

City of Hamilton

Report for Consideration

To: Chair and Members
General Issues Committee
Date: June 11, 2025
Report No: FCS25031
Subject/Title: Method of Filling the Ward 8 Vacancy on City Council
Ward(s) Affected: Ward 8

Recommendations

- (a) That Report FCS25031, **BE RECEIVED** for information;
- (b) That the City Clerk **BE DIRECTED** to fill the vacancy for the Office of Councillor Ward 8, by either:
 - a. Option A: Through Appointment; or
 - b. Option B: Through By-election.
- (c) That Council **APPROVE** the funding method for filling the vacancy from the Tax Stabilization Reserve 110046.

Key Facts

- City Council declared the Office of Councillor – Ward 8 as vacant at its meeting held on May 28, 2025.
- At the Council meeting that follows the declaration of a Council vacancy, Council is required to select the method by which it will fill the vacancy.
- Council has two options: Appointment (completed July 23, 2025) or By-election (Voting Day being September 22, 2025)

Financial Considerations

Option A: Appointment to fill the vacancy

Staff estimate that filling the Council vacancy through appointment would cost approximately \$10,000. This estimate is largely based on the costs associated with advertisement, including the publication of the notice of nomination for office.

In conversations with Finance staff, this option would be funded from the Tax Stabilization Reserve.

Option B: By-election to fill the vacancy

Having conducted a recent by-election for Hamilton Wentworth District School Board English public school board trustee in Ward 4 in 2024/2025, staff have an understanding of the estimated effort and associated cost of a Ward 8 By-election to fill the vacancy.

TOTAL ESTIMATED COST	\$200,000
Tabulators, Consumables, Hardware, Software, ePoll Books	\$75,000
Online Voter Registration and Online Voting System and Support	\$30,000
Polling Location and Staffing Costs (wages, rental fees, supplies) – 3 Days of Polling at 3 Polls	\$80,000
Advertising	\$10,000
Miscellaneous Costs (mileage, shred, security)	\$5,000

The above cost estimates are based on the decision and the experience of utilizing online voting as an alternative voting method for the recent Ward 4 by-election. The online voter cost included a voter strike-off database, which was utilized for both online and paper ballots. If the City did not utilize online voting for the Ward 8 By-election, the procurement of a voter strike-off database would still be required, at an estimated cost ranging from \$30,000 to \$50,000.

If staff are directed to proceed with filling the vacancy in the Office for Councillor for Ward 8 through a by-election, the City Clerk will provide Council with a Report to consider the use of tabulators and alternative voting methods at the June 18, 2025 Council meeting.

As a by-election was not budgeted for as it relates to the Municipal Election Reserve, Tax Stabilization Reserve is the recommended funding source.

Background

Hamilton City Council has utilized both appointments and by-elections in the past, with the trend to hold a by-election for vacancies that are greater than a year, and an appointment for vacancies less than a year. See below:

YEAR	VACANCY	Time between Vacancy to Next Election	METHOD
2004	Ward 2 Council	914 Days	By-Election
2004	Ward 13 Council	868 Days	By-Election
2014	Ward 3 Council	286 Days	Appointment
2015	Ward 7 Council	1099 Days	By-Election
2018	Ward 7 Council	90 Days	Appointment
2021	Ward 5 Council	346 Days	Appointment
2024	Ward 4 HWDSB	736 Days	By-Election
2025	Ward 8 Council	536 Days	TBD
2025	Ward 7 HWCDSB	493 Days	TBD

Analysis

Policy Implications and Legislated Requirements

The Councillor for Ward 8, John-Paul Danko was recently elected as a Member of Parliament to the House of Commons as published in the Canada Gazette May 9, 2025 and under Section 258 (1) 3 of the *Municipal Act, 2001*, as amended, a person may not hold both elected positions.

Council, at its meeting held on May 28, 2025, declared the Office of Councillor Ward 8 Vacant.

Section 263 (1) of the *Municipal Act, 2001*, requires the municipality to fill the vacancy by either appointment or by holding a by-election, noting that a by-election cannot be held after March 31 in the year of a regular election (the next municipal election taking place in 2026).

Council has 60 days after the declaration of vacancy (May 28, 2025) to appoint a person to fill the vacancy, or in the case of a by-election, to pass a by-law requiring the by-election to be held.

Considerations for Appointment Process (Option A)

If Council chooses to fill the vacancy with an appointment, the *Municipal Act, 2001*, requires the appointment to be made within 60 days of the declared vacancy – May 28, 2025. A detailed Procedure for Filling Vacancies of Members of Council is outlined in Appendix A.

Action	Date
Declaration of Vacancy	May 28, 2025
Decision to fill vacancy through appointment	June 18, 2025
Public advertising of Position	June 23 – July 4, 2025
Application Deadline Date (closes at 2 p.m.)	July 4, 2025
Confirmation of Eligibility by the City Clerk	July 7, 2025
Special Council Meeting for Appointment Selection	July 23, 2025
Inaugural Council Meeting for the New Member of Council	August 6, 2025

Considerations for By-Election Process (Option B)

If Council chooses to fill the vacancy through a by-election, the *Municipal Elections Act, 1996* determines the process and timelines for the City Clerk to deliver the by-election. The Act specifies Election Day is 45 days after Nomination Day.

Action	Date
Declaration of Vacancy	May 28, 2025
Decision to fill vacancy through By-Election	June 18, 2025
Council approved By-Law for By-Election	June 18, 2025
Nominations begin	June 19, 2025
Preliminary List of Electors from Elections Ontario	July 25, 2025
Nomination Day (closes 2 p.m.)	August 8, 2025
Advanced Voting	September 20, 2025
Advanced Voting	September 21, 2025
Election Day (45 days after Nomination Day)	September 22, 2025
Inaugural Council Meeting for the Newly Member of Council	October 8, 2025

Staff within the Office of the City Clerk are currently executing the work plan for the 2026 Municipal Election. Additional staff will be recruited to deliver the by-election, should Council select to fill the Ward 8 vacancy by this method. The costs associated with this increase in staffing is reflected in the financial costs listed above. Any non-essential preparations for the 2026 election would be paused as the Elections Team would need to focus on delivering the by-election.

Alternatives

This Report will provide some analysis on the two Options before Council (Appointment and By-Election). It is recommended that in addition to receiving this Report, that Council approve one of the two options:

Option A: Appointment

Suggested Wording of the Motion:

“That staff **BE DIRECTED** to conduct the appointment process, detailed in Appendix A to Report FCS25031, and that the Vacant Office of Councillor Ward 8 **BE FILLED** by appointment”.

Option B: By-Election

Suggested Wording of the Motion

“That the City Clerk **BE DIRECTED** to hold a by-election to fill the vacant Office of Councillor Ward 8”

Relationship to Council Strategic Priorities

This Report does not address a specific priority project of Council. While it supports the principles of Transparency, this decision is a legislative requirement for Council in response to a Council Vacancy.

Consultation

If Council chooses to hold a by-election to fill the Ward 8 Council seat, staff within the Office of the City Clerk will consult with the following entities to deliver the by-election:

- City of Hamilton IT, Legal Services, Customer Contact Centre, Corporate Communications
- Hamilton Wentworth Catholic School Board
- Hamilton Wentworth Public School Board
- Conseil Scolaire Catholique MonAvenir
- Conseil Scolaire Viamonde
- Ministry of Municipal Affairs and Housing;
- Chief Electoral Officer
- Elections Ontario

Appendices and Schedules Attached

Appendix "A" to Report FCS25031: Appointment Process

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