

Staff Report

Report To: City Council
Report From: Briana Bloomfield, City Clerk
Meeting Date: April 13, 2026
Report Code: CR-26-034
Subject: 2026 Election Report No. 3

Recommendations:

THAT in consideration of Staff Report CR-26-034 respecting 2026 Election Report No. 3, City Council:

1. Receives the school board distribution reports from the Bluewater District School Board, Bruce-Grey Catholic District School Board, le Conseil Scolaire Catholique Providence, and le Conseil Scolaire Viamonde for information purposes;
2. Directs staff to bring forward a by-law to amend the Election Sign By-law to allow municipal election signs to be posted immediately following Certification Day;
3. Directs staff to provide notice of and bring forward a by-law to amend the Fees and Charges By-law to include a \$10.00 fee for the printing of City maps; and
4. Directs staff to bring forward a by-law to:
 - a. Establish a Compliance Audit Committee;
 - b. Adopt the terms of reference for the Grey County Compliance Audit Committee (GCCAC); and
 - c. Delegate authority to the Clerk to appoint the members of the GCCAC.

Highlights:

- Election information can be found at www.OwenSoundVotes.ca.
- Voters can confirm, add, or amend their information on the voters list by visiting www.RegistertoVoteON.ca.
- There is a candidate and third party advertiser information session on Wednesday, April 22, 2026, from 6pm to 9pm at Grey County Council Chambers. To register, visit OwenSoundVotes.ca.
- Candidates can submit their nomination package between May 1 and August 21.
- The voting period for the election is from October 16 to 26.

Vision 2050 - Strategic Plan Alignment:

[Strategic Plan](#) Priority: The recommendation contributes to core service delivery or a corporate initiative that enables service delivery for one or more strategic priorities.

Previous Report/Authority:

Municipal Act, 2001

Municipal Elections Act, 1996

Education Act

[Election Sign By-law](#)

[Report CR-24-106](#) – Election 2026 Voting Methods and Inaugural Meeting

[Report CR-25-109](#) – 2026 Election Report No. 1

[Report CR-25-141](#) – 2026 Election Report No. 2

Background:

This is the third general election report that is being presented to Council respecting the upcoming 2026 municipal and school board election.

While the Clerk is responsible to conduct municipal elections, Council is the approval authority where issues require authorization by by-law. Preparation is well underway for the 2026 municipal election, and the following items are being brought to Council's attention for information and consideration.

Analysis and Options:

Candidate and Third Party Advertiser Information Session

As previously reported through Staff Report CR-25-141, there is an information session for potential candidates and third party advertisers in Grey County on Wednesday, April 22, 2026 from 6:00 p.m. to 9:00 p.m. at Grey County Council Chambers.

Based on new information received since the previous election report, this session will no longer be recorded or posted on municipal websites.

Whether attending the session in person or virtually, attendees must register by using the link on municipal websites or by visiting www.grey.ca/election-info-session.

The information session is free and open to anyone considering running in the 2026 municipal or school board election or registering as a third party advertiser. The session will include a presentation from Grey County staff, the Ministry of Municipal Affairs and Housing, and Election and Legislative Procedure Experts - Clerks on Call. Additionally, Clerks from each member municipality will be in attendance to provide handouts and respond to inquiries.

Lame Duck

Section 275 of the *Municipal Act, 2001* (the "Municipal Act") limits the authority of City Council to make certain decisions prior to a municipal election. The provisions of section 275 (attached), commonly referred to as lame duck provisions, are in effect if it can be determined that the incoming council will include less than three-quarters of the members of the outgoing council. This is possible following Nomination Day (August 21, 2026) and following Voting Day (October 26, 2026).

The term of office for the 2026 Council will begin on November 16, 2026 following inauguration.

The Council for the City of Owen Sound is comprised of 9 members and lame duck provisions will take effect when it becomes mathematically impossible for 7 members of the outgoing Council to be re-elected. The following examples assist in clarifying the formula for lame duck provisions to take effect following Nomination Day:

1. If fewer than 7 current members of Council run for re-election in their current positions.
2. If current members run for the same office such that 7 members of Council cannot be re-elected. For example, if 7 current members run but 2 run for Mayor, only 6 would be capable of being re-elected.

If the lame duck provisions are not in effect following Nomination Day but 7 current members are not re-elected, then lame duck provisions will take effect following Voting Day.

There are 4 restrictions on Council within the lame duck provisions. These are:

- a. The appointment or removal from office of any officer of the municipality;
- b. The hiring or dismissal of any employee of the municipality;
- c. The disposition of any real or personal property of the municipality that has a value exceeding \$50,000 at the time of disposal; and
- d. Making any expenditures or incurring any other liability that exceeds \$50,000.

Restriction (a) above will be in effect during lame duck as subsection 23.3(1) of the *Municipal Act* does not permit the delegation of the appointment or removal of an officer. An officer includes the clerk, treasurer, chief building official, and fire chief.

Provisions are in place to ensure that business can continue for the remaining three restrictions should Council be lame duck. The City Manager has been delegated authority for restriction (b) through the [Delegation of Powers and Duties By-law](#) and the City Manager Employment Agreement. The City Manager and Director of Corporate Services have been delegated joint authority for restrictions (c) and (d) through the Delegation of Powers and Duties By-law. A report will be presented to Council with any action(s) taken by the City Manager and Director of Corporate Services.

Lame Duck and Strong Mayor Powers

While the lame duck provisions under strong mayor powers have not been tested through the courts, the Ministry of Municipal Affairs and Housing has advised that any powers or duties of Council that are assigned to the head of Council are also subject to the restricted provisions under the *Municipal Act*.

Should the Mayor consider utilizing strong mayor powers during lame duck, staff recommend obtaining a legal opinion prior to exercising those powers.

School Board Trustee Distributions

In accordance with the *Education Act* and O. Reg 412/00, a determination regarding trustee distribution has been made by the four school boards having jurisdiction over the City of Owen Sound. The school boards include the Bluewater District School Board, the Bruce-Grey Catholic District School Board, le Conseil Scolaire Catholique Providence (French language catholic), and le Conseil Scolaire Viamonde (French language public).

Attached to this report are the distribution notices from the four school boards. In summary, the distributions are as follows:

School Board	Distribution
Bluewater District	One (1) trustee for Owen Sound
Bruce-Grey Catholic District	One (1) trustee for Owen Sound, Meaford, and Town of the Blue Mountains
Conseil Scolaire Catholique Providence	One (1) trustee for the Counties of Perth, Grey, Huron, Bruce, and Lambton
Conseil Scolaire Viamonde	One (1) trustee for the Counties of Bruce, Grey, Simcoe, and Dufferin

City Council may appeal to the Ontario Land Tribunal the results of the distribution under section 6 or 7 of O. Reg 412/00. An appeal may only be made if the distribution allots to a geographic area a number of members that is different from the sum of the applicable electoral quotients for the geographic area by an amount greater than 0.05 the total number of members. The appeal must be commenced no later than April 21 and must set out the objection to the distribution and the reasons for the objection and be accompanied by the applicable fee. If no appeal is commenced, the school board will be deemed to be properly constituted despite any defect in the distribution.

Staff recommend that the school board distribution reports be received for information purposes because the distributions have had minimal changes over the last several elections. Should Council wish to pursue an appeal,

direction should be provided to staff to initiate an appeal, and Council should provide staff with the rationale for the appeal.

Election Sign By-law

The City's [Election Sign By-law No. 2022-027](#), which operates independently from the City's Sign By-law No. 2014-001, establishes regulations governing the placement, display, timing, and removal of election signs within the municipality during an election period. The purpose of the by-law is to prevent hazards to vehicles and pedestrians and to regulate the erection and removal of election campaign signs. The [Election Sign Fact Sheet](#) provides an overview of the Election Sign By-law regulations.

One limitation in the by-law is that municipal election signs may not be posted until thirty (30) days before voting day. This restriction was initially included to promote fairness, reduce visual clutter, and shorten the period during which safety for motorists and pedestrians may be compromised by increased signage. While this provision is common in municipal by-laws addressing election signs, it was recently considered by the Ontario Superior Court of Justice in *Charles Frederick Armstrong v The Township of Russell* (2025 ONSC 3790). The court found the time limitation to be an unjustified infringement on freedom of expression under the *Charter of Rights and Freedoms*.

To meet the goals of the Election Sign By-law in the least restrictive way, staff recommend amending the by-law to allow election campaign signs to be posted immediately following Certification Day. Certification Day takes place following the close of nominations, in August. **For this year's election, Certification Day is Monday, August 24, 2026, so signs may be erected beginning August 25, 2026.** Certification Day is the day that the City Clerk certifies all candidate nominations, meaning that all candidates will have the same amount of time to post election signs, continuing to ensure fairness. In addition to this change, staff will continue to monitor caselaw on this issue and review the full by-law again before the next election. If approved by Council, the amended Election Sign By-law will be updated on the City's website and the Election Sign Fact sheet will also be updated.

City Map

Staff offer a map for election candidates and there is no fee for this in the Fees and Charges By-law. Staff recommend adding a \$10 fee for maps to align with the cost of planning maps and help cover the cost of printing them.

Grey County Compliance Audit Committee (GCCAC)

The *Municipal Elections Act, 1996* (the "MEA") requires that all municipalities establish a Compliance Audit Committee (CAC) by October 1, 2026. The term of the committee is the same as the term of council. A qualified elector who believes on reasonable grounds that a candidate or a registered third party has contravened a provision of the MEA relating to election campaign finances may apply to the CAC for a compliance audit of the candidate's or the third party advertiser's election campaign finances.

Applications for a compliance audit are submitted to the Clerk, who in turn forwards the application to the CAC. The CAC reviews each application to determine whether or not there are reasonable grounds to request an audit. If the request is granted, the CAC appoints an auditor to audit the candidate's or third party advertiser's finances. Upon completion of the audit, the CAC reviews the auditor's report to determine whether there are contraventions of the MEA and whether legal proceedings against the candidate or third party advertiser should proceed.

If the auditor's report indicates that there are no apparent contraventions of the MEA and the CAC finds that there are no reasonable grounds for the application, Council is entitled to recover the auditor's costs from the applicant.

Additionally, the Clerk is responsible to report to the CAC any contributions on the financial statements submitted by a candidate or third party advertiser that appear to have exceeded any of the contribution limits. The CAC must consider the Clerk's report and decide whether to commence a legal proceeding against the contributor for the apparent contravention.

In the 2018 and 2022 election, a joint CAC was formed with all municipalities in Grey County called the Grey County Compliance Audit Committee (GCCAC). This was a successful partnership as it created efficiencies for advertisements, the creation of policies and procedures, and training. A joint CAC also offers the greatest opportunity to reach a broad spectrum of interested applicants across Grey County in a cost-effective manner.

Staff recommend that Owen Sound participate in the GCCAC again and adopt the Terms of Reference attached to this report. The Terms of Reference are the same as the ones used in 2022. The Terms of Reference were originally developed by Grey County Clerks using samples from other jurisdictions and the input of a municipal lawyer.

Recruitment for the GCCAC is nearing completion with information on each municipality's website. In addition to websites, the advertisement will be placed in the Sun Times and circulated to the Grey County Law Association, Law Society of Upper Canada, and local auditors.

The MEA specifies that CACs be composed of between 3 and 7 members. As outlined in the Terms of Reference, members of the Selection Committee will recommend a maximum of 7 members to be appointed by the Clerk. The Terms of Reference sets out the criteria that the Selection Committee will be considering when recommending appointments. It is being recommended that City Council delegate authority to the Clerk to appoint these members. Grey County Clerks have determined that this is the most efficient way to appoint members and ensure consistency of members across the County.

To avoid possible conflicts of interest, any auditor, accountant, or lawyer appointed to the GCCAC must agree in writing that they have not and will not provide professional services to any candidates, third party advertisers, or contributors in the County of Grey respecting the 2026 municipal election or any by-elections that occur.

When a participating municipality receives an application for a compliance audit or a Clerk's report, the Clerk of that municipality will contact members of the GCCAC and use three individuals to form a Sitting Committee. The Clerk will be responsible for preparing the necessary notices, agendas, minutes, etc. for the Sitting Committee.

Resource Alignment:

Financial Resources

Members of the GCCAC will be paid a retainer of \$1,000 split amongst the member municipalities. Any other costs associated with the operation of the GCCAC will be shared jointly by the member municipalities.

Should a compliance audit be initiated, members of the Sitting Committee will be paid \$200 for meetings under 4 hours and \$300 for meetings over 4 hours plus mileage. The host municipality will be responsible for these costs as well as any audit or legal costs as may be required.

Human Resources

The Grey County Clerks are collaborating on a number of election initiatives, including the GCCAC, to divide responsibilities, share expertise and resources, standardize processes where appropriate, and support a

coordinated, efficient, and compliant approach to election administration across all member municipalities.

By-law Enforcement staff may be required to respond to a larger number of election sign complaints due to the increased length of time that signs can be erected.

Time and Scheduling

The GCCAC must be in place by October 1, 2026.

Technology and Infrastructure

No additional technology or infrastructure is required for the GCCAC.

Climate and Environmental Impacts:

Utilizing an internet and telephone voting method provides positive climate impacts as there will be minimal paper requirements and voters do not need to drive to a polling station to vote.

Communication and Engagement:

The Clerks Team in consultation with the Communications Team has developed a robust communication plan for the election.

The [election webpage](#) is an excellent resource for voters, candidates, and third party advertisers.

Report Developed in Consultation With:

Manager of Legislative Services, Deputy Clerk, By-law Enforcement Supervisor

Attachments:

1. Municipal Act, s. 275 Excerpt
2. Distribution Report – Bluewater District School Board
3. Distribution Report – Bruce-Grey Catholic District School Board
4. Distribution Report – Conseil Scolaire Catholique Providence
5. Distribution Report – Conseil Scolaire Viamonde
6. GCCAC Terms of Reference

Reviewed by:

Kate Allan, Director of Corporate Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Briana Bloomfield, City Clerk at bbloomfield@owensound.ca or 519-376-4440 ext. 1247.