

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

Item 4, Report No. 40, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on November 15, 2016.

4 BILL 181 – THE MUNICIPAL ELECTIONS MODERNIZATION ACT

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the City Clerk, dated November 7, 2016, be approved; and
- 2) That Communication C3, presentation material titled “Bill 181 – The Municipal Elections Modernization Act”, dated November 7, 2016, be received.

Recommendation

The City Clerk recommends:

1. That this report be received for information.

Contribution to Sustainability

The *Municipal Elections Act* is part of a legislative framework which supports democracy, openness and transparency which, in turn, contribute to the sustainability of the City and good government.

Economic Impact

Any costs associated with the legislative changes will be covered through the election reserve.

Communications Plan

A copy of this report will be posted on the City’s website. Beginning in 2018, election information will be widely communicated to voters and candidates on the vaughan.ca/elections website in addition to newspaper advertising, in an election information brochure contained within a Recreation and Culture Guide, in City updates, and through social media opportunities.

Purpose

The purpose of this report is to provide an overview of significant changes to the *Municipal Elections Act* (MEA) contained in Bill 181, the *Municipal Elections Modernization Act, 2016* and to outline matters to be considered regarding the option of ranked ballot elections.

Background - Analysis and Options

Bill 181 - the *Municipal Elections Modernization Act* introduces several significant changes to the Municipal Elections Act (MEA) that will be in effect for the 2018 Municipal and School Board Elections.

Bill 181 – the *Municipal Elections Modernization Act*, which received Royal Assent on June 9, 2016, is the culmination of a year-long consultation process on reforms to the *Municipal Elections Act* (MEA). The Bill includes a number of significant amendments to the MEA that will be in effect for the 2018 Municipal and School Board Elections.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

Item 4, CW(WS) Report No. 40 – Page 2

Immediately following Royal Assent, consultation took place on several companion regulations to the Bill. The most recent regulation (Ontario Regulation 310/16) was approved on September 16, 2016 and contains substantive provisions governing the implementation of the option of ranked ballot elections.

A high level overview of the changes, including the ranked ballot election option, is outlined in this report.

Overview of Changes

Several changes have been made to the election calendar, the most significant of which is the shortening of the election campaign period.

In response to complaints concerning the length of municipal campaigns in Ontario, the election campaign period has been shortened by moving the first day to file a nomination paper from January 1 to May 1 in an election year. Nomination Day, the last day to file a nomination paper has moved from the second Friday in September to the fourth Friday in July. For the 2018 Municipal Elections, Nomination Day falls on July 27, 2018.

Other key dates have also changed:

- The deadline to enact a by-law to place a question on a ballot is March 1 in an election year which is a static day each election year and earlier than the previously required date of June 1;
- The deadline for other questions (e.g. a school board, a Minister's question) is May 1, which is a static day each election year and earlier than previously required date of June 1;
- The deadline to pass a by-law authorizing the use of alternative voting methods, such as telephone voting, mail or internet voting is May 1 in the year prior to an election, in this case May 1, 2017 for the 2018 elections rather than June of a regular election year;
- Procedures for the use of the alternative voting methods are required on or before December 31, 2017 rather than June of the regular election year.

Candidates for Council will be required to submit 25 endorsement signatures from eligible electors with their nomination paper.

Individuals providing the signatures must be qualified electors and would each be required to complete a declaration stating their eligibility to vote on the day that he or she signed the endorsement. If a candidate files their nomination for one office and then decides to change to a different office on the same Council, they would have to submit new signatures.

The requirement to provide signatures of endorsement applies to candidates running for Council only, not for candidates seeking a Trustee position.

Contributions by corporations and trade unions to Council candidates are banned.

An amendment to the MEA bans contributions by corporations and trade unions to Council candidates. Bill 181 initially proposed to provide municipalities with the option to prohibit contributions by corporations and trade unions, but this was changed after the Province announced it would pass legislation to prohibit corporate and union donations at the Provincial level.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

Item 4, CW(WS) Report No. 40 – Page 3

It should be noted that while union and corporate donations to candidates are prohibited, the legislation does permit corporate and union donations to individuals or organizations registered as third party registrants, subject to applicable contributions limits defined by regulation.

New provisions have been introduced aimed at improving compliance with campaign finance rules.

The Clerk will be required to publicly identify in a report to the public, the candidates and third parties who have failed to comply with the requirement to file a financial statement and who are prohibited from running or registering as a third party in the next election.

A candidate's nomination fee will only be refunded if a financial statement is filed on time. If a candidate doesn't file a financial statement on time and is willing to pay a \$500 late filing fee, the candidate will be provided an additional 30-day period to file the financial statement. In this instance, the candidate will not be refunded the nomination filing fee.

There have been no changes to the provision that candidates who fail to file a financial statement are automatically prohibited from being elected or appointed to any office to which the MEA applies until after the next regular election.

A new provision requires the Clerk to review all financial statements received to identify whether any contributor appears to have exceeded any of the contribution limits. If any contributor has exceeded the contribution limits, the Clerk is required to report this to the Compliance Audit Committee as soon as possible after the filing deadline. Within 30 days of receiving the Clerk's report, the Compliance Audit Committee must meet and decide whether to commence legal proceedings against a contributor. In addition, Compliance Audit Committees will now be required to provide brief written reasons for their decisions.

Other changes to the campaign finance rules include the following:

- A new spending limit for parties and expressions of appreciation after Voting Day will be implemented. The spending limit will be set out in a regulation (yet to be introduced);
- Candidates who do not accept any contributions of money or incur any expenses will no longer be required to open a campaign bank account;
- After the 2018 Municipal Elections, candidates will not be permitted to carry forward campaign deficits from the previous campaign;
- Candidates will be required to inform contributors of contribution limits. Contribution limits have not changed - a contributor is limited to a total of \$750 to any one candidate in an election (except in the case of the office of Mayor of the City of Toronto) and \$5,000 to two or more candidates for office on the same council or local board.
- Anonymous and cash contributions are now capped at \$25, an increase from the former limit of \$10.
- Candidates and third party advertisers are required to identify themselves on campaign advertising and signs so that it is clear who is responsible for each sign and advertisement that appears or is broadcast.

New rules have been added to regulate third party advertising, including contribution and spending limits.

Third party advertising is a message in any medium (billboard, newspaper, radio, pamphlet etc.) that supports or opposes a candidate or series of candidates or a "yes" or "no" answer for a referendum question.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

Item 4, CW(WS) Report No. 40 – Page 4

The absence of rules regarding third party advertising was seen as a gap that needed to be addressed. Third party advertisers will be required to register with the municipality where they want to advertise. If they want to advertise in more than one municipality they would be required to register in each of those municipalities. Registration would allow a third party advertiser to promote or oppose any candidate that the voters in a municipality can vote for both for council positions and school board positions as well as promote or oppose a “yes” or “no” answer for a referendum question.

Third party advertising must be done independently of candidates, who would not be able to direct a third party advertiser on where they should focus their efforts, or what the advertisement(s) should say. Candidates would not be able to register as third party advertisers. If a candidate wishes to promote or oppose a “yes” or “no” answer for a referendum question, it would be part of the candidate’s campaign.

Third party advertising does not include:

- An advertisement by or under the direction of a candidate;
- Where no expenses are incurred by the person/entity in relation to the advertisement; or
- Advertising or communication when given or transmitted by an individual to employees, by a corporation to its shareholders, directors, members, or employees or by a trade union to its members or employees.

The following are not permitted to register as a third party advertiser:

- Municipal election candidates;
- A federal party registered under the *Canada Elections Act* (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party;
- A provincial party, constituency association, registered candidate or leadership candidate under the *Election Finances Act*; and
- The Crown in right of Canada or Ontario, a municipality or local board.

Most campaign finance rules that apply to candidates apply to third party advertisers. Third party advertisers will have spending limits and there will be contribution limits for those wishing to contribute to a third party advertiser and a requirement to submit a financial statement.

The Clerk has been given greater authority and flexibility in the administration of the election, including the management of the Voters’ List.

The City Clerk is now responsible for determining the dates and times for Advance Voting and reduced voting in certain institutions and whether voting places will open earlier on Voting Day.

The City Clerk will have greater flexibility in determining how certain election documents may be submitted and how notices are sent out. For example, original signatures will be required only for nomination, third party registration and proxy appointment forms and registered mail will no longer be required as a method of notification.

An amendment to the MEA allows the City Clerk to accept revisions to the Voters’ List in alternate formats, such as electronic, rather than just in person or in writing. This will allow further enhancements to be made to the on-line revision service offered by the City of Vaughan in the 2018 Municipal Elections. In addition, the process to remove another person’s name from the list

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

Item 4, CW(W/S) Report No. 40 – Page 5

is simplified by allowing for the removal of a deceased person's name by application to the City Clerk. Applications for this purpose may be made starting September 1 up to the close of voting.

The Province has also established a stakeholder working group to look at systemic issues in the development of the Voters' List to identify solutions for long term improvements. The Deputy City Clerk is one of the participants in this stakeholder group through her involvement as a member of the AMCTO Election Advisory Group.

Campaigning provisions have been updated

Candidate access to condominiums is currently legislated under the *Condominium Act*. Under the new legislation, candidates are specifically allowed access to residential condominiums, apartment buildings, non-profit housing co-ops or gated communities from 9 a.m. to 9 p.m. in order to campaign. In addition, a landlord, person, condominium corporation or agent may set reasonable conditions relating to the size or type of signs in relation to an election that may be displayed on the premises and may prohibit the display of signs in relation to an election in common areas of the building.

While municipalities have always had the authority to remove illegal election signage under municipal sign by-laws, the Act now clearly states that municipalities have the authority to require the removal of election signage and other advertisements that violate municipal or provincial regulations.

Municipal Councils may adopt a policy addressing when an automatic recount will be conducted.

Previously, the ability to conduct a recount was limited to three circumstances:

1. Where the counting of ballots has resulted in a tie vote;
2. Where the Council or Minister of Municipal Affairs and Housing decides a recount is required;
3. Where an elector's request for a recount has been granted by the courts.

The new legislation provides Councils with the authority to adopt a policy dictating when an automatic recount will be conducted in circumstances other than those already set out in the Act. (For example, a council could decide that if two (2) candidates are within ten (10) votes of each other a recount would be held without the request of a candidate). A by-law adopting the policy must be passed on or before May 1 in the year of an election.

New requirements have been introduced related to accessibility reporting, the use of municipal and school board resources during an election, conduct in the voting place and offences under the Act.

In previous elections, the City Clerk had been required to prepare a post-election accessibility report outlining what was done to ensure the accessibility of the election. A pre-election accessibility plan is now required in addition to the post-election report and must set out measures for identifying, removing and preventing barriers that affect voters and candidates with disabilities.

A new requirement states that municipalities and school boards must set out policies on the use of municipal and school board resources by incumbents during an election year. Many municipalities, including the City of Vaughan, already have such policies in place.

Amendments to the Act make it clear that voters are prohibited from photographing or video recording their marked ballot and are prohibited from showing their marked ballot to any individual, except if they require assistance to mark their ballot in order to vote.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

Item 4, CW(WS) Report No. 40 – Page 6

Currently it is an offence to give, lend, offer or promise someone an office or employment in order to convince a person to run for office, not run for office or to withdraw from running for office. This is being expanded so that it is also an offence to give, lend, offer or promise someone money or other compensation in order to convince a person to run for office, not run for office or withdraw from running for office.

Ranked Ballots

Municipalities have the option of using ranked ballots as a method of electing members of Municipal Council. A by-law to authorize ranked ballots must be passed no later May 1, 2017 for the 2018 Municipal Elections.

All municipal councils in Ontario now have the option to pass a by-law to use ranked ballot elections in accordance with the following rules:

1. Voters vote by ranking candidates for an office in order of the voter's preference.
2. Votes are distributed to candidates based on the rankings marked on the ballots.
3. The counting of votes is carried out in one or more rounds, with at least one candidate being elected or eliminated in each round.

It should be noted that the ranked ballot system can only be considered for offices on municipal council and not for school board trustee positions. If ranked ballots are used, they must be used for all offices on municipal council.

The use of ranked ballots is governed by Ontario Regulation 310/16 which set out matters to be considered by Council before passing a by-law to authorize ranked ballots, the vote counting procedures, requirements for the statement of results, and recount procedures. Before passing a by-law, the municipality must hold an open house and public meeting to provide the public with information and answer questions concerning:

- How the elections would be conducted, including a detailed description of vote counting;
- The estimated costs of conducting the election;
- Any voting or vote-counting equipment being considered for use in the election; and
- Any alternative voting method being considered for use in the election.

In making its decision on whether to proceed with ranked ballot system, Council is required to consider the following matters:

- The costs to the municipality of conducting the elections.
- The availability of technology, such as voting equipment and vote-counting equipment and software, for conducting the elections.
- The impact the proposed by-law would have on election administration.

There are two types of ranked ballot elections: single-member ranked ballot elections and multi-member ranked ballot elections.

The details of how a ranked ballot election will work in practice are set out in Ontario Regulation 310/16. In a ranked ballot election, a candidate is required to cross a threshold of votes in order to be elected.

CITY OF VAUGHAN

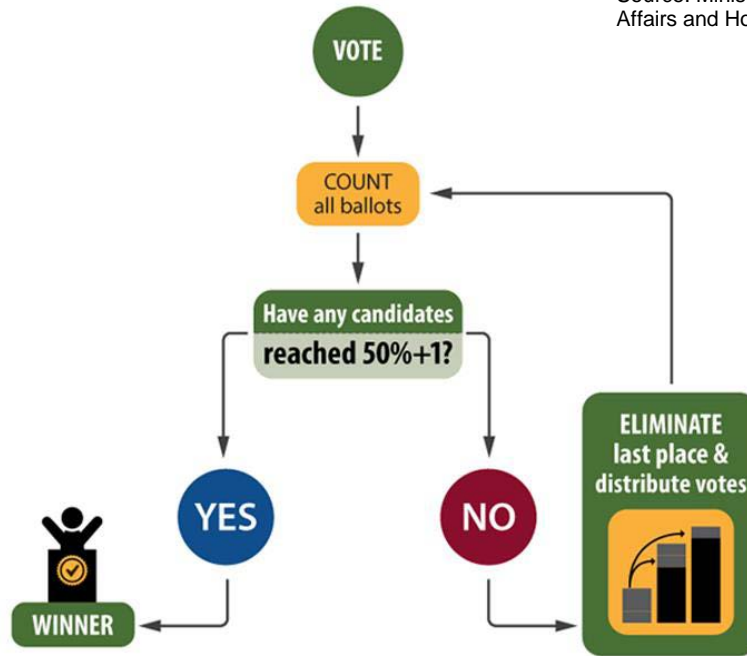
EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

Item 4, CW(WS) Report No. 40 – Page 7

For a **single-member** ranked ballot election, the threshold to be elected is 50 per cent plus one of the total number of votes received for the contest according to the following formula:

$$\text{Threshold} = \left(\frac{100\% \text{ of Votes Cast}}{1 \text{ candidate will be elected} + 1} \right) + 1$$

Source: Ministry of Municipal Affairs and Housing



For a **multi-member** ranked ballot election, the threshold to be elected is calculated as follows:

$$\text{Threshold} = \left(\frac{\text{Number of Votes Cast}}{\text{Number of candidates to be elected} + 1} \right) + 1$$

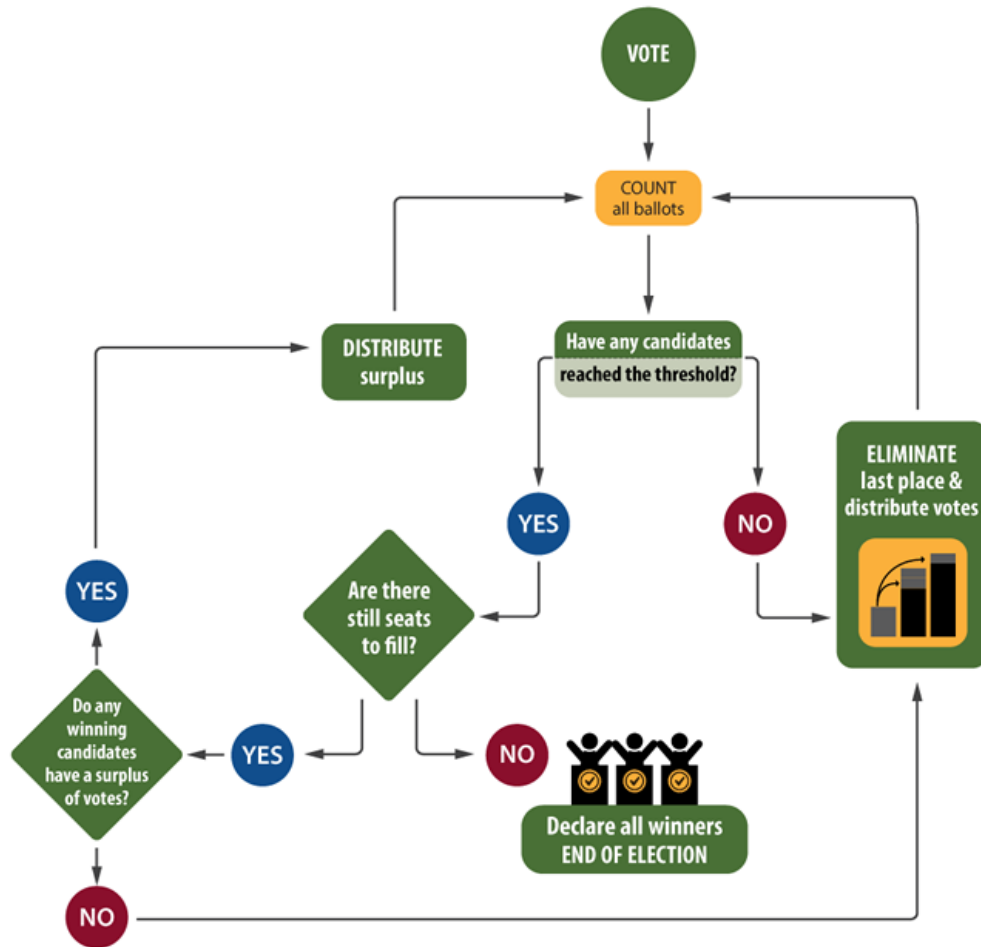
Multi-Member Ranked Ballot Election

Source: Ministry of Municipal Affairs and Housing

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

Item 4, CW(W/S) Report No. 40 – Page 8



In both a single and multi-member election, if the threshold is not reached in the first round of counting, there would be subsequent rounds of counting where the candidate with the lowest number of votes would be dropped from counting, and that candidate's votes would be redistributed based on the rankings assigned to other candidates on the same ballot. In the case of a multi-member election, a candidate who passes the threshold and is elected would have votes that were not needed to win redistributed to other candidates for the next round of counting. Based on the experience of election jurisdictions in the United States that have used ranked ballot voting, final election results may not be known until well after the close of voting, or even the following day, depending on the number of rounds of counting and redistribution of votes.

More details on ranked ballots are provided in the "Frequently Asked Questions" and the "Follow Your Ballot" examples provided by the Ministry of Municipal Affairs and Housing set out in Attachments 1 and 2 of this report.

As Table 1 shows, if a ranked ballot system were to be implemented in the City of Vaughan, three different methods would be employed in marking and counting the ballots. A single-member ranked ballot election would be used for the Office of Mayor and the Office of Ward Councillor, where only one is to be elected in each case. A multi-member ranked ballot election would be used for the office of Local and Regional Councillor, where three are to be elected. The First-Past-the-Post system would be used to elect the School Trustee.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

Item 4, CW(W/S) Report No. 40 – Page 9

Table 1 - City of Vaughan Composite Ballot – Method of Election in a Ranked Ballot Election

Office	Method of Election
Mayor	Single-Member Ranked Ballot
Local & Regional Councillor	Multi-Member Ranked Ballot
Ward Councillor	Single-Member Ranked Ballot
School Trustee	First-Past-the-Post

Using a paper ballot and optical scan vote counting technology would require at a minimum the issuance of a larger, two-sided ballot to each voter (depending on the number of candidates), and likely multiple ballot papers in order to accommodate ranked ballot elections for three out of the four contests. To illustrate, a mock-up of ballots containing ranked ballot contests is included in Attachment 3.

Proceeding with the ranked ballot option for the 2018 Municipal Elections within the limited timeframe for implementation carries significant administrative and financial risks.

Staff is concerned about the administrative and financial risks of implementing ranked ballots, within the limited timeframe left before the 2018 Municipal Elections.

Staff will soon be releasing a Request for Proposal (RFP) for election equipment for the 2018 Municipal Elections as the previous contract has expired after two successful elections. The RFP will seek proposals to replace the previous vote tabulating equipment with an additional consideration of internet and telephone voting technology options. The results of the RFP will be brought forward to Council at the end of this year and a decision on voting technology will be made in early 2017. With the results of the ward boundary review also culminating at this time, staff resources will be focused on two major initiatives for the 2018 Municipal Elections: the selection and implementation of voting technology and ward boundary changes.

Staff is also strongly committed to introducing measures to improve the overall voting experience for the 2018 Municipal Elections, particularly in such areas as the quality of the voters' list and the processing of electors in the voting place. The addition of another major initiative in the form of ranked ballot voting would add significant risk to the administration of the election.

The implementation of ranked ballots would also involve additional cost and financial risk. Administrative and elector experience with ranked ballot elections is limited to a handful of jurisdictions in the United States; no jurisdiction in Canada uses a ranked ballot method of election. A ranked ballot system is a new method of voting and may be confusing for the voter. As illustrated by the "Follow Your Ballot" examples in Attachment 2, the rules governing ranked ballots and the distribution of first, second and third choice rankings are particularly complex for multi-member elections (more than one member to be elected).

In the public consultation materials distributed by the Ministry of Municipal Affairs (MAH) prior to the enactment of Bill 181, the following potential outcomes of ranked ballot elections were noted:

"Ranked ballots have the potential to give voters a greater say in who is elected and increase voter engagement.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

Item 4, CW(W/S) Report No. 40 – Page 10

By giving voters more choice, ranked ballots may also:

- reduce strategic voting, which may occur when a voter decides not to pick their first choice candidate in an election because they think their first choice candidate may not win the election
- reduce negative campaigning — since voters can rank multiple candidates, there is an incentive for candidates to appeal to voters not just as a first preference vote, but also to gain a high ranking from supporters of other candidates
- encourage more candidates to remain in the race until voting day, since the threat of “splitting the vote” between like-minded candidates is reduced.”

Source: Ministry of Municipal Affairs and Housing – ‘Ranked Ballots’

<http://www.mah.gov.on.ca/Page11120.aspx>

Even if the implementation of ranked ballots were to be achievable, there is limited jurisdictional experience or evidence to demonstrate that these outcomes would be realized or that the quality of government would be improved as a result. Additional research and a comprehensive public consultation process are needed to fully explore both the potential benefits and risks of implementing ranked ballots.

With these considerations in mind, staff anticipate additional costs to support public consultation, public education, election worker training and staffing, ballots and technology support. The costs set out below are estimates only, given the limited time available to assess the new regulatory requirements and the limited experiences of other jurisdictions that have implemented this system of voting.

Public Consultation - \$100,000

In accordance with the requirements of the Act, if Council wishes to move forward with ranked ballot elections for the 2018 Municipal Elections, an open house and a public meeting are required to allow the public the opportunity to provide feedback. This process must be completed in advance of the May 1, 2017 legislated deadline for passage of a by-law authorizing ranked ballot elections. A consultant would be the preferred method to facilitate this review. Information to be made available to the public would include a detailed description of how the elections would be conducted, including a detailed description of vote counting, any voting or vote-counting equipment being considered and any alternative voting method being considered for use the election. The estimated cost for this component, which would include consultation, advertising and information to be provided to households, would be approximately \$100,000.

Public Education/Communications - \$250,000

To support the public in understanding the new method of voting, there would be a need to develop additional public education and communication materials beyond the existing resources allocated for this purpose. In 2010, for example, the City of Vaughan added a one-time increase of \$250,000 to its communications budget (approximately \$1 per voter) to promote the election and provide additional educational materials to electors. Staff estimate spending a similar amount for public education and communications related to ranked ballot voting.

Training and Staffing - \$50,000

Staff anticipate that due to the complexity of the ballot, it may take a voter more time to vote and, if explanations are required, additional staff to assist voters. To support voters and avoid additional line-ups, a minimum of one extra person would be required at most voting locations, for an estimated additional cost of \$50,000.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 15, 2016

Item 4, CW(WS) Report No. 40 – Page 11

Ballots - \$50,000

For ranked ballot voting, a larger, double-sized ballot and possibly multiple ballots per elector would be required. There would also likely be an increased in spoiled ballots resulting from voter errors in marking the ballot under the new system. The estimated additional cost for ballots is \$50,000.

Logic and Accuracy Testing - \$15,000

Whatever voting technology is selected, logic and accuracy testing must be conducted to ensure the accuracy of the equipment. The estimated additional cost of logic and accuracy testing, in the form of vendor and staffing support, is \$15,000.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report is consistent with the priorities set out in the Term of Council Service Excellence Strategy Map: implement continuous improvement initiatives to improve our service and business processes.

Regional Implications

N/A

Conclusion

A substantial number of changes were made to the *Municipal Elections Act* that will require changes to current election administration and the voting experience. The successful implementation of these changes, along with improvements already earmarked for the 2018 Municipal Elections, will require significant advance planning and prudent resource allocation.

In addition to the changes in the MEA, staff is focusing on two major initiatives for the 2018 Municipal Elections: the selection and implementation of new voting technology and the implementation of new ward boundaries. To successfully manage these high profile initiatives, and minimize administrative and financial risk, staff recommend delaying consideration of the ranked ballot option until after the 2018 Municipal Elections. At that time, if Council chooses to explore the option of ranked ballots, additional research and a comprehensive public consultation process can be undertaken.

Attachments

Attachment 1: Ranked Ballots - "Frequently Asked Questions"

Attachment 2: Ranked Ballots – "Follow Your Ballot" examples

Attachment 3: Mock Ballots for Ranked Ballot Election

Report prepared by:

Donna Winborn, Election Coordinator x8241

Barbara A. McEwan, Deputy City Clerk x8628

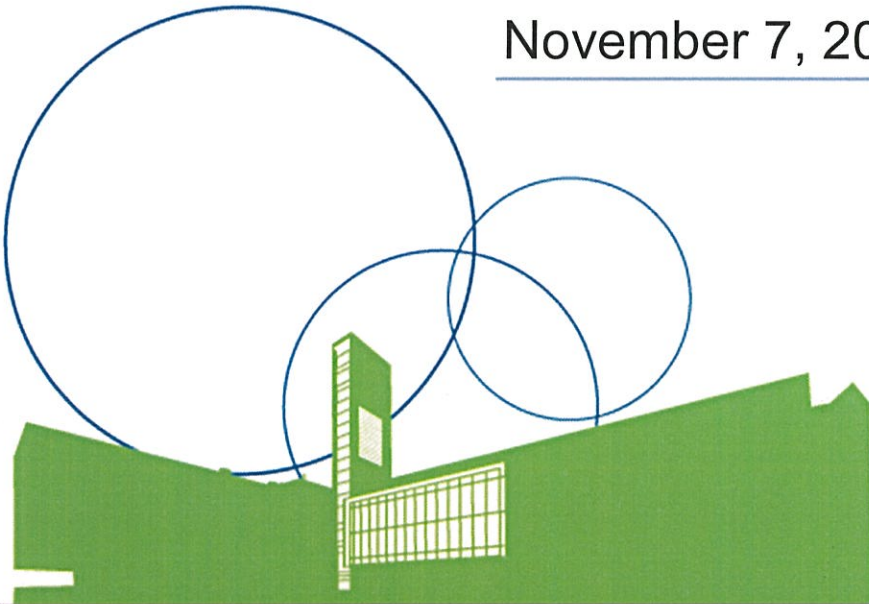
(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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COMMUNICATION
CW (WORKING SESSION)
<u>Nov 7/16</u>
ITEM - <u>4</u>

Bill 181 – The Municipal Elections Modernization Act

Committee of the Whole Working Session

November 7, 2016



Bill 181 – The Municipal Elections Modernization Act

Purpose of the Report:

- To provide an overview of significant changes to the Municipal Elections Act (MEA) contained in Bill 181;
- To outline matters to be considered regarding the option of ranked ballot elections.



Bill 181 - Overview

- *Bill 181 – The Municipal Elections Modernization Act* (the “Bill”) received Royal Assent June 9, 2016.
- The Bill is the most significant update to the *Municipal Elections Act* and the conduct of municipal elections in Ontario in recent memory;
- The Bill was developed following an extensive, year-long consultation process;
- Legislative changes will be in effect for the 2018 municipal and school board elections; companion regulations are still being developed;
- Several challenges identified in implementing legislative changes.



Key Changes Introduced in Bill 181

- Shortened municipal nomination period
- Changes to the nomination process
- Banning of corporation and trade union donations (Council and School Board candidates)
- New campaign finance compliance rules
- Regulation of Third Party Advertising
- Ranked Ballot Option



Shortened Municipal Nomination Period

Previous Legislation:

- Nomination Period ran from January 2nd to mid-September (Nomination Day)

New Legislation:

- Nomination Period runs from May 1st until the fourth Friday in July (Nomination Day – July 27, 2018 for the 2018 Municipal Election)
- This has shortened the nomination period from 37 weeks to 13 weeks.



Changes to the Nomination Process

Requirement for 25 Endorsements:

- Candidates for Council must obtain 25 endorsement signatures from eligible electors, to be filed with their nomination;
- Persons signing the endorsement must be eligible to vote for the office on the day that they endorse the nomination;
- Does not apply to candidates for School Board;



Banning corporation and trade union contributions (Council and School Board candidates)

- An initial draft of Bill 181 proposed to provide municipalities with the OPTION to prohibit these contributions;
- May 2016 – Minister announced that Bill 181 would be revised to prohibit corporate/trade union donations to candidates altogether;
- The ban on contributions by corporations and trade unions does not apply to third party campaigns.



New campaign finance compliance rules

- Bill proposes a new spending limit for parties and expressions of appreciation after voting day (proposed to be maximum of 10% of total expenses);
- After the 2018 election, campaign deficits will not be carried forward from the previous campaign;
- Candidates will be required to inform contributors of contribution limits; Individuals who over-contribute are subject to fines;
- Clerk now required to review financial statements to determine whether any contributor has exceeded the contribution limits, and report same to the Compliance Audit Committee as soon as possible after the filing deadline;



New campaign finance compliance rules

- A candidate will not have to open a bank account if they do not raise or spend money;
- Anonymous and cash contributions cannot exceed \$25;
- Candidate advertising and signs must identify the candidate;
- Broadcaster/Publisher must be provided with the following: candidate name, and the name, business address, telephone number of the individual dealing with the Broadcaster/Publisher.



New campaign finance compliance rules

- A candidate may now resubmit a financial statement to correct an error up until the filing deadline;
- Clerk required to release report naming candidates in default;
- Nomination Fee— now refunded only if Financial Statement is filed on time;
- Candidates are given a 30 day “grace period” within which they can file if they pay a \$500 late filing fee (no refund of Nomination Fee);



Regulation of Third Party Advertising

Third Party Advertising - Definition

- An advertisement in any medium that has the purpose of promoting or supporting or opposing a candidate(s) or a “yes” or “no” answer to a question on the ballot.
- Does not include:
 - an advertisement by or under the direction of a candidate;
 - where no expenses are incurred by the person/entity in relation to the advertisement;
 - when given or transmitted by an individual to employees, by a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees



Regulation of Third Party Advertising

Eligibility for Registration as Third Party Advertiser

- Individuals, corporations or trade unions, if they formally register with local clerk as a 3rd party advertiser;
- Registrations accepted between 1st day for filing nominations (May 1st) and the Friday before Voting Day (October 19, 2018) in regular election
- NOT permitted to register:
 - Municipal election candidates
 - Federal and Provincial political parties, constituency associations, registered candidates and leadership contestants
 - Federal and Provincial government, a municipality or local board



Regulation of Third Party Advertising

Third Party Advertising Requirements:

- Must be registered at time of advertisement;
- Ad must contain:
 - Name of registered 3rd party
 - The municipality where the 3rd party is registered
 - A telephone #, mailing address or email address at which the 3rd party may be contacted regarding the ad:
- Broadcaster/publisher retains records of above, copy of the ad/means of reproducing it and the cost, for 4 years after the date of appearance and permit inspection during normal business hours



Regulation of Third Party Advertising

Third Party Advertising Requirements:

- Contributions
 - Cannot made or accepted unless registered as a 3rd party
 - Same contribution limits as for candidates: \$750 per registered third party and maximum of \$5,000 total for registered third parties in the municipality.
- Expenses
 - Subject to maximum expense limit (a prescribed formula based on the number electors entitled to vote)
 - Required to record expenses and file a financial statement



Regulation of Third Party Advertising

Third Party Advertising Requirements:

- Municipality may require the following to remove or discontinue the advertising:
 - a person who contravened the provisions for 3rd party advertisers or caused/permitted the contravention;
 - the owner or occupier of the land on which the contravention occurred;
- Similar penalties as candidates for financial statement defaults



Ranked Ballot Option

- Municipalities have the option of using ranked ballots for municipal council candidates starting in 2018;
- If used, must be used for all municipal council candidates. Not an option for school board candidates;
- Allows a voter to rank candidates in order of preference – 1st choice, 2nd choice, 3rd choice - instead of just voting for one candidate in “1st past the post” system;
- Default is 3 rankings but by-law could specify different number;
- If ranked ballots used for regular election, must also used for by-election



Ranked Ballot Option

- **Single-member ranked ballot elections** - sometimes referred to as Ranked Choice Voting (RCV) – only one candidate will win (eg. Mayor, Ward Councillor);
- **Multi-member ranked ballot elections** - sometimes referred to as Single Transferrable Vote (STV) – more than one candidate will win a seat (eg. Local and Regional Councillor);
- May be multiple rounds of counting before a candidate is declared the winner;
- Electors do not have to rank the maximum number.



Ranked Ballot Option

Ranked Ballot Voting –

Final Regulations only recently enacted (September 16, 2016)

- Complicated;
- Difficult to describe;
- Used in only a handful of municipal jurisdictions in the US, and in Canada for political party leadership races;
- Instructional video(s) produced by the City of Minneapolis – frequently cited as an example to illustrate ranked balloting.



Ranked Ballot Option – Single Member



19

Ranked Ballot Option – Multi-Member



20

Ranked Ballot Timelines

- For 2018 election, by-law must be passed **no later than May 1, 2017**
- Open House held at least 15 days prior to Public Meeting
- Notice of Open House and Public Meeting provided 30 days prior to each
- Open house + public meeting to provide the following information:
 - detailed description of vote counting;
 - estimated costs of conducting the election;
 - any voting and vote-counting equipment or alternative voting method being considered for use in the election



Ranked Ballot Consultation Requirements

Before passing by-law, Council must give consideration to:

- The public interest;
- The costs to the municipality of conducting the elections;
- The availability of technology, such as voting equipment and vote counting equipment and software, for conducting the elections; and
- Administrative practices and procedures that would be required to conduct the elections



Ranked Ballot

Administrative and Financial Risks

- Potential voter confusion;
- Limited jurisdictional experience & knowledge of benefits and risks;
- Implementation costs (Minimum 50% increase in total election costs):
 - Public consultation
 - Public education/communication
 - Training and staffing
 - Ballots
 - Logic and accuracy testing
- None of the literature or experience to date demonstrates that ranked ballots result in better forms of governance.



Summary and Next Steps

- Substantial number of changes made to the Municipal Elections Act will require changes to municipal election administration;
- RFP will soon be issued for selection and implementation of new voting technology; staff efforts will be focused on implementing this technology and other improvements for 2018;
- Results of ward boundary review also to be implemented;
- Information and training will be made available for candidates in advance of the 2018 Municipal Election.



COMMITTEE OF THE WHOLE WORKING SESSION – NOVEMBER 7, 2016

BILL 181 – THE MUNICIPAL ELECTIONS MODERNIZATION ACT

Recommendation

The City Clerk recommends:

1. That this report be received for information.

Contribution to Sustainability

The *Municipal Elections Act* is part of a legislative framework which supports democracy, openness and transparency which, in turn, contribute to the sustainability of the City and good government.

Economic Impact

Any costs associated with the legislative changes will be covered through the election reserve.

Communications Plan

A copy of this report will be posted on the City's website. Beginning in 2018, election information will be widely communicated to voters and candidates on the vaughan.ca/elections website in addition to newspaper advertising, in an election information brochure contained within a Recreation and Culture Guide, in City updates, and through social media opportunities.

Purpose

The purpose of this report is to provide an overview of significant changes to the *Municipal Elections Act* (MEA) contained in Bill 181, the *Municipal Elections Modernization Act, 2016* and to outline matters to be considered regarding the option of ranked ballot elections.

Background - Analysis and Options

Bill 181 - the *Municipal Elections Modernization Act* introduces several significant changes to the *Municipal Elections Act* (MEA) that will be in effect for the 2018 Municipal and School Board Elections.

Bill 181 – the *Municipal Elections Modernization Act*, which received Royal Assent on June 9, 2016, is the culmination of a year-long consultation process on reforms to the *Municipal Elections Act* (MEA). The Bill includes a number of significant amendments to the MEA that will be in effect for the 2018 Municipal and School Board Elections.

Immediately following Royal Assent, consultation took place on several companion regulations to the Bill. The most recent regulation (Ontario Regulation 310/16) was approved on September 16, 2016 and contains substantive provisions governing the implementation of the option of ranked ballot elections.

A high level overview of the changes, including the ranked ballot election option, is outlined in this report.

Overview of Changes

Several changes have been made to the election calendar, the most significant of which is the shortening of the election campaign period.

In response to complaints concerning the length of municipal campaigns in Ontario, the election campaign period has been shortened by moving the first day to file a nomination paper from January 1 to May 1 in an election year. Nomination Day, the last day to file a nomination paper has moved from the second Friday in September to the fourth Friday in July. For the 2018 Municipal Elections, Nomination Day falls on July 27, 2018.

Other key dates have also changed:

- The deadline to enact a by-law to place a question on a ballot is March 1 in an election year which is a static day each election year and earlier than the previously required date of June 1;
- The deadline for other questions (e.g. a school board, a Minister's question) is May 1, which is a static day each election year and earlier than previously required date of June 1;
- The deadline to pass a by-law authorizing the use of alternative voting methods, such as telephone voting, mail or internet voting is May 1 in the year prior to an election, in this case May 1, 2017 for the 2018 elections rather than June of a regular election year;
- Procedures for the use of the alternative voting methods are required on or before December 31, 2017 rather than June of the regular election year.

Candidates for Council will be required to submit 25 endorsement signatures from eligible electors with their nomination paper.

Individuals providing the signatures must be qualified electors and would each be required to complete a declaration stating their eligibility to vote on the day that he or she signed the endorsement. If a candidate files their nomination for one office and then decides to change to a different office on the same Council, they would have to submit new signatures.

The requirement to provide signatures of endorsement applies to candidates running for Council only, not for candidates seeking a Trustee position.

Contributions by corporations and trade unions to Council candidates are banned.

An amendment to the MEA bans contributions by corporations and trade unions to Council candidates. Bill 181 initially proposed to provide municipalities with the option to prohibit contributions by corporations and trade unions, but this was changed after the Province announced it would pass legislation to prohibit corporate and union donations at the Provincial level.

It should be noted that while union and corporate donations to candidates are prohibited, the legislation does permit corporate and union donations to individuals or organizations registered as third party registrants, subject to applicable contributions limits defined by regulation.

New provisions have been introduced aimed at improving compliance with campaign finance rules.

The Clerk will be required to publicly identify in a report to the public, the candidates and third parties who have failed to comply with the requirement to file a financial statement and who are prohibited from running or registering as a third party in the next election.

A candidate's nomination fee will only be refunded if a financial statement is filed on time. If a candidate doesn't file a financial statement on time and is willing to pay a \$500 late filing fee, the candidate will be provided an additional 30-day period to file the financial statement. In this instance, the candidate will not be refunded the nomination filing fee.

There have been no changes to the provision that candidates who fail to file a financial statement are automatically prohibited from being elected or appointed to any office to which the MEA applies until after the next regular election.

A new provision requires the Clerk to review all financial statements received to identify whether any contributor appears to have exceeded any of the contribution limits. If any contributor has exceeded the contribution limits, the Clerk is required to report this to the Compliance Audit Committee as soon as possible after the filing deadline. Within 30 days of receiving the Clerk's report, the Compliance Audit Committee must meet and decide whether to commence legal proceedings against a contributor. In addition, Compliance Audit Committees will now be required to provide brief written reasons for their decisions.

Other changes to the campaign finance rules include the following:

- A new spending limit for parties and expressions of appreciation after Voting Day will be implemented. The spending limit will be set out in a regulation (yet to be introduced);
- Candidates who do not accept any contributions of money or incur any expenses will no longer be required to open a campaign bank account;
- After the 2018 Municipal Elections, candidates will not be permitted to carry forward campaign deficits from the previous campaign;
- Candidates will be required to inform contributors of contribution limits. Contribution limits have not changed - a contributor is limited to a total of \$750 to any one candidate in an election (except in the case of the office of Mayor of the City of Toronto) and \$5,000 to two or more candidates for office on the same council or local board.
- Anonymous and cash contributions are now capped at \$25, an increase from the former limit of \$10.
- Candidates and third party advertisers are required to identify themselves on campaign advertising and signs so that it is clear who is responsible for each sign and advertisement that appears or is broadcast.

New rules have been added to regulate third party advertising, including contribution and spending limits.

Third party advertising is a message in any medium (billboard, newspaper, radio, pamphlet etc.) that supports or opposes a candidate or series of candidates or a "yes" or "no" answer for a referendum question.

The absence of rules regarding third party advertising was seen as a gap that needed to be addressed. Third party advertisers will be required to register with the municipality where they want to advertise. If they want to advertise in more than one municipality they would be required to register in each of those municipalities. Registration would allow a third party advertiser to promote or oppose any candidate that the voters in a municipality can vote for both for council positions and school board positions as well as promote or oppose a “yes” or “no” answer for a referendum question.

Third party advertising must be done independently of candidates, who would not be able to direct a third party advertiser on where they should focus their efforts, or what the advertisement(s) should say. Candidates would not be able to register as third party advertisers. If a candidate wishes to promote or oppose a “yes” or “no” answer for a referendum question, it would be part of the candidate’s campaign.

Third party advertising does not include:

- An advertisement by or under the direction of a candidate;
- Where no expenses are incurred by the person/entity in relation to the advertisement; or
- Advertising or communication when given or transmitted by an individual to employees, by a corporation to its shareholders, directors, members, or employees or by a trade union to its members or employees.

The following are not permitted to register as a third party advertiser:

- Municipal election candidates;
- A federal party registered under the *Canada Elections Act* (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party;
- A provincial party, constituency association, registered candidate or leadership candidate under the *Election Finances Act*; and
- The Crown in right of Canada or Ontario, a municipality or local board.

Most campaign finance rules that apply to candidates apply to third party advertisers. Third party advertisers will have spending limits and there will be contribution limits for those wishing to contribute to a third party advertiser and a requirement to submit a financial statement.

The Clerk has been given greater authority and flexibility in the administration of the election, including the management of the Voters’ List.

The City Clerk is now responsible for determining the dates and times for Advance Voting and reduced voting in certain institutions and whether voting places will open earlier on Voting Day.

The City Clerk will have greater flexibility in determining how certain election documents may be submitted and how notices are sent out. For example, original signatures will be required only for nomination, third party registration and proxy appointment forms and registered mail will no longer be required as a method of notification.

An amendment to the MEA allows the City Clerk to accept revisions to the Voters’ List in alternate formats, such as electronic, rather than just in person or in writing. This will allow further enhancements to be made to the on-line revision service offered by the City of Vaughan in the

2018 Municipal Elections. In addition, the process to remove another person's name from the list is simplified by allowing for the removal of a deceased person's name by application to the City Clerk. Applications for this purpose may be made starting September 1 up to the close of voting.

The Province has also established a stakeholder working group to look at systemic issues in the development of the Voters' List to identify solutions for long term improvements. The Deputy City Clerk is one of the participants in this stakeholder group through her involvement as a member of the AMCTO Election Advisory Group.

Campaigning provisions have been updated

Candidate access to condominiums is currently legislated under the *Condominium Act*. Under the new legislation, candidates are specifically allowed access to residential condominiums, apartment buildings, non-profit housing co-ops or gated communities from 9 a.m. to 9 p.m. in order to campaign. In addition, a landlord, person, condominium corporation or agent may set reasonable conditions relating to the size or type of signs in relation to an election that may be displayed on the premises and may prohibit the display of signs in relation to an election in common areas of the building.

While municipalities have always had the authority to remove illegal election signage under municipal sign by-laws, the Act now clearly states that municipalities have the authority to require the removal of election signage and other advertisements that violate municipal or provincial regulations.

Municipal Councils may adopt a policy addressing when an automatic recount will be conducted.

Previously, the ability to conduct a recount was limited to three circumstances:

1. Where the counting of ballots has resulted in a tie vote;
2. Where the Council or Minister of Municipal Affairs and Housing decides a recount is required;
3. Where an elector's request for a recount has been granted by the courts.

The new legislation provides Councils with the authority to adopt a policy dictating when an automatic recount will be conducted in circumstances other than those already set out in the Act. (For example, a council could decide that if two (2) candidates are within ten (10) votes of each other a recount would be held without the request of a candidate). A by-law adopting the policy must be passed on or before May 1 in the year of an election.

New requirements have been introduced related to accessibility reporting, the use of municipal and school board resources during an election, conduct in the voting place and offences under the Act.

In previous elections, the City Clerk had been required to prepare a post-election accessibility report outlining what was done to ensure the accessibility of the election. A pre-election accessibility plan is now required in addition to the post-election report and must set out measures for identifying, removing and preventing barriers that affect voters and candidates with disabilities.

A new requirement states that municipalities and school boards must set out policies on the use of municipal and school board resources by incumbents during an election year. Many municipalities, including the City of Vaughan, already have such policies in place.

Amendments to the Act make it clear that voters are prohibited from photographing or video recording their marked ballot and are prohibited from showing their marked ballot to any individual, except if they require assistance to mark their ballot in order to vote.

Currently it is an offence to give, lend, offer or promise someone an office or employment in order to convince a person to run for office, not run for office or to withdraw from running for office. This is being expanded so that it is also an offence to give, lend, offer or promise someone money or other compensation in order to convince a person to run for office, not run for office or withdraw from running for office.

Ranked Ballots

Municipalities have the option of using ranked ballots as a method of electing members of Municipal Council. A by-law to authorized ranked ballots must be passed no later May 1, 2017 for the 2018 Municipal Elections.

All municipal councils in Ontario now have the option to pass a by-law to use ranked ballot elections in accordance with the following rules:

1. Voters vote by ranking candidates for an office in order of the voter's preference.
2. Votes are distributed to candidates based on the rankings marked on the ballots.
3. The counting of votes is carried out in one or more rounds, with at least one candidate being elected or eliminated in each round.

It should be noted that the ranked ballot system can only be considered for offices on municipal council and not for school board trustee positions. If ranked ballots are used, they must be used for all offices on municipal council.

The use of ranked ballots is governed by Ontario Regulation 310/16 which set out matters to be considered by Council before passing a by-law to authorize ranked ballots, the vote counting procedures, requirements for the statement of results, and recount procedures. Before passing a by-law, the municipality must hold an open house and public meeting to provide the public with information and answer questions concerning:

- How the elections would be conducted, including a detailed description of vote counting;
- The estimated costs of conducting the election;
- Any voting or vote-counting equipment being considered for use in the election; and
- Any alternative voting method being considered for use in the election.

In making its decision on whether to proceed with ranked ballot system, Council is required to consider the following matters:

- The costs to the municipality of conducting the elections.
- The availability of technology, such as voting equipment and vote-counting equipment and software, for conducting the elections.
- The impact the proposed by-law would have on election administration.

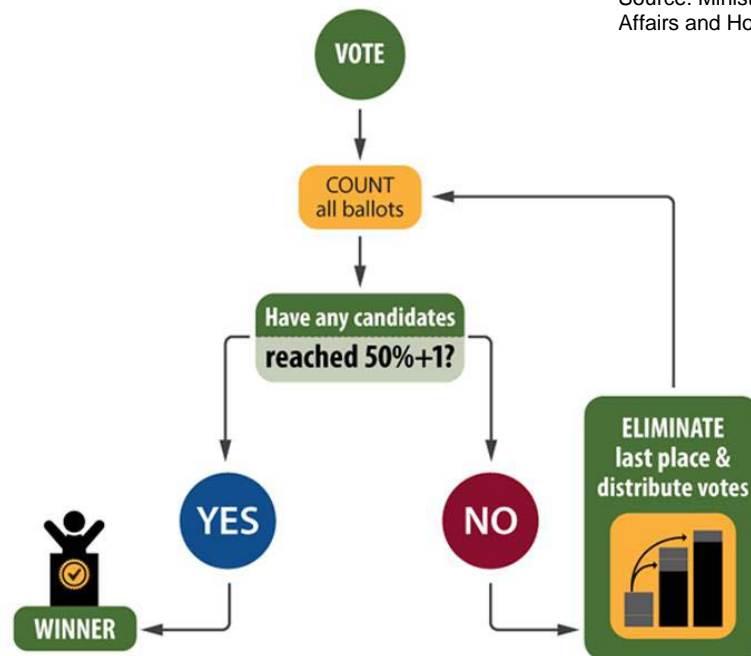
There are two types of ranked ballot elections: single-member ranked ballot elections and multi-member ranked ballot elections.

The details of how a ranked ballot election will work in practice are set out in Ontario Regulation 310/16. In a ranked ballot election, a candidate is required to cross a threshold of votes in order to be elected.

For a **single-member** ranked ballot election, the threshold to be elected is 50 per cent plus one of the total number of votes received for the contest according to the following formula:

$$\text{Threshold} = \left(\frac{100\% \text{ of Votes Cast}}{1 \text{ candidate will be elected} + 1} \right) + 1$$

Source: Ministry of Municipal Affairs and Housing

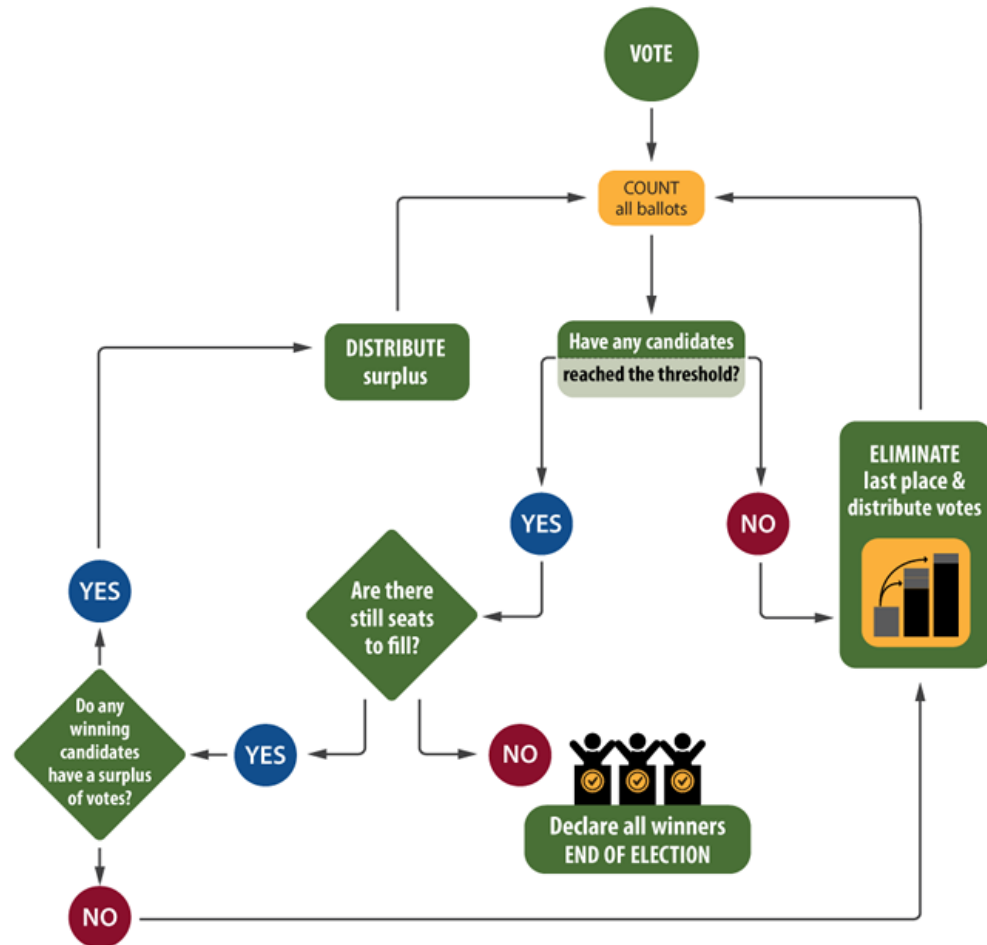


For a **multi-member** ranked ballot election, the threshold to be elected is calculated as follows

$$\text{Threshold} = \left(\frac{\text{Number of Votes Cast}}{\text{Number of candidates to be elected} + 1} \right) + 1$$

Multi-Member Ranked Ballot Election

Source: Ministry of Municipal Affairs and Housing



In both a single and multi-member election, if the threshold is not reached in the first round of counting, there would be subsequent rounds of counting where the candidate with the lowest number of votes would be dropped from counting, and that candidate's votes would be redistributed based on the rankings assigned to other candidates on the same ballot. In the case of a multi-member election, a candidate who passes the threshold and is elected would have votes that were not needed to win redistributed to other candidates for the next round of counting. Based on the experience of election jurisdictions in the United States that have used ranked ballot voting, final election results may not be known until well after the close of voting, or even the following day, depending on the number of rounds of counting and redistribution of votes.

More details on ranked ballots are provided in the "Frequently Asked Questions" and the "Follow Your Ballot" examples provided by the Ministry of Municipal Affairs and Housing set out in Attachments 1 and 2 of this report.

As Table 1 shows, if a ranked ballot system were to be implemented in the City of Vaughan, three different methods would be employed in marking and counting the ballots. A single-member ranked ballot election would be used for the Office of Mayor and the Office of Ward Councillor, where only one is to be elected in each case. A multi-member ranked ballot election would be used for the office of Local and Regional Councillor, where three are to be elected. The First-Past-the-Post system would be used to elect the School Trustee.

Table 1 - City of Vaughan Composite Ballot – Method of Election in a Ranked Ballot Election

Office	Method of Election
Mayor	Single-Member Ranked Ballot
Local & Regional Councillor	Multi-Member Ranked Ballot
Ward Councillor	Single-Member Ranked Ballot
School Trustee	First-Past-the-Post

Using a paper ballot and optical scan vote counting technology would require at a minimum the issuance of a larger, two-sided ballot to each voter (depending on the number of candidates), and likely multiple ballot papers in order to accommodate ranked ballot elections for three out of the four contests. To illustrate, a mock-up of ballots containing ranked ballot contests is included in Attachment 3.

Proceeding with the ranked ballot option for the 2018 Municipal Elections within the limited timeframe for implementation carries significant administrative and financial risks.

Staff is concerned about the administrative and financial risks of implementing ranked ballots, within the limited timeframe left before the 2018 Municipal Elections.

Staff will soon be releasing a Request for Proposal (RFP) for election equipment for the 2018 Municipal Elections as the previous contract has expired after two successful elections. The RFP will seek proposals to replace the previous vote tabulating equipment with an additional consideration of internet and telephone voting technology options. The results of the RFP will be brought forward to Council at the end of this year and a decision on voting technology will be made in early 2017. With the results of the ward boundary review also culminating at this time, staff resources will be focused on two major initiatives for the 2018 Municipal Elections: the selection and implementation of voting technology and ward boundary changes.

Staff is also strongly committed to introducing measures to improve the overall voting experience for the 2018 Municipal Elections, particularly in such areas as the quality of the voters' list and the processing of electors in the voting place. The addition of another major initiative in the form of ranked ballot voting would add significant risk to the administration of the election.

The implementation of ranked ballots would also involve additional cost and financial risk. Administrative and elector experience with ranked ballot elections is limited to a handful of jurisdictions in the United States; no jurisdiction in Canada uses a ranked ballot method of election. A ranked ballot system is a new method of voting and may be confusing for the voter. As illustrated by the "Follow Your Ballot" examples in Attachment 2, the rules governing ranked

ballots and the distribution of first, second and third choice rankings are particularly complex for multi-member elections (more than one member to be elected).

In the public consultation materials distributed by the Ministry of Municipal Affairs (MAH) prior to the enactment of Bill 181, the following potential outcomes of ranked ballot elections were noted:

“Ranked ballots have the potential to give voters a greater say in who is elected and increase voter engagement.

By giving voters more choice, ranked ballots may also:

- reduce strategic voting, which may occur when a voter decides not to pick their first choice candidate in an election because they think their first choice candidate may not win the election
- reduce negative campaigning — since voters can rank multiple candidates, there is an incentive for candidates to appeal to voters not just as a first preference vote, but also to gain a high ranking from supporters of other candidates
- encourage more candidates to remain in the race until voting day, since the threat of “splitting the vote” between like-minded candidates is reduced.”

Source: Ministry of Municipal Affairs and Housing – ‘Ranked Ballots’

<http://www.mah.gov.on.ca/Page11120.aspx>

Even if the implementation of ranked ballots were to be achievable, there is limited jurisdictional experience or evidence to demonstrate that these outcomes would be realized or that the quality of government would be improved as a result. Additional research and a comprehensive public consultation process are needed to fully explore both the potential benefits and risks of implementing ranked ballots.

With these considerations in mind, staff anticipate additional costs to support public consultation, public education, election worker training and staffing, ballots and technology support. The costs set out below are estimates only, given the limited time available to assess the new regulatory requirements and the limited experiences of other jurisdictions that have implemented this system of voting.

Public Consultation - \$100,000

In accordance with the requirements of the Act, if Council wishes to move forward with ranked ballot elections for the 2018 Municipal Elections, an open house and a public meeting are required to allow the public the opportunity to provide feedback. This process must be completed in advance of the May 1, 2017 legislated deadline for passage of a by-law authorizing ranked ballot elections. A consultant would be the preferred method to facilitate this review. Information to be made available to the public would include a detailed description of how the elections would be conducted, including a detailed description of vote counting, any voting or vote-counting equipment being considered and any alternative voting method being considered for use the election. The estimated cost for this component, which would include consultation, advertising and information to be provided to households, would be approximately \$100,000.

Public Education/Communications - \$250,000

To support the public in understanding the new method of voting, there would be a need to develop additional public education and communication materials beyond the existing resources

allocated for this purpose. In 2010, for example, the City of Vaughan added a one-time increase of \$250,000 to its communications budget (approximately \$1 per voter) to promote the election and provide additional educational materials to electors. Staff estimate spending a similar amount for public education and communications related to ranked ballot voting.

Training and Staffing - \$50,000

Staff anticipate that due to the complexity of the ballot, it may take a voter more time to vote and, if explanations are required, additional staff to assist voters. To support voters and avoid additional line-ups, a minimum of one extra person would be required at most voting locations, for an estimated additional cost of \$50,000.

Ballots - \$50,000

For ranked ballot voting, a larger, double-sized ballot and possibly multiple ballots per elector would be required. There would also likely be an increased in spoiled ballots resulting from voter errors in marking the ballot under the new system. The estimated additional cost for ballots is \$50,000.

Logic and Accuracy Testing - \$15,000

Whatever voting technology is selected, logic and accuracy testing must be conducted to ensure the accuracy of the equipment. The estimated additional cost of logic and accuracy testing, in the form of vendor and staffing support, is \$15,000.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report is consistent with the priorities set out in the Term of Council Service Excellence Strategy Map: implement continuous improvement initiatives to improve our service and business processes.

Regional Implications

N/A

Conclusion

A substantial number of changes were made to the *Municipal Elections Act* that will require changes to current election administration and the voting experience. The successful implementation of these changes, along with improvements already earmarked for the 2018 Municipal Elections, will require significant advance planning and prudent resource allocation.

In addition to the changes in the MEA, staff is focusing on two major initiatives for the 2018 Municipal Elections: the selection and implementation of new voting technology and the implementation of new ward boundaries. To successfully manage these high profile initiatives, and minimize administrative and financial risk, staff recommend delaying consideration of the ranked ballot option until after the 2018 Municipal Elections. At that time, if Council chooses to explore the option of ranked ballots, additional research and a comprehensive public consultation process can be undertaken.

Attachments

Attachment 1: Ranked Ballots - "Frequently Asked Questions"

Attachment 2: Ranked Ballots – "Follow Your Ballot" examples

Attachment 3: Mock Ballots for Ranked Ballot Election

Report prepared by:

Donna Winborn, Election Coordinator x8241

Barbara A. McEwan, Deputy City Clerk x8628

Respectfully submitted,

Jeffrey A. Abrams
City Clerk

Source: Ministry of Municipal Affairs and Housing

Frequently Asked Questions about Ranked Ballots

1. What are ranked ballots?

Ranked ballots are used in voting systems in which voters are able to rank candidates based on their preference (i.e. first preference candidate, second preference candidate, etc.).

2. Would my municipality have to use ranked ballots?

No. Ontario is working on introducing changes to the Municipal Elections Act, which, if passed, would give municipalities the option to use ranked ballots in future municipal elections, starting in 2018, but ranked ballots would not be mandatory for municipalities.

3. Why has the government committed to allowing the use of ranked ballots?

We want to allow more choice in how municipal elections are run. Ranked ballots are an additional tool that would give municipalities more flexibility to meet the needs of their local communities.

4. When will the option to use ranked ballots be available to my municipality?

The proposal would give municipalities the option to begin using ranked ballots in the 2018 Ontario municipal elections.

Counting Votes

1. What happens if there is a tie?

Under the current voting system, ties are decided by lot (i.e. by putting the candidates' names in a hat or other container and drawing to see who will win). This method can also be used with ranked ballots.

2. What would happen if all my choices were eliminated?

If all the candidates that a voter had listed as their preferences were eliminated, their ballot would become "exhausted." Exhausted ballots would be removed from the count, as they could not be redistributed to any of the remaining candidates.

3. Would the ballots have to be counted by an electronic tabulator?

Ranked ballots can be counted manually or electronically. For instance, in their 2009 municipal election, Minneapolis, Minnesota counted all of the ballots cast in its first ranked ballot election by hand.

4. Why isn't the threshold in a multi-member election 50 per cent plus one, like it is for a single-member election?

Unlike a single-member election, the threshold is not 50 per cent plus one because it would not be possible for more than one candidate to receive more than half of the votes cast.

5. Why does the surplus have to be redistributed?

The surplus votes must be redistributed because, without doing so it may not be possible for any other candidate to reach the threshold of votes required to be elected.

6. How are candidates' surplus votes to be redistributed in a multi-member ranked ballot election?

In the event that a candidate receives more votes than the threshold (i.e. the number of votes required to be elected), they are declared a winner and their votes are redistributed to the other candidates. There are a few ways to redistribute these votes. One method is to calculate the percentage surplus received by the successful candidate. Every vote cast for that candidate is then redistributed to next preferences at a fraction of a vote equal to that percentage. This is necessary to ensure that enough votes remain in the count so that other candidates can meet the threshold.

Follow Your Ballot: An example of a ranked ballot election

Source: Ministry of Municipal Affairs and Housing

<http://www.mah.gov.on.ca/Page11118.aspx#>

Follow a ballot and learn what happens in a single-member and multi-member ranked ballot election.

Single-member election: an election where one candidate is elected

In this election, you are being asked to vote on the kind of fruit that will be served as a snack.

Ranking the ballot



With ranked ballots you can rank your choices from your most preferred to least preferred option. You rank the choices as follows:

- Cherry 1
- Pear 2
- Strawberry 3
- Apple 4

Calculate the threshold to be elected

Thirty people voted, and only one fruit can be chosen. Sixteen votes are needed for a fruit to be elected (50 per cent of 30 votes is 15 votes, plus one makes it a majority).

Count the first choice votes

After the ballots are distributed according to first choices, the vote count looks like this:

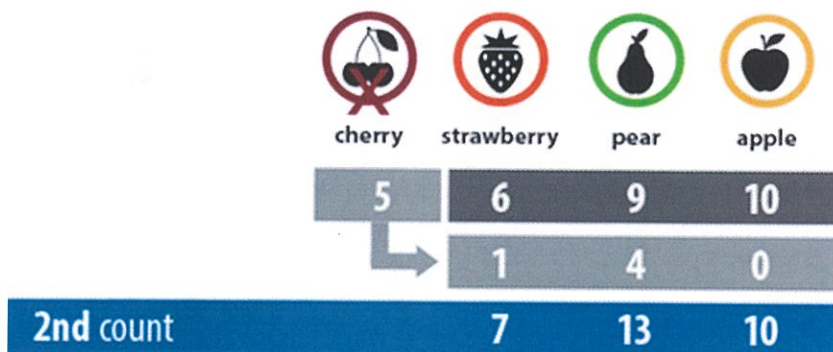


None of the fruits has received enough votes to be elected.

Eliminate the option in last place and redistribute those ballots to other candidates

Your first choice, Cherry got the fewest votes. Your ballot will now be given to your second choice, Pear. (The ballots of everyone else who voted for Cherry as their first choice will also be redistributed to their second choices).

After the 5 Cherry ballots are distributed, the new vote count is:

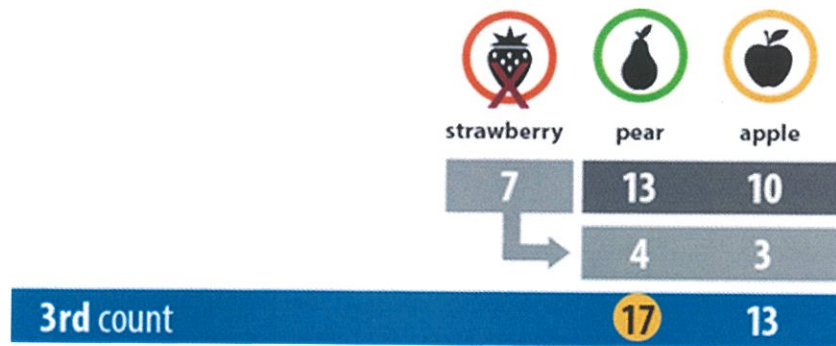


After the second round of counting, none of the fruits has received enough votes to be elected.

Drop the last place and redistribute those ballots

Strawberry now has the fewest votes. Your ballot stays with your second choice, Pear.

After the 7 Strawberry ballots are redistributed, the new vote count is:

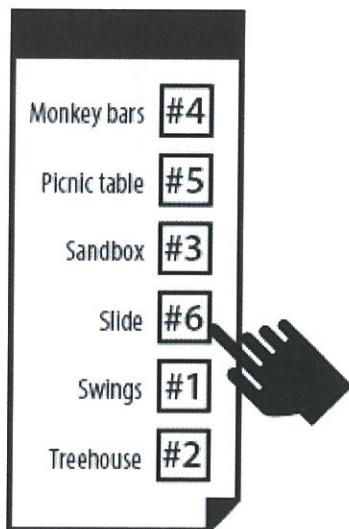


Pear is elected with 17 votes. Even though your first choice didn't get elected, your ballot helped your second choice to win.

Multi-member Election: an election where more than one candidate is elected

In this election, you are being asked to vote on what new equipment should be installed in your neighbourhood park. Three pieces of equipment will be chosen out of a possible six.

Ranking the ballot



With ranked ballots you can rank your choices from your most preferred to least preferred option. You rank your choices as follows:

- Monkey bars 4
- Picnic Table 5
- Sandbox 3
- Slide 6
- Swings 1
- Treehouse 2

Calculate the threshold to be elected

In a multi-member ranked ballot election, the number of votes needed to be elected will depend on how many seats are being filled.

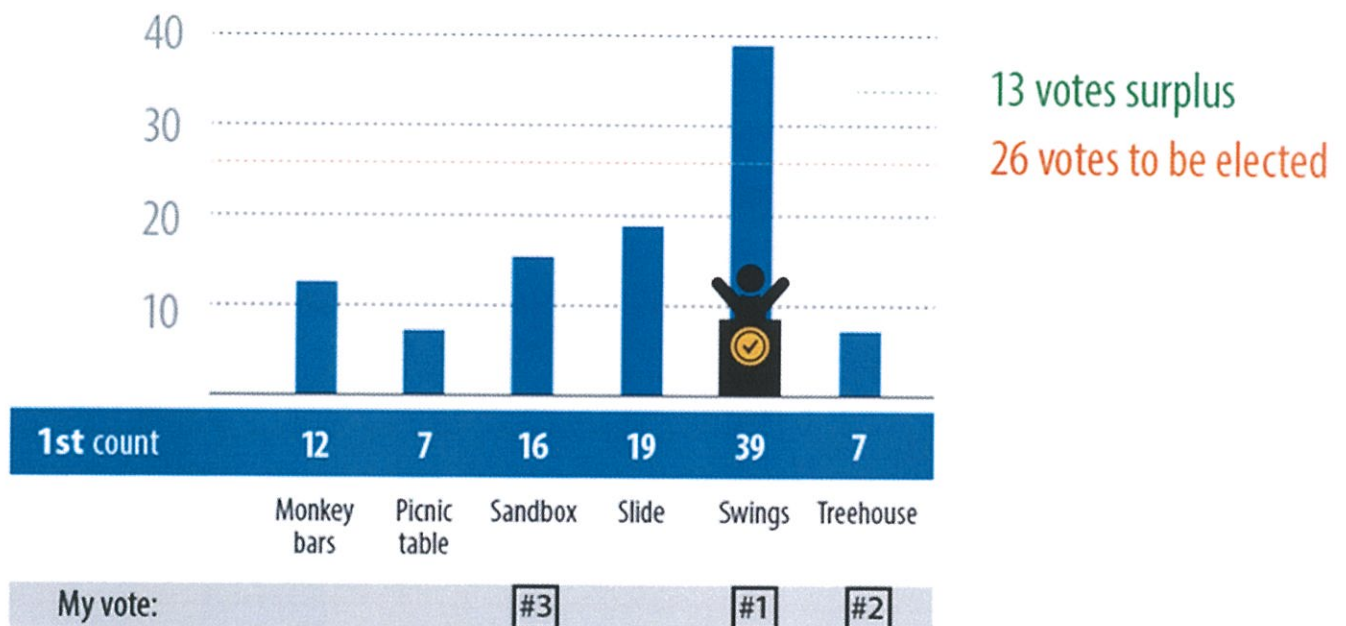
In this example, one hundred people voted, and three pieces of equipment will be chosen.

In order to be elected, a piece of playground equipment must earn twenty-six votes.

To do the math, one hundred votes divided by 4 (3 pieces of equipment will be chosen, plus one is 4) is 25 votes, plus one is 26.

Count the first choice votes

After the ballots are distributed according to first choices, the vote count looks like this:



Swings has received more than 26 votes, and is declared the winner.

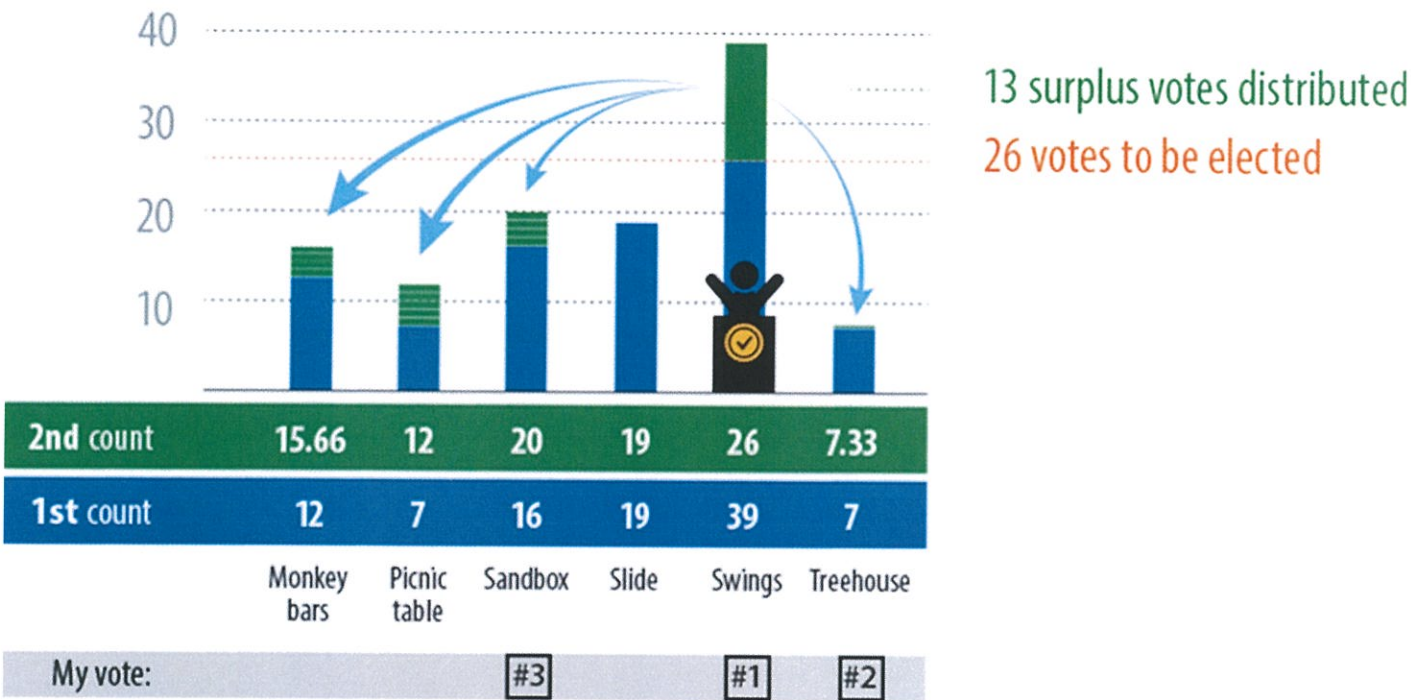
Distribute the surplus

Since the threshold is 26 votes, and Swings got 39 first choice votes, Swings got 13 more votes than is needed to be elected.

Swings has a surplus of 13 votes. Thirteen divided by 39 is one-third. This means that Swings only needed two-thirds of your vote (along with two-thirds of the vote of everyone else who had Swings as a first choice) to be elected.

The two-thirds of your vote that Swings needs to be elected will stay with Swings. The other one-third of your vote will be given to your second choice, Treehouse. Each ballot that had Swings as the first choice will give one-third of their vote to their second choice.

After the ballots are redistributed, the new vote count is:



	Round 1 total	Votes added	New total
Monkey Bars	12	11 ballots worth 1/3 each: 3.66 votes	15.66
Picnic Table	7	15 ballots worth 1/3 each: 5 votes	12
Sandbox	16	12 ballots worth 1/3 each: 4 votes	20
Slide	19	0 votes	19
Swings	39	- 39 ballots worth 1/3 each: -13 votes	26 elected
Treehouse	7	1 ballots worth 1/3 each: 0.33 votes	7.33

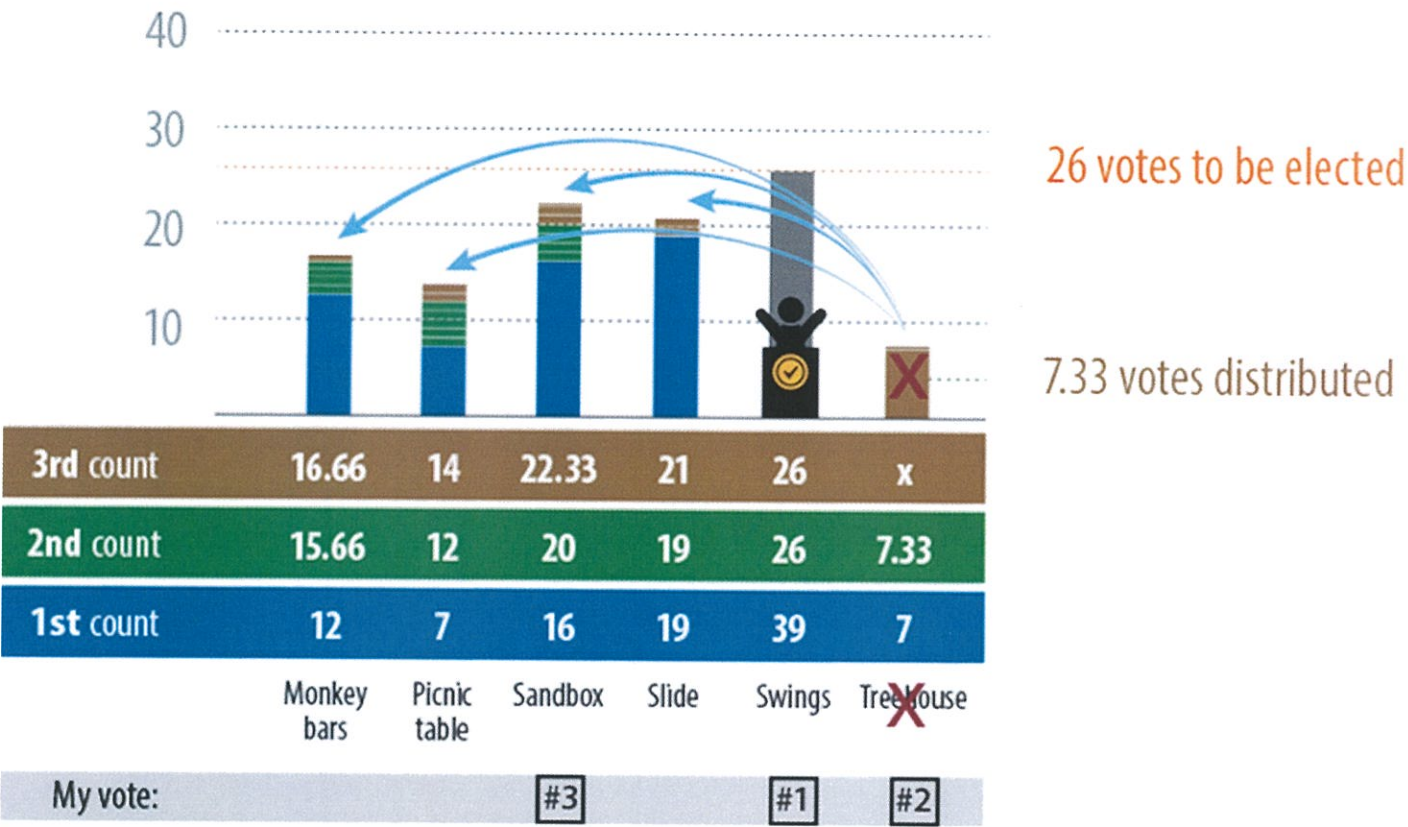
As it turns out, yours was the only ballot of the one hundred votes that chose Swings as the first choice and Treehouse as a second choice. Treehouse’s vote total increased by one-third of a vote.

None of the candidates other than Swings has earned the 26 votes needed to be elected.

Drop the last place and redistribute those ballots

Treehouse got the fewest votes, so it is eliminated. Treehouse’s votes are now redistributed. Your one-third of a vote will be transferred to your third choice, Sandbox.

After the Treehouse votes are redistributed, the new vote count is:

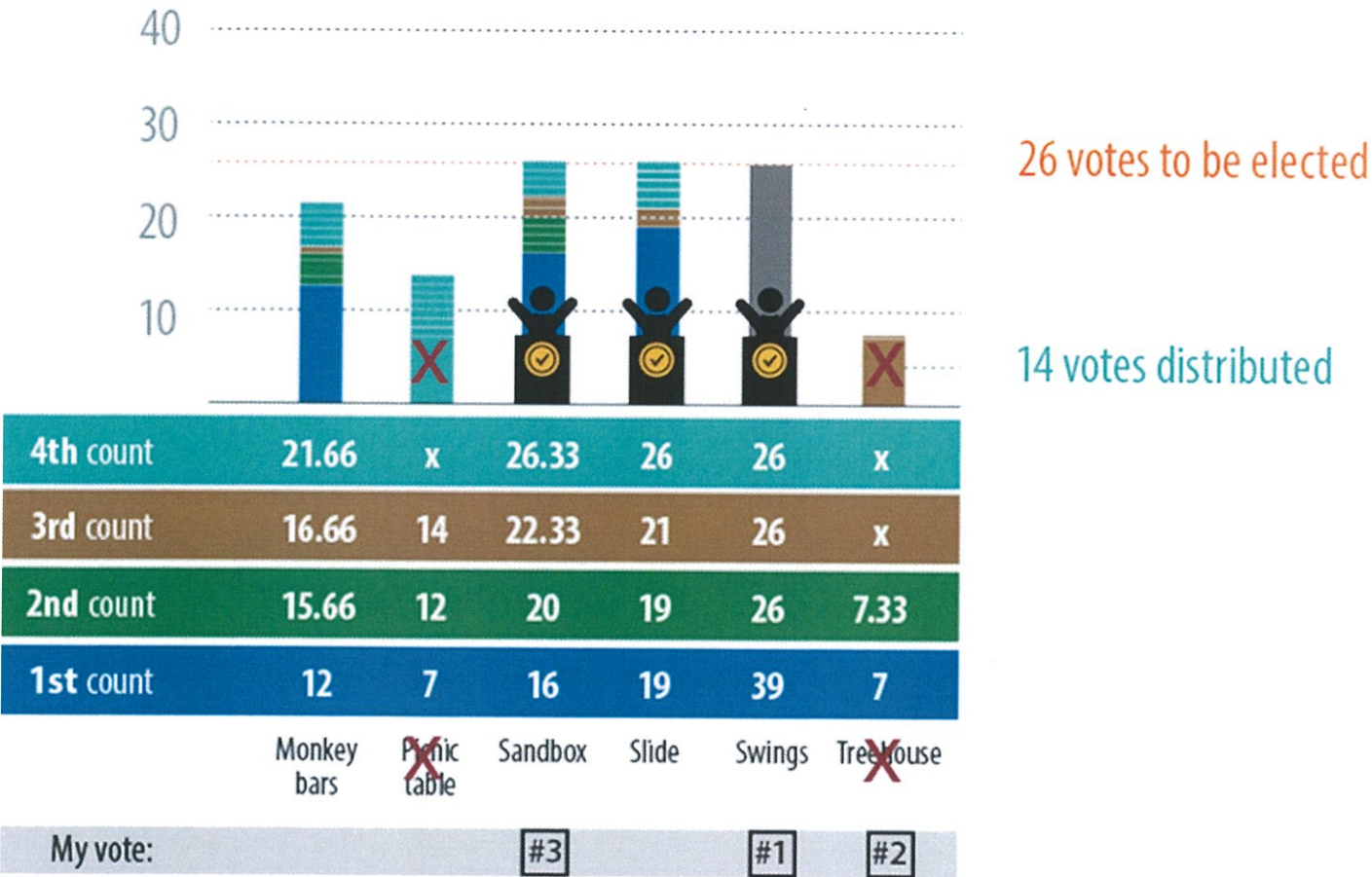


	Round 2 total	Votes added	New total
Monkey Bars	15.66	1	16.66
Picnic Table	12	2	14
Sandbox	20	2.33	22.33
Slide	19	2	21
Swings	26 elected	0	26 elected
Treehouse	7.33	-7.33 votes redistributed	0

None of the other candidates has earned the 26 votes needed to be elected.

Drop the last place and redistribute those ballots

Picnic Table has the fewest votes, so it is now eliminated. Picnic Table's votes are now redistributed according to their next choice.




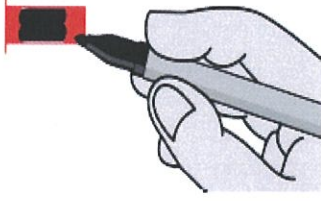


	Round 3 total	Votes added	New total
Monkey Bars	16.66	5	21.66
Picnic Table	14	-14	0
Sandbox	22.33	4	26.33 elected
Slide	21	5	26 elected
Swings	26 elected	0	26 elected
Treehouse	0	0	0




























Sandbox and Slide have each earned 26 votes, so they have reached the threshold to be elected.

Recall that in this election, three pieces of equipment were to be elected out of a possible six. Since three candidates have reached the threshold, the counting stops.

The three winning candidates are Sandbox, Slide and Swings.


































	CITY OF VAUGHAN 2014 Municipal Elections Monday, October 27, 2014	Ward 01 English-Language Public School	BALLOT ID <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; text-align: center; line-height: 40px;">1</div>	DRO <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div>	
	<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>To vote, fill in the arrow  next to your choice(s), like: </p> <p>Use only the marking pen provided.</p> <p>Special Instructions for Ranked Choice Voting</p> <ol style="list-style-type: none"> Pick your first choice and completely fill in the arrow next to that candidate under 1st choice. If you have a second choice candidate, completely fill in the arrow next to that candidate under 2nd choice. Your third choice candidate, if you have one, works the same way. <p>Fill in no more than one arrow per candidate.</p> </div> <div style="width: 35%; text-align: center;">  </div> </div>				

WARD	POLL
1	0 0 0
2	1 1 1
3	2 2 2
4	3 3 3
5	4 4 4
	5 5 5
	6 6 6
	7 7 7
	8 8 8
	9 9 9

MAYOR Rank candidates in order of choice. 1 to be elected.		
1st Choice	2nd Choice	3rd Choice
Gillian APPS  Gabriel BERGEN  Émilie HEYMANS  Dylan MOSCOVITCH  Christine SINCLAIR  Adam VAN KOEVERDEN  Brittany WEBSTER  Hayley WICKENHEISER  Emily ZURRER 	Gillian APPS  Gabriel BERGEN  Émilie HEYMANS  Dylan MOSCOVITCH  Christine SINCLAIR  Adam VAN KOEVERDEN  Brittany WEBSTER  Hayley WICKENHEISER  Emily ZURRER 	Gillian APPS  Gabriel BERGEN  Émilie HEYMANS  Dylan MOSCOVITCH  Christine SINCLAIR  Adam VAN KOEVERDEN  Brittany WEBSTER  Hayley WICKENHEISER  Emily ZURRER 













LOCAL AND REGIONAL COUNCILLOR

Rank candidates in order of choice. **3 to be elected.**

1 st Choice	2nd Choice	3rd Choice
Bryan BARNETT  Gillian CARLETON  Alex HARVEY  Haley IRWIN  Graeme KILICK  Geneviève LACASSE  Heather MOYSE  Emily NISHIKAWA  Eric RADFORD  Christopher SPRING  Elli TERWIEL 	Bryan BARNETT  Gillian CARLETON  Alex HARVEY  Haley IRWIN  Graeme KILICK  Geneviève LACASSE  Heather MOYSE  Emily NISHIKAWA  Eric RADFORD  Christopher SPRING  Elli TERWIEL 	Bryan BARNETT  Gillian CARLETON  Alex HARVEY  Haley IRWIN  Graeme KILICK  Geneviève LACASSE  Heather MOYSE  Emily NISHIKAWA  Eric RADFORD  Christopher SPRING  Elli TERWIEL 

Ward 1 COUNCILLOR

Rank candidates in order of choice. **1 to be elected.**

1 st Choice	2nd Choice	3rd Choice
Alexandre BILODEAU  Caleb FLAXEY  Cody SORENSEN  Heidi WIDMER 	Alexandre BILODEAU  Caleb FLAXEY  Cody SORENSEN  Heidi WIDMER 	Alexandre BILODEAU  Caleb FLAXEY  Cody SORENSEN  Heidi WIDMER 

**YORK REGION
DISTRICT SCHOOL
BOARD AREA 1**

Vote for 1 Only.

Chandra **CRAWFORD** 

Derek **DROUIN** 

Jasmin **GLAESSER** 

Brad **JACOBS** 