Appendix “A”

Appointment Procedure to Fill a Vacancy in the office of Ward Councillor

1.0 Definitions

“Absolute Majority” – means fifty percent plus one (50% +1) of the available votes.

“Appointment” shall mean an appointment by Council to fill a vacancy in a Ward seat, in accordance with the Municipal Act, 2001, c.25.

“Chair” shall mean the member of Committee presiding at the meeting at which an appointment to fill the vacancy in a Ward seat is being considered.

“Council” shall mean the Municipal Council of The Corporation of the City of London.

“Member” shall mean a member of the Committee at the meeting at which an appointment to fill the vacancy in a Ward seat is being considered.

“Motion” shall mean a proposal by a member for the consideration of Committee that is moved by a member and seconded by another member.

“Slate of Nominees” shall mean a list of all individuals who have consented to the nomination for appointment to fill a vacancy in a Ward seat.

2.0 General

To be eligible for nomination for appointment to a vacant Ward seat, that individual must be eligible to hold office in accordance with the Municipal Act, 2001, c.25 and the Municipal Elections Act, 1996 and must not otherwise be disqualified from holding the office.

3.0 Process

The City Clerk shall advertise a Council Vacancy on the Municipal website and local newspaper, where time permits.

Any individuals wishing to be considered for appointment to fill the Council vacancy shall complete an appointment application form approved by the City Clerk and will submit the form to the City Clerk by the date and time established.

The individual appointed to fill the Council vacancy will be required to provide identification and qualifying address to the satisfaction of the City Clerk by the date and time established.
If the Slate of Nominees includes only one (1) candidate, the City Clerk will declare the candidate elected by a by-law which will be prepared and submitted to Council for enactment.

If the Slate of Nominees includes more than one (1) candidate, voting will be conducted as follows:

All applicants who have consented to their nomination, and whose eligibility has been confirmed shall be included on the Slate of Nominees in alphabetical order, for consideration for appointment.

The City Clerk shall prepare a ballot listing the approved Slate of Nominees and will make the ballot available to each Member.

Each Member may vote for one (1) candidate to be recommended for appointment.

The candidate that receives an Absolute Majority of the available votes shall be recommended for appointment.

If after the first round of counting, one (1) candidate does not receive an Absolute Majority of available votes, the candidate(s) who received the least amount of votes and those with zero votes are removed from the slate and the vote is held again until one (1) candidate to be recommended for appointment receives an Absolute Majority of the available votes.

Resolution of tie – recommended candidate

In the event of a tie between two or more candidates who receive the same number of votes, the following procedure shall be followed with any modifications the Committee deems necessary:

A run-off vote between the tied candidates shall be conducted and tabulated electronically. The candidate that receives the most votes in the run-off shall be recommended for appointment.

In the event of a tie between the same two or more candidates in a run-off vote, the tie will be resolved by lot as follows and the candidate chosen by lot shall be recommended for appointment:

a) The Clerk shall, in full view of the Committee, write the name of each tied candidate on a similar size paper, fold the papers with each candidate’s name in two (2) equal parts and deposit these papers, in full view of all persons present, in an open-end box.
b) The Clerk shall ensure that the contents have been displaced sufficiently, and proceed to draw name(s) for the purpose of determining the candidate(s) who shall be recommended for appointment.

If it becomes apparent by reason of an equality of votes that no candidate can obtain sufficient votes to be recommended for appointment by, Committee may repeat the selection process detailed in this Procedure with any necessary modifications in order to make a recommendation for appointment.

If it becomes impractical to tabulate the votes electronically, the selection process may be conducted and recorded manually in accordance with this Procedure. The manual process shall follow the procedures outlined in this Procedure, to the extent possible.

The candidate that achieves the threshold or is the last remaining nominee on the ballot shall be appointed by by-law and a majority vote of Council.