

Bulletin #2021-49

MUNICIPAL RELATIONS

Important Notice to All Elected Officials and Chief Administrative Officers

Temporary Suspension of Local Election Provisions

Effective September 16, 2021, a temporary order suspending local election provisions provides municipal councils and school boards with the flexibility to pass a resolution to request the Ministers of Municipal Relations (municipal elections) or Education (school board elections) to make a decision to defer a by-election based on public health advice related to COVID-19 pandemic. **This temporary suspension order will apply to municipal council vacancies that occur on or before October 26, 2021.**

The temporary order can be viewed here:

https://web2.gov.mb.ca/laws/statutes/index_orders.php.

For clarity, effective October 27, 2021, municipalities have authority under *The Municipal Act* to not hold a by-election to fill a vacancy until the next general municipal election if the remaining members of council represent a majority and decide not to hold a by-election. In addition, effective six months prior to the next general election, municipalities also have the authority to not hold a by-election regardless of the number of vacancies on council.

Process for Deferring a By-Election for Council Vacancies Occurring on or before October 26, 2021:

Under the temporary order suspending local election provisions, a municipal council that decides not to hold a by-election due to public health concerns related to COVID-19 must do the following:

1. Pass a resolution resolving not to hold a by-election due to public health concerns related to the COVID-19 pandemic.
2. Submit a certified copy of the resolution to the Department of Municipal Relations for approval by the Minister of Municipal Relations. Resolutions may be emailed to mrmaas@gov.mb.ca.

Please note that the Minister's approval must be secured on or before November 26, 2021, the date on which the order expires, for the council resolution to be in effect.

Municipalities should submit resolutions to the department for Minister's approval within two weeks of the council seat being vacated. This will allow sufficient time for the Minister to review the request and render a decision in a timely manner. This timeline is particularly important if a municipality decides to submit a resolution for a council seat that is vacated on October 26, 2021 (prior to the day on which a council can make decision without needing Minister's approval). In this case, the municipality should try to submit the resolution by November 9, 2021 to the department for the Minister's approval by November 26, 2021 when this order expires.

The attached questions and answers document provides more detailed information about the temporary suspension of local election provisions.

Should you require additional assistance please contact Municipal Relations at (204) 945-2572 or email mrmaas@gov.mb.ca.