Staff proposes that Council establish a Municipal Election Recount Policy as follows:

Resolved that Council establish the following municipal election recount policy, in addition to the provisions set out in the Municipal Elections Act,:

if the number of votes separating candidates from winning an office is a variance of:

5 votes or less, or;

1% of voters casting ballots for the office, whichever is the lesser

the Clerk shall hold a recount of the votes for the candidates in question

Examples:

Candidate A – 500 votes

Candidate B – 507 votes

Candidate C – 550 votes

1000 voters – 1% = 10 votes

Difference between close candidates is 7 – **no recount**

Candidate A – 500 votes

Candidate B – 504 votes

Candidate C – 550 votes

1000 voters – 1% = 10 votes

Difference between close candidates is 4 – **recount for Candidate A & B**

Candidate A – 125 votes

Candidate B – 123 votes

250 voters – 1% = 2.5 votes – round up to 3 votes

Difference between close candidates is 2 votes, less than 5 and 3 – **recount**

Candidate A – 125 votes

Candidate B – 121 votes

250 voters – 1% = 2.5 votes – round up to 3 votes

Difference between close candidates is 4 votes, less than 5, but greater than 3 – **no recount**

Recommendation:

1. That Council adopt the Municipal Election Recount Policy as set out in this report.

C.A.O. Comments

I agree. It is straightforward and provides clear direction to staff, and candidates, on what will happen for a close vote.



Jeff Carswell
Chief Administrative Officer

Report prepared and submitted by:



Brenda Junker
Tax Collector