



City of
Peterborough

To: Members of the Committee of the Whole

From: John Kennedy, City Clerk

Meeting Date: July 27, 2015

Subject: Report CPCLK15-009
Public Consultation for Municipal Elections Act

Purpose

A report to recommend that staff forward comments on the **Municipal Elections Act**.

Recommendations

That Committee approve the recommendations outlined in Report CPCLK15-009 dated July 27, 2015, of the City Clerk, as follows:

- a) That the report CPCLK15-009 be received for information, and
- b) That Council authorize staff to forward comments from the City of Peterborough on the **Municipal Elections Act** to the Ministry of Municipal Affairs and Housing, as described in Report CPCLK15-009.

Budget and Financial Implications

There are no budget or financial implications as a result of this report.

Background

Municipal Elections Act

After Ontario municipal elections (every four years), the Ministry of Municipal Affairs reviews the Elections Act to “determine the needs of Ontario communities.” The review process this time is focusing on five areas: campaign finance, third party advertising, accessibility, enforcement and ranked ballots. A letter was provided to the City of Peterborough asking us to provide comment on the legislation.

1. 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.

Staff are not aware of any issues of concern with the current campaign finance rules that permit the review of a candidate’s finances by a compliance audit committee when an elector believes a contravention of the Act has occurred.

2. 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.

While staff support the review of this matter, they believe existing protocols such as the provision in a municipalities sign bylaw would apply to third party advertising.

3. Accessibility

Staff, 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.

Staff support a review of accessibility rules to ensure the **Municipal Election Act** meets the needs of the electorate. Staff feel the **Accessibility for Ontarians with Disabilities Act** and its regulations can assist municipalities in ensuring municipal elections are accessible.

4. 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.

Staff supports a review of enforcement tools in the Act to determine if any additional steps are necessary further to the current compliance audit process.

5. 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.

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. 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.

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 the mayor. Multi-member elections are elections where more than one candidate will win a seat, such as 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).

While staff feel that any changes to the Act which provide more options for municipalities are beneficial, however ranked ballots should not be mandatory.

One other issue which impacts the view on ranked ballots concerns the school board elections. The school board elections will have to continue to be conducted in the current fashion and if a municipality chose to use ranked ballots for the municipal seats, there would have to be two voting systems in place which may prove to be confusing.

The ranked ballot system could result in multiple rounds of counting prior to a candidate being declared the winner. An additional concern with this process is the possible delay in being able to declare a winner.

The ranked ballot system is a different method of voting and there would have to be a campaign undertaken to educate voters on how the process works. As ranked ballots are not used at either the provincial or federal levels the education process would be fairly extensive. If the City of Peterborough decided to try ranked ballots it would not be a change we would wish to undertake until other municipalities have done so for several elections, to enable a thorough review of the process.

Summary

Generally staff support the review of the five theme areas of the **Municipal Elections Act** to ensure the rules governing how municipal councils are elected are clear and simple.

The Ministry of Municipal Affairs conducts regular reviews of legislation and this process is currently underway for the **Municipal Elections Act**. Following direction from Council, comments will be provided to the Ministry of Municipal Affairs.

Submitted by,

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