

APR 14 2021

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## CIRCULAR TO MUNICIPALITIES

### **Municipal Elections 2021 - Election of Mayor**

Under the authority of section 17 of the *Municipalities Act, 1999*, councils may choose, by a 2/3 vote of councillors in office, to provide for a separate election for mayor or may change that decision. Under section 18, where there is no separate election for mayor, councillors are required to elect one councillor to be mayor. They are also required to elect one councillor to be deputy mayor. This must be done after each general election, and must be conducted by the town clerk or the returning officer and must be done by secret ballot.

If your municipality has concerns about attracting a sufficient number of people to run in the upcoming election, it may be beneficial to choose to elect a mayor from council as opposed to holding a separate election for mayor. If you currently hold a separate election for mayor, you can amend this if 2/3 of council votes to do so as noted above.

Where a vacancy occurs in the office of a mayor, section 19 of the *Municipalities Act* will apply. The options for filling the vacancy depend on the original election process. Where there was originally a separate election for mayor, council must choose one of the following three options to fill the vacancy:

1. The deputy mayor assume the office of mayor for the remainder of the mayor's term
2. The deputy mayor assume the office of mayor until a by-election is held to fill the vacant position of mayor
3. Council elect, by secret ballot, from among the remaining members of council, a person to assume the office of mayor for the remainder of the originally elected mayor's term

Where the mayor was originally elected by council, as opposed to a separate election, council must choose either option 1 or 3 to fill the vacancy.

As per subsection 19(2), a councillor who wishes to run for election as mayor in a by-election referred to in number 2 above, must resign as a councillor before running for election as mayor. Where there was no separate election for mayor, this provision would not apply. To review this content directly in the *Municipalities Act*, visit <https://www.assembly.nl.ca/legislation/sr/statutes/m24.htm>.

Under authority of the *City of Corner Brook Act*, the *City of Mount Pearl Act* and the *City of St. John's Act*, the mayor must be elected by a separate election.

In all cases, elections are to be conducted in accordance with the *Municipal Elections Act*.

Sincerely,

A handwritten signature in black ink that reads "Krista Lynn Howell".

**KRISTA LYNN HOWELL, MHA**  
District of St. Barbe - L'Anse Aux Meadows  
Minister