Corporation of the Township of Chisholm

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AGENDA
SPECIAL COUNCIL MEETING
THURSDAY, November 5, 2026 10:45am

1. CALL TO ORDER & ACKNOWLEDGE FIRST NATIONS PEOPLES AND LAND

"We respectfully acknowledge that we are on the traditional territory of the Anishinaabe Peoples, in the Robinson-Huron and Williams Treaties areas. We wish to acknowledge the long history of First Nations and Metis Peoples in Ontario and show respect to the neighbouring Indigenous communities. We offer our gratitude for their care for, and teachings about, our earth and our relations. May we continue to honor these teachings."

2. NOTIFICATION OF PECUNIARY INTEREST

3. ADOPTION OF AGENDA

4. NEW BUSINESS

(a) Report from CAO Clerk Treasurer – Request for a Recount (encl)
(b) Resolution for the Request for Recount of the Office of Councillor
(c) Resolution for the Request for Recount of the Office of Mayor

5. ADJOURNMENT

(a) Resolution re: Adjournment.

REPORT TO COUNCIL

DATE: November 3, 2026
TO: Mayor and Members of Council
FROM: Lesley Marshall, CAO/Clerk-Treasurer
SUBJECT: Requests for Recounts – 2026 Municipal Election

1. Purpose
To present two written requests for recounts arising from the October 26, 2026 Municipal Election and provide Council with the election results, reasons advanced by the requester, legislative authority, and procedural and administrative considerations. The Office of Mayor and Office of Councillor requests are to be considered as separate agenda items with separate resolutions.

2. Election Results and Background
I, in my capacity as Clerk, declared the successful candidates elected on October 27, 2026, pursuant to section 55(4)(a) of the Municipal Elections Act, 1996. The numerical vote totals below are taken from the Township's published unofficial results; the successful candidates are consistent with my declaration (Form EL32).

Office of Mayor

Candidate	Votes	Status
Paul Sharp	225	Declared elected
Gail Degagne	216	Not elected

Margin – 9 Votes

Office of Councillor – Four Positions

Candidate	Votes	Status
Gerry Rose	335	Declared elected
Walter Ross	296	Declared elected
Bernadette Kerr	266	Declared elected
Robert Davis	199	Declared elected
Nunzio Scarfone	194	Not elected

The margin between Robert Davis, the fourth declared elected councillor, and Nunzio Scarfone was five votes.

On October 28, 2026, Mayor Gail Degagne submitted a written request that Council consider authorizing recounts for both offices under section 57(1) of the Municipal Elections Act, 1996.

3. Summary of the Request and Reasons Advanced

The requester cites the nine-vote mayoral margin and five-vote margin for the final councillor position as reasons to verify the accuracy of the results and maintain public confidence. She states that even a small difference in the count could affect the declared outcome, and identifies transparency, accountability, fairness and public trust as supporting considerations.

The request relies on the October 27, 2026 written advice of Integrity Commissioner Chris Wray regarding Council's discretionary recount authority, the absence of a reasonable-grounds threshold for a Council-ordered recount, the ability of the outgoing Council to consider the matter, and procedures addressing pecuniary interests and quorum. The requester seeks prompt, separate consideration of the two offices, with reasons documented in the public record.

The correspondence expressly acknowledges that narrow margins do not automatically require recounts and does not allege wrongdoing or irregularities in election administration.

4. Original Count and Election Administration

The original count was conducted by appointed election officials under the Township's election procedures. No concerns with the counting process were identified, and no ballots were questioned by election officials or scrutineers during the count. The recount request does not identify a specific error or irregularity in the count. These observations do not remove Council's discretion to authorize a recount under section 57(1).

5. Legislative Framework

- Section 56, Municipal Elections Act, 1996: a recount is mandatory in prescribed circumstances, including a tie preventing determination of the successful candidate. The Township has no separate recount policy establishing an additional mandatory threshold; narrow margins alone do not require recounts.
- Section 57(1): Council may, within 30 days after the Clerk's declaration, pass a resolution requiring a recount for all or specified candidates for an office on Council. With the declaration dated October 27, 2026, the 30-day period runs to November 26, 2026. Council is not required to establish reasonable grounds that the results are incorrect, but is not obligated to approve a request.
- Section 57(2): if Council orders a recount, the Clerk must conduct it within 15 days after the resolution is passed, subject to the Act's applicable requirements.
- Section 58: an eligible elector may pursue a separate court-ordered recount process on reasonable grounds for believing the results are in doubt. That judicial threshold is distinct from Council's discretion under section 57.

6. Integrity Commissioner and Procedural Considerations

- The outgoing Council may consider a recount resolution before the new term commences November 15, 2026; the incoming Council may also act within the statutory deadline.
- An incumbent's personal or political interest does not automatically establish a disqualifying pecuniary interest. Each member must assess their own circumstances under the Municipal Conflict of Interest Act and any applicable exceptions; members directly affected are encouraged to seek individual written Integrity Commissioner advice.

- Where a disqualifying pecuniary interest exists, applicable disclosure, non-participation and recording requirements apply. Procedural By-law No. 2023-16, particularly section 24, governs declarations and minutes.
- Section 7 of the Municipal Conflict of Interest Act and sections 12.3 and 24.5 of the Procedural By-law address reduced quorum where at least two eligible members remain; other statutory procedures apply if fewer than two remain.
- The Integrity Commissioner recommends separate agenda items and resolutions for Mayor and Councillor, given potentially different member interests and the need for clear reasons.
- Council's decision to authorize a recount must remain separate from the Clerk's independent statutory responsibility to conduct and administer it. The Code of Conduct requires respect for staff independence and prohibits improper influence.

7. Considerations for Council

Council may consider the narrow vote margins; the request for additional verification and public confidence; the absence of reported concerns or questioned ballots during the original count; the fact that neither recount is mandatory; the discretionary nature of section 57; the administrative resources involved; consistency of the legislative framework across both offices; and the importance of a transparent record of the reasons for each decision.

8. Financial and Administrative Implications

The anticipated additional financial impact is limited. If authorized, recounts would be administered by the Clerk with assistance from existing municipal staff already delegated authority to act as election officials, and scheduled during regular working hours using municipal facilities and resources. No significant additional staffing expenditure is anticipated. Minor incidental administrative expenses may arise. The principal operational impact would be the use of existing staff time and temporary reassignment from regular duties.

9. Matters for Separate Council Decisions

Agenda Item A – Office of Mayor

THAT Council receive the report concerning the October 28, 2026 request for a recount of the Office of Mayor; AND THAT, pursuant to section 57(1) of the Municipal Elections Act, 1996, Council authorize a recount of the votes cast for all candidates for the Office of Mayor in the October 26, 2026 Municipal Election; AND FURTHER THAT the Clerk administer the recount in accordance with the Act and applicable election procedures.

Agenda Item B – Office of Councillor

THAT Council receive the report concerning the October 28, 2026 request for a recount of the Office of Councillor; AND THAT, pursuant to section 57(1) of the Municipal Elections Act, 1996, Council authorize a recount of the votes cast for all candidates for the Office of Councillor in the October 26, 2026 Municipal Election; AND FURTHER THAT the Clerk administer the recount in accordance with the Act and applicable election procedures.

Procedural note: The proposed motions are drafted in the affirmative in keeping with conventional parliamentary practice. An affirmative vote authorizes the specified recount; a negative vote defeats the motion and does not authorize it. This avoids double negatives and makes Council's decision

clear in the public record. Each motion should be debated and voted on separately, and the minutes should record the disposition of each motion and the reasons identified by Council.

10. Conclusion

Council is asked to consider the two requests independently, taking account of the written reasons advanced, the reported results, the original counting process, the statutory framework, and the Integrity Commissioner's procedural guidance. Staff do not recommend a particular outcome on either request. Council is responsible for deciding whether to exercise its discretionary authority under section 57(1).

References

1. Gail Degagne, Formal Request for Recounts, October 28, 2026.

2. Chris Wray, Integrity Commissioner, Potential Recount Advice, October 27, 2026.

3. Clerk's Declaration of Election Candidates (Form EL32), October 27, 2026.

4. Township of Chisholm, Unofficial Results – 2026 Municipal Election.

5. Municipal Elections Act, 1996, ss. 55–58; Municipal Conflict of Interest Act, ss. 4, 5, 7; Procedural By-law 2023-16; Council Code of Conduct Policy 8.15.