

Appoint an Eligible Elector to Fill a Vacancy Procedure

1. Purpose:

The purpose of this procedure is to provide the steps to be followed to ensure an open and transparent process when filling a Council vacancy by appointing an Eligible Elector.

2. Notice of Vacancy:

2.1. “Chair” means the Member of Council presiding at the Council Appointment Meeting

2.2. “Council Appointment Meeting” mean the regular or Special Meeting of Council where Council will appoint a current member of Council to fill the Vacancy.

2.3. “Clerk” means the Clerk of the Municipality of Kincardine or their delegate.

2.4. “Lot” means a method of determination by placing the names of the candidates on equal size of paper and placed in a container with one name at a time being drawn by the Clerk or designate.

3. General

3.1. Council may decide by resolution to fill a Vacancy by Appointment of an Eligible Elector.

3.2. To be considered for Appointment, a Candidate must meet all the requirements to hold the Vacant office, and must not otherwise be disqualified from holding that office.

3.3. It is the Candidate’s sole responsibility to meet any deadline or otherwise comply with any requirement established by the Council or the Clerk as part of the Appointment process.

4. Notice of Vacancy

4.1. The Clerk shall post a Council Vacancy Notice on the Municipal website and in a local newspaper for two (2) consecutive weeks. The notice shall

indicate Council's intention to appoint an individual to fill a vacancy and shall outline the nomination process.

- 4.2.** A vote to fill a vacancy on Council by appointment shall occur at a Council Appointment Meeting.

5. Nomination

- 5.1.** Any individual wishing to be considered for appointment to the vacancy shall:

- a** Complete and sign a Council Vacancy Application Form and a Council Vacancy Declaration of Qualification and submit the forms in person at the Municipal Administration Centre during the Nomination/Application period as determined by the Clerk.
 - i** Applications must be on the Council Vacancy Application Form and accompanied by a Declaration of Qualification.
 - ii** All candidates must provide the Clerk with government issued identification and proof of eligibility within the municipality when filing a nomination.
 - iii** The surname on the application and the surname on the identification must be the same. Some flexibility will be given to first names (e.g. Tony for Anthony) subject to approval of the Clerk.
 - iv** Applications will be reviewed for completeness when filed and will be certified on or before the date to be set by the Clerk.
 - v** An unofficial list of persons who have submitted forms will be prepared and updated as soon as practical after receipt of the required forms. The list will be posted in the Municipality of Kincardine's website (www.kincardine.ca)
 - vi** An official list of nominated persons shall be posted in the same manner as specified in Section 5.1 a. v. once nomination forms have been certified and the nomination period has expired.
 - vii** A candidate may withdraw their nomination by filing a written withdrawal on the prescribed form in the Clerk's Office before a date

set by the Clerk. The candidate shall appear in person with identification in order to withdraw the nomination.

- b** Candidate(s) shall also submit to the Clerk by the closing time for nominations, a personal statement including a person's background information, relevant qualifications and why the person is interested in the position for consideration of Council. Personal statements will be typewritten on letter size (8 ½ x 11) paper, shall not exceed two (2) pages in length (one sided), and will include the Candidate(s) name and address.

Statements that do not meet these requirements shall not be included in any Council meeting agenda or provided to Council by the Clerk.

Please Note: All Candidate(s) application forms and personal statements/information are collected under the authority of the Municipal Elections Act, 1996, and will be included in the Council Agenda, as well as being made available for public inspection in the office of the Clerk until the next regular election. The entire Council proceedings relating to the Council Vacancy will be dealt with in open session of Council. A "Freedom of Information (FOI) Release form is required to be filled out by Candidate(s).

6. Council Appointment Meeting

6.1. At the scheduled Council Appointment Meeting, the following shall take place:

- a** The Mayor will make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
- b** The Clerk will provide to the Mayor a list of names of those individuals who have indicated, in writing, their interest in being appointed to the vacancy and the Mayor will call for a motion from Council in the following form:

"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"

- c** Council shall review the list of candidates and their statements of qualifications.

- d** Each of the candidates shall be afforded the opportunity to address Council for a period of not more than ten (10) minutes. The order of speaking shall be determined by lot. The names drawn shall address Council in the order they are drawn from the container.
- e** Once each candidate has completed speaking, each Council member may ask a maximum of two (2) questions per candidate. No scoring system shall be used in considering the answers to the questions. It is not necessary for any candidate to participate in answering any or all of the questions.
- f** Upon reviewing the candidates and statements of qualification, Council will proceed to vote as follows:
 - i** Council will vote by way of public vote, and all candidates will be invited to witness the voting. Members of Council shall verbally cast their vote.
 - ii** Candidate names shall be displayed in alphabetical order for Council and the public to view.
 - iii** Members of Council shall vote for one candidate only.
 - iv** The Clerk shall call upon the member of Council to verbally cast vote in random order drawn by lot.
 - v** The Clerk shall tabulate the results.
 - vi** If the candidate receiving the greatest number of votes cast does not receive more than one half of the votes of all voting Members of Council, the candidate who received the fewest number of votes shall be excluded from further consideration. The vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate who receive the fewest number of votes. This 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.
 - vii** If a tie exists between two or more candidates for the fewest number of votes received, the Clerk shall put all the candidates names tied for the

fewest number of votes in a container and pull one such candidate from the container to be excluded from the subsequent voting.

- viii** Where the votes cast are equal for all candidates and if there are three or more candidates remaining, the Clerk shall put all the candidates names into the container and pull one such candidate from the container to be excluded from the subsequent voting.
- ix** Where the votes cast are equal for all candidates and if only two candidates remain, the Clerk will break the tie by pulling the name of the successful candidate from the container. The Candidate whose name is pulled by the Clerk will be declared elected.
- x** Upon conclusion of the voting, the Clerk will note the candidate receiving the votes of more than one half of the number of the voting members or the candidate selected through section 6.1.f ix.
- xi** A by-law confirming the appointment of the successful candidate shall be enacted by Council immediately after the conclusion of the voting. The new member shall take their Oath of Office after the passing of the appointment by-law.

7. General Voting Rules

- 7.1.** Each piece of paper used by the Clerk to draw the names of candidates in accordance with the requirements of this Procedure will be created by the Clerk and will be equal in size and type and will contain the name of one candidate only.
- 7.2.** Only the Clerk or their delegate may handle the pieces of paper or the container referenced in this procedure.