



MUNICIPAL ELECTIONS ACT REVIEW

PUBLIC CONSULTATION DISCUSSION GUIDE

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TABLE OF CONTENTS

INTRODUCTION	1
Objectives	1
What is Being Reviewed?	1
Ways to Get Involved	1
USER INFORMATION	2
OVERVIEW OF THE MUNICIPAL ELECTIONS ACT	2
Questions on Voting in Municipal Elections	3
CAMPAIGN FINANCE	3
Campaign Finance Questions	4
THIRD PARTY ADVERTISING	4
Third Party Advertising Question	4
ACCESSIBILITY	4
Accessibility Question	5
ENFORCEMENT	5
Enforcement Question	5
RANKED BALLOTS	5
Municipal Choice	6
Why Ranked Ballots?	6
PUBLIC CONSULTATION	7
Ranked Ballot Public Consultation Questions	7
Public Reporting of Election Results	8
Ranked Ballot Election Public Reporting Question	8
Other Decisions Regarding Ranked Ballots	8
Other Comments on Ranked Ballots	8
WHAT'S NEXT?	8

INTRODUCTION

Municipalities are the government level closest to people in communities. They provide front-line services like public transportation, garbage collection and recreation facilities. They also deal with other local issues like fixing local roads and collecting property taxes.

The Ministry of Municipal Affairs and Housing reviews the Municipal Elections Act after each Ontario municipal election to determine if it meets the needs of Ontario communities.

This is your opportunity to help shape important provincial legislation and have your say about specific parts of the legislation and broader municipal election-related themes.

Objectives

We want to make sure that the rules governing how municipal leaders are elected are clear and simple, and reflect how modern campaigns and elections should be run.

We also want to allow more choice for municipalities in how municipal elections are run. As part of our review of the Municipal Elections Act, we will explore how we could give municipalities the option of using ranked ballots in their elections as an alternative to the current system.

What is Being Reviewed?

The government will focus on the following five themes:

1. Campaign finance
2. Third party advertising
3. Accessibility
4. Enforcement
5. Ranked ballots

Ways to Get Involved

We want to hear from Ontarians across the province. To share your feedback with the government through this workbook, there are a number of options:

Online: access this workbook online at ontario.ca/municipalelections and follow the survey links.

E-mail: e-mail your responses to some or all of the questions with any other comments or questions you may have about the review to mea.info@ontario.ca

Mail: send a written submission with your suggestions for changes to the legislation, or any other comments to:

Municipal Elections Act Review
Ministry of Municipal Affairs and Housing
Local Government Policy Branch
777 Bay Street, 13th Floor, Toronto ON M5G 2E5

Please note that the deadline for submitting comments is **July 27, 2015**.

USER INFORMATION

To help us make the most effective use of your comments, please consider identifying your municipality or, if you prefer, your geographic region of the province (for example, Southwestern Ontario) or whether you live in a rural or urban area.

If you are providing comments on behalf of an organization, please provide its name. If you are providing comments on behalf of a municipality, please provide its name and indicate whether the submission has been endorsed by a council resolution.

Your responses may be used for the purposes of the Ministry's consultation process. Please note the Ministry may summarize and share them, including with other ministries and the public. Names of organizations and persons who indicate an affiliation may also be shared.

Please do not provide any additional personal or identifying information such as opinions about individuals or names and addresses as part of your response.

OVERVIEW OF THE MUNICIPAL ELECTIONS ACT

The Municipal Elections Act covers the conduct of municipal and school board elections in Ontario. In addition to setting out rules for candidates and voters, it also sets out rules for the administration of elections, including:

- questions on the ballot (also known as referendums)
- roles and responsibilities of the municipal clerk in administering municipal elections
- roles and responsibilities of the municipal council, school board, school board secretary, candidates and voters
- rules related to voting
- voter and candidate eligibility
- methods of voting, including use of internet, telephone and vote by mail
- campaign and campaign finance rules
- compliance, enforcement and penalties
- important dates in the election cycle, including the length of the campaign period and voting day

For more information on the Municipal Elections Act, you may wish to read the following additional materials:

- Voter's Guide to Municipal Elections: ontario.ca/cadn
- Candidates' Guide to Municipal Elections: ontario.ca/cado
- Ontario e-laws: ontario.ca/e-laws

For the complete legislation, please visit Ontario e-laws at [Municipal Elections Act, 1996](#).

Questions on Voting in Municipal Elections

We are interested in your experience taking part in Ontario municipal elections. Please answer the following questions to let us know your views on the municipal election process and how you think we can improve the Municipal Elections Act. In your responses, you may want to consider:

- how the election is run,
 - rules related to voting,
 - voter and candidate eligibility,
 - methods of voting,
 - the campaign period, including the length of the municipal election campaign.
1. From your experience, what parts of municipal elections in Ontario currently work well?
 2. From your perspective, what parts of municipal elections in Ontario should be changed?
 3. Is there anything else you want to tell us about your experience with municipal elections?

CAMPAIGN FINANCE

Campaign finance refers to all of the funds raised or spent during an election campaign. This includes the value of contributions of goods and services as well as cash.

The Municipal Elections Act sets out the municipal campaign finance rules that candidates and campaign contributors must follow. For example, under the Act, any person who is a resident of Ontario may make a contribution to a municipal candidate's campaign at a maximum of \$750 to a single candidate (\$2,500 to a mayoral candidate in the City of Toronto).

The Ministry intends to review the financial rules in the Municipal Elections Act to see if the rules are consistent and set out transparent, accountable, fair and modern election finance practices.

For further information on the campaign finance rules set out in the Municipal Elections Act, please refer to:

- Municipal Elections Act, 1996: ontario.ca/cadk
- Voter's Guide to Municipal Elections: ontario.ca/cadn
- Candidates' Guide to Municipal Elections: ontario.ca/cado

Campaign Finance Questions

Please answer the following questions to let us know about your experience with campaign finance rules under the Municipal Elections Act.

1. If you were a voter, candidate or supporter of a candidate, what was your experience with financing an election campaign? What areas might be improved, and how?
 - In your response, consider areas where you felt that the process was complex or difficult, and any ideas for simplifying the process or making it easier to understand.

THIRD PARTY ADVERTISING

In the context of an election, a third party is an individual or group that is not a candidate.

A third party advertisement is a message that is not paid for or sponsored by a candidate. A third party advertisement either supports or opposes a candidate or takes a position on an issue.

A third party advertisement can be communicated through radio, television, newspaper, the internet or any other type of media. Campaign buttons, signs, or other things that identify supporters or opponents of any candidate can also be types of third party advertising.

Currently, there are rules for people who want to campaign for the “yes” or “no” side of a municipal question on the ballot. There are no rules for third party advertising that supports or opposes a candidate (or candidates) in Ontario municipal elections.

Third Party Advertising Question

Please tell us about your thoughts on third party advertising in municipal elections.

1. Should there be rules for third party advertising? If so, what should these rules require?

ACCESSIBILITY

Municipal clerks, who are responsible for conducting municipal elections, must consider the needs of voters and candidates with disabilities. Under the Municipal Elections Act, all voting places in municipal elections must be accessible to people with disabilities.

We want to determine if the accessibility rules under the Municipal Elections Act meet the needs of Ontarians.

Accessibility Question

Please tell us about your thoughts and, experience with accessibility in municipal elections.

1. Have you experienced accessibility challenges or barriers related to voting or running for office? If so, what were those challenges and what would help overcome those barriers?

ENFORCEMENT

The Municipal Elections Act sets out some automatic penalties for candidates that break rules set out in the Act. For example, if a candidate fails to file a financial statement that candidate automatically loses their office (if they won the election). He or she also becomes ineligible to serve on municipal council until after the next municipal election.

Not all penalties are automatic. For example, if a voter believes that a candidate has broken the election finance rules, they may apply for a review, called a compliance audit, of the candidate's campaign finances.

For further information on the enforcement tools in the Municipal Elections Act, please refer directly to:

- Municipal Elections Act, 1996: ontario.ca/cadk
- Voter's Guide to Municipal Elections: ontario.ca/cadn
- Candidates' Guide to Municipal Elections: ontario.ca/cado

Enforcement Question

Please tell us about your thoughts and, experience with enforcement tools under the Act.

1. Do you feel that municipal election rules are effectively enforced?
Why? Why not?

RANKED BALLOTS

Ontario has committed to providing municipalities with the option of using ranked ballots in future elections, starting in 2018, as an alternative to the current system.

Ranked ballots allow a voter to rank candidates in order of preference (first choice, second choice, third choice, etc.) instead of just voting for one candidate.

There are different degrees to which ranked ballots could be used. For example, some municipalities in other countries use ranked ballots for all of council. Some other municipalities use ranked ballots for only the mayor or head of council while the rest of council is elected using a first past the post system.

Please note that ranked ballots are not being considered for school boards. If a municipality decided to use ranked ballots to elect council positions, voters would still use the current voting method to vote for school board trustee.

Municipal Choice

Municipalities already have a lot of flexibility in the way they run their elections. Introducing ranked ballots as an option for municipalities would add to the range of options available to decide how we elect local representatives.

Every municipality must have a council of at least five members, but municipalities may decide to have more than five members.

Municipalities can also make decisions about how to structure their council. For example, many municipalities divide their territory into wards (often determined by population) and each ward elects one or more representatives to council.

Some municipalities do not use wards and choose to elect their entire council at-large. Others use a combination of wards and at-large representatives.

Municipalities also have a number of choices in the way voting works. Municipalities can make decisions on how voters cast their ballots. By default, Ontario voters vote in municipal elections in person at their voting place. However, the Municipal Elections Act allows municipalities to decide to use alternative voting methods to cast ballots and many municipalities have decided to do so. For example, in many municipalities, voters may have the option of voting online, by mail or via telephone.

Why Ranked Ballots?

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

As an example of how ranked ballots work, let's assume you voted for three candidates, you marked a "1" next to your first choice candidate's name, a "2" next to your second choice, and a "3" next to your third choice. If your first choice candidate is eliminated, ranked ballots take into account the next choices on your ballot. This helps to ensure that the winning candidate(s) receive support from a majority of voters more often.

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.

There are two kinds of elections that are used in Ontario municipalities: single-member elections and multi-member elections.

Single-member elections are elections where only one candidate will win, such as:

- Elections for mayor
- A ward election where one person will be elected to represent the ward

Multi-member elections are elections where more than one candidate will win a seat, such as:

- When council members are elected at large
- A ward election where two or more people will be elected to represent the ward

In a ranked ballot election, there may be multiple rounds of counting before a candidate is declared the winner.

Single-member ranked ballot elections use a system called Ranked Choice Voting (RCV). Multi-member ranked ballot elections use a system called Single Transferrable Vote (STV).

You can find more information on ranked ballot elections, including how votes are counted in single-member and multi-member elections at ontario.ca/caeh.

PUBLIC CONSULTATION

Changing the voting system is a big decision for a municipality and its residents. There are a number of ways municipalities can consult their residents about council decisions.

The public could also be given the ability to formally petition council to adopt ranked ballots and require that council hold a referendum to determine if voters support the use of ranked ballots.

We’re interested in your views on how the public should be involved in municipal decision making on ranked ballots.

Ranked Ballot Public Consultation Questions

1. What are your thoughts on using ranked ballots for Ontario municipal elections?
2. Should municipalities be able to use ranked ballots for certain offices and not others? For example, only for mayor?
3. Should public consultation by a municipality be required before implementing ranked ballots or before changing from ranked ballots back to the current system?
4. What form should that consultation take?

Public Reporting of Election Results

Unlike the current system, ranked ballots can involve multiple rounds of counting before all the seats to be elected have been won.

Ranked Ballot Election Public Reporting Question

1. How much information would you want about election results? For example, where there have been multiple rounds of counting would you want to see the results of each round of counting or just the final results?

Other Decisions Regarding Ranked Ballots

There are a number of other important decisions that the province will need to consider when determining how ranked ballots could work in Ontario. Throughout this review we will be consulting with Ontarians, municipalities and experts on ranked ballots to help us make these decisions.

Other Comments on Ranked Ballots

1. Are there other ideas you wish to share on ranked ballots that you would like us to consider?

WHAT'S NEXT?

After the Ministry of Municipal Affairs and Housing has received all public submissions and input on the Municipal Elections Act review, we will assess the feedback received and develop recommendations for the government on how to improve the Municipal Elections Act. We hope to communicate the results of this process as they become available later this year.

For further information on the Municipal Elections Act, you may wish to read the following additional materials:

- Voter's Guide to Municipal Elections: ontario.ca/cadn
- Candidates' Guide to Municipal Elections: ontario.ca/cado
- Ontario e-laws: ontario.ca/e-laws

Thank you for providing your comments. Your feedback is very important to us and will be essential to improving the Municipal Elections Act so that it is better able to meet the needs of Ontario communities while maintaining a fair election process.



Ministry of Municipal Affairs and Housing

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