

Office of the
Chief Electoral Officer
of Ontario



Bureau du directeur
général des élections
de l'Ontario

May 14, 2026

Sarah Viau
The Corporation of the County of Prince Edward
Edward Building
280 Main Street, Suite 103
Prince Edward, ON
K0K 2T0

Dear Sarah Viau,

On behalf of the Chief Electoral Officer, I am enclosing for you a copy of the Order of the Chief Electoral Officer and the Reasons for Decision in the matter of the appeal of By-Law 24-2026 passed by the Council of the Corporation of the County of Prince Edward.

Sincerely,

Racheal Awe

Racheal Awe
Registrar of Municipal Appeals
Elections Ontario

Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended

In The Matter of an Appeal under subsection 8.1(6) of the *Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended*, to determine whether the question enacted by By-law No. 24-2026 of the Corporation of the County of Prince Edward complies with paragraphs 3 and 4 of subsection 8.1(2) of the said Act.

)	
Before Mr. James M. Ayres)	Hearing held
(Designate of the Chief Electoral Officer))	the 6 th day of May, 2026
)	in Picton, Ontario
)	

ORDER

Upon the appeal of Julia Swedak, and reviewing the written submissions of the Appellant and the Respondent, and hearing the oral submissions of the Respondent:

1. It is ordered that the appeal is dismissed.



James M. Ayres
On behalf of the Chief Electoral Officer

Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended

In The Matter of an Appeal under subsection 8.1(6) of the *Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended*, to determine whether the question enacted by By-law No. 24-2026 of the Corporation of the County of Prince Edward complies with paragraphs 3 and 4 of subsection 8.1(2) of the said Act.

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Before Mr. James M. Ayres)	Hearing held
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REASONS FOR DECISION

OVERVIEW

1. This is an appeal brought by Julia Swedak, pursuant to s. 8.1(6) of the *Municipal Elections Act, 1996* (the “**Act**”).
2. On February 24, 2026, Council for the Respondent, the Corporation of the County of Prince Edward, enacted By-Law 24-2026, directing that the following question be included on the 2026 municipal election ballot pursuant to s. 8.1(1) of the Act.
3. The question to be included on the ballot is:

“Are you in favour of a third-party review of Council size and related ward boundaries?”

BACKGROUND

4. On April 10th, 2025, Council for the Respondent, sitting as Committee of the Whole, passed motion CW-509-2025 directing that the following question be considered for inclusion on the ballot for the 2026 municipal election:

“Are you in favour of a comprehensive governance review which would look at Council size, ward boundaries, structure and method of election?”

5. The Respondent was also directed to obtain legal advice on the wording of the question to ensure it meets all legislative requirements.

6. On August 26, 2025, Council for the Respondent considered report CLS-204-2025 in which staff, having received legal advice, recommended the following revised wording:

“Are you in favour of a third-party review of Council size and related ward boundary changes?”

7. Motion 468-2025 was then passed on August 26, 2025, adopting this wording for the referendum question.

8. After holding four public meetings, Council for the Respondent made a further revision to the question, and on February 24, 2026, under the authority of s. 8.1(1) of the Act, enacted by-law 24-2026 to add the following question to the ballot for the 2026 municipal election:

“Are you in favour of a third-party review of Council size and related ward boundaries?”

9. In accordance with the Act, notice of passing of by-law 24-2026 was given to the public and the Minister of Municipal Affairs and Housing on March 2, 2026.
10. On March 19, 2026, the Appellant filed an appeal of the question with the Clerk of the Respondent municipality.
11. The Notice of Hearing was delivered to the Appellant and the Respondent on April 21, 2026.
12. On April 22, 2026, the Appellant emailed the Hearing Registrar to advise that she would not be able to attend in person and requested that the hearing proceed in her absence.
13. The appeal was heard on Wednesday, May 6, 2026. The Appellant was not in attendance.

ISSUES

14. The Respondent submits that there are two issues in this appeal:
 - (a) Does the appeal comply with the grounds for bringing an appeal, as set out in s. 8.1(6) of the Act?
 - (b) Does the question comply with paragraphs 3 and 4 of s. 8.1(2) of the Act?
15. I will address these issues in the order below.

(a) Does the appeal comply with the grounds for bringing an appeal, as set out in s. 8.1(6) of the Act?

16. The jurisdiction I have been provided by the Act is set out in s. 8.1(6), which reads:

Appeal

(6) Within 20 days after the clerk gives notice of the passage of a by-law under clause 8 (1) (b), the Minister or any other person or entity may appeal to the Chief Electoral Officer of the Province of Ontario on the grounds the question does not comply with paragraph 3 or 4 of subsection (2) by filing with the clerk a notice of appeal setting out the objections and the reasons in support of the objections.

17. Paragraphs 3 and 4 of s. 8.1(2) read:

Rules

(2) A question authorized by by-law under clause 8 (1) (b) shall comply with the following rules:

...

3. It shall be clear, concise and neutral.

4. It shall be capable of being answered in the affirmative or the negative and the only permitted answers to the question are “yes” or “no”.

18. Should I determine that a question does not comply with paragraphs 3 or 4 of the Act, I have two options. In accordance with s. 8.1(10), I may make an order amending the by-law (or direct the municipality to amend the by-law). However, s. 8.1(10) is discretionary; it is not mandatory. If I allow the appeal, and I do not make an order directing an amendment of the question, the question is to be removed from the ballot as it would be non-compliant with the requirements of the rules for questions set out in s. 8.1(2).

19. Much of the Appellant's written submissions were focused on matters outside of the jurisdiction provided to me by the Act. For example, she made detailed submissions regarding alternative options that Council may employ to direct a third-party review of Council ward sizes and related ward boundaries without a question being added to the ballot, and she even prepared her own proposal for how the municipality may reduce the size of Council and redraw the ward boundaries using a six ward model. I do not have jurisdiction to address such matters. My jurisdiction is limited to determining whether the question complies with paragraphs 3 and 4 of s. 8.1(2).
20. Notwithstanding that some of the Appellant's submissions were not within the jurisdiction granted to me, she also made direct submissions on the neutrality, clarity and conciseness of the question.
21. Accordingly, the appeal does contain submissions that comply with the grounds for bringing an appeal, as set out in s. 8.1(6) of the Act, and I therefore, have authority to make determinations in accordance with my jurisdiction.

(b) Does the question comply with paragraphs 3 and 4 of s. 8.1(2) of the Act?

22. The Appellant argues that the question is not neutral because the question does not disclose that the result will only be legally binding if at least 50% of eligible electors vote on the question. The Respondent submits that whether or not the outcome will be legally binding has no bearing on the neutrality of the question itself. I agree with the Respondent regarding the purpose of neutrality.

23. In this context, the purpose of neutrality is to ensure that the question does not persuade the elector to vote for, or against, the question. The question, as set out in the by-law, does not improperly encourage or persuade the elector to vote “Yes” or “No” to whether they are in favour of a third-party review of Council size and related ward boundaries.
24. Second, the Appellant argues that the question lacks the required clarity because an elector could conclude that voting “Yes” will directly result in a review and potential change to Council size, when, in fact, the result may be non-binding due to either 50% of voters not casting a vote on the question, or if 50% of voters do cast a vote on the question, 50% of those votes may not be in favour of a third-party review of Council size and related ward boundaries.
25. With respect to the second-half of the Appellant’s submission, I find it difficult to believe that any one elector may perceive that their sole “Yes” vote, alone, would result in a third-party review of Council size and the related ward boundaries. The thrust of the Appellant’s submission is made in the first-half of the sentence, where she submits that the result would be non-binding if less than 50% of eligible electors in the municipality vote on the question in accordance with s. 8.2(1)(a) of the Act, and therefore it is not clear.
26. The clarity requirement from s. 8.1(2) does not require the municipality to reproduce the statutory thresholds together with the question. The Public Notice of the by-law prominently set out that the results of the question will be legally binding on the

municipality under s. 8.2 of the Act only if: (1) at least 50% of the eligible electors in the municipality vote on the question; and (2) more than 50% of the votes cast on the question are in favour of the result. These thresholds are also specifically stated in the Act. I see no need for them to be included in the question or delivered, together with the question, in order for the question to be sufficiently clear and neutral.

27. Third, the Appellant submits that the question is not clear because it does not inform electors that, even if legally binding, any change would not take effect until the 2030 municipal election. I do not accept this argument. The question does not mislead electors about the process that is being undertaken; it specifically asks: are you in favour of a **third-party review** of Council size and related ward boundaries? The question does not guarantee a change to Council size or ward boundaries or set out a timeline for their implementation. It simply asks electors whether the municipality should engage a third-party to review Council size and ward boundaries. Should the legislative thresholds regarding voter turnout and “Yes” votes be met, it remains entirely within the discretion of the municipality whether to implement the recommendations from the third-party review. The question does not suggest that there will be any binding obligation on the municipality resulting from the review; it only asks whether the review should be undertaken.

28. Fourth, the Appellant submits that, as-written, the question may cause electors to reasonably expect a more comprehensive governance review than the by-law authorizes. I reject this submission. The question is clear, in that should the statutory

thresholds be met, and the outcome is “Yes”, a third-party review of Council size and related ward boundaries will be completed. The question does not create an expectation that the third-party will complete a comprehensive governance review beyond Council size and ward boundaries.

29. Last, having reviewed the Appellant’s written submissions in detail, it seems to me that much of the detail included in her appeal is directed at Council and County staff, and is not within this Tribunal’s jurisdiction. The County thoroughly considered the question, held public meetings, and passed the by-law approving the question. The question will be on the ballot.

CONCLUSION

30. Accordingly, the appeal is dismissed.



James M. Ayres
On behalf of the Chief Electoral Officer