

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee
From: Cathy Saunders, City Clerk
Subject: Proposed Changes to the *Municipal Elections Act, 1996*
Meeting on: November 2, 2020

Recommendation

That, on the recommendation of the City Clerk, the report dated November 2, 2020 entitled “Changes to the *Municipal Elections Act, 1996*” **BE RECEIVED** for information.

Previous Reports Pertinent to this Matter

None.

Background

On October 20, 2020 Ontario Attorney General, the Honourable Doug Downey, introduced Bill 218, *Supporting Ontario's Recovery and Municipal Elections Act, 2020* which proposes substantial changes to the *Municipal Elections Act, 1996* (MEA).

In response to the introduction of Bill 218 as it relates to the MEA, the Municipal Council passed the following resolution at the meeting held on October 27, 2020:

“That the following actions be taken with respect to the Bill 218 *“An Act to enact the Supporting Ontario’s Recovery Act, 2020”*:

- a) the Civic Administration BE DIRECTED to submit the following comments on behalf of the City of London (the “City”) to the Province of Ontario with respect to the proposed changes to the *Municipal Elections Act, 1996*:
 - i) the City does not support the proposed changes to the *Municipal Elections Act, 1996*, specifically related to the removal of the option for a municipality to hold a ranked ballot election;
 - ii) the City does support the principle that each municipality should be able to choose whether or not to use first-past-the-post or a ranked ballot election; and,
 - iii) the City encourages the provincial government to meaningfully consult with municipalities on municipal issues before introducing legislative changes of this magnitude;
- b) the Mayor BE REQUESTED to ask the Premier and the Minister of Municipal Affairs and Housing to exempt the City of London from the proposed changes to the *Municipal Elections Act, 1996* as set out in Bill 218, if the Province proceeds with the legislation as drafted; and,
- c) the Civic Administration BE DIRECTED to report back with an estimate of the costs of being forced by the Province to switch back to a first-past-the-post Municipal Election in 2022.”

This report has been prepared in response to part c) of the above-noted Municipal Council resolution and to provide further commentary on other amendments being proposed to the MEA.

Discussion

If Bill 218, *Supporting Ontario's Recovery and Municipal Elections Act, 2020* receives Royal Assent, it would remove the framework in the MEA providing for ranked ballot elections for municipal council offices and the supporting Ontario Regulation 310/16, Ranked Ballot Elections would be revoked. The City of London will therefore, not be permitted to use Ranked Choice Voting (RCV) for the 2022 Municipal Election.

In addition to these changes, Bill 218 proposes a number of modifications to the elections calendar. On June 9, 2016, Bill 181 *Municipal Elections Modernization Act, 2016* received Royal Assent which made amendments to the MEA to reduce the period for filing nominations which began on January 1st and ended on the second Friday in September, so that it begins on May 1st and ends on the fourth Friday in July. Bill 218 proposes amendments to the MEA that reverts Nomination Day back to the second Friday in September from the fourth Friday in July.

This amendment puts additional pressure on the Elections Office to conduct logic and accuracy testing before Voting Day. The extension of the nomination period means that the timeframe for testing voting and vote counting equipment is reduced significantly, as the Elections Office needs sufficient time to complete the testing in time for Advanced Polls and to process Vote by Mail packages. In 2018, the Elections Office was able to begin logic and accuracy testing in mid-August. The extension of Nomination Day to September means that testing could not begin until mid to late September. This may result in additional financial implications as it relates to staff overtime during the fall of 2022 to meet the reduced timelines.

If passed, Bill 218 also amends the timeline for passing a by-law authorizing the use of voting and vote-counting equipment or an alternative voting method from May 1st the year before an election to May 1st the year of an election. Similarly, changes to the deadline for clerks to establish procedures and forms for voting and vote-counting equipment, including alternative voting methods, is proposed to change from December 31st in the year before the year of the election to June 1st in the year of the election. Leaving these decisions until the Election Year could be problematic for the administration of the election.

RCV Status Quo - Financial Implications

If the Elections Office were able to maintain the status quo of three permitted rankings in the current ranked ballot elections by-law, the increase in costs for 2022, excluding those related to the pandemic, were anticipated to be minimal. Any increase in costs would be attributed to rising supplier costs, a growing City, and anticipated wage increases for poll workers. The associated costs would be accommodated through the existing election budget.

No changes to the Ranked Ballot By-law would be required to maintain the status quo of three permitted rankings.

First-Past-The-Post (FPTP) - Financial Implications

Bill 218 does not include any requirement for the City of London to perform any public consultation prior to returning to a FPTP model, however, the Elections Office would recommend that a public awareness campaign be developed and executed beginning in early 2022 to help mitigate any voter confusion and effectively communicate the change back to FPTP for the 2022 municipal election.

Election advertising, communication, information, training, supplies, materials and guides that were produced for the 2018 RCV election would have to be recreated for a FPTP election. The anticipated resource costs for public awareness campaign, materials and administrative changes related to returning to FPTP is estimated to be about \$51,000.

In addition, the City Clerk's staff will need to prepare new processes and procedures to reflect a FPTP model instead of a Ranked Ballot process.

The estimated cost breakdown is as follows:

Item	FPTP Cost	Comments
Advertising	\$30,000	Currently, the City of London has \$100,000 allocated to the budget for the 2022 communication plan to maintain the status quo. An additional \$30,000 is recommended for a public awareness campaign regarding a return to FPTP.
Printing	\$5,000	New information guides, pamphlets and training materials would need to be produced.
Poll Supplies	\$20,000	Secrecy folders and voting screens will have to be reprinted without the RCV graphic and instructions.
Staff Resources	\$3,000	Overtime to assist with public awareness campaign and communication plan.
Vendor RCV Module	-\$12,000	The City of London's current contract with Dominion Voting Services includes a ranked ballot module at a cost of \$12,000. This cost will be removed if returned to a FPTP model.
Results Display	\$5,000	Dominion Voting Services was not able to provide a RCV results display for the 2018 election. For a FPTP election, Dominion Voting Services is able to provide a results display for \$5,000.

2018 Municipal Election RCV Costs:

For Municipal Council's reference, below is a breakdown of the 2018 Municipal Election RCV costs, originally provided in the March 2019 Staff Report, entitled "2018 Municipal Election":

Election Item	Ranked Balloting Costs	Notes:
Consultation	202,108	This includes expenditures in 2017 for our consultation phase. The total cost in 2018 for ranked ballot outreach and education was \$141,108.
Tabulators	16,900	The cost of an additional 13 vote tabulators attributed to RCV.

Election Item	Ranked Balloting Costs	Notes:
Paper Ballots	12,500	Additional ballots were required to accommodate a more fulsome logic and accuracy testing of RCV ballots and to ensure adequate quantities at the poll.
Vendor Cost	12,000	This is the cost of the ranked ballot licence with Dominion Voting Services.
Auditor	147,752	In the absence of provincial certification of ranked ballot voting equipment, the auditor provided verified processes, procedures and tested the algorithm to provincial regulation.
Staff Resources	82,686	
Poll Workers	41,500	One additional election worker was assigned at each voting location on Voting Day to provide additional efficiencies. Elections Office staff were assigned polls on Advance Vote days for this purpose.
Total	\$515,446	

Ranked Ballot Costs - Corporate Services Committee – March 19, 2019 - Staff Report - 2018 Municipal Election

Conclusion

Bill 218 does not require Municipal Council to pass a by-law to return to a FPTP election model, however, the By-law passed to provide for a Ranked Ballot election will need to be repealed.

PREPARED BY:	RECOMMENDED BY:
JEANNIE RAYCROFT, MANAGER, LICENSING AND ELECTIONS	CATHY SAUNDERS CITY CLERK
SUBMITTED BY:	
SARAH CORMAN, MANAGER, LICENSING AND ELECTIONS	