



City of
Peterborough

To: Members of Committee of the Whole

From: John Kennedy, City Clerk

Meeting Date: December 5, 2016

Subject: Report CPCLK16-019
Municipal Elections Act Update and Alternative Voting
Methods for the 2018 Municipal Election

Purpose

A report to provide an update on changes to the **Municipal Elections Act, 1996** and to recommend vote-tabulating equipment and alternative methods of voting be used in the City of Peterborough 2018 Municipal Election.

Recommendations

That Council approve the recommendations outlined in report CPCLK16-019 dated December 5, 2016, of the City Clerk, as follows:

- a) That the update on the changes to the Municipal Elections Act be received for information.
- b) That a By-law, attached as Appendix A, be passed to allow the following methods to continue to be used for the October 22, 2018 Municipal Election:
 - i) Optic Scan Tabulation Equipment and Internet Voting technology and,
 - ii) Advance Voting
- c) That the existing First-Past-the-Post election model be maintained for the 2018 municipal election.
- d) That staff be directed to monitor ranked ballot elections in Ontario and report back to Council after the 2018 Municipal Election.

Budget and Financial Implications

Approximately \$550,000 was expended to conduct the 2014 Municipal Election. If the ranked ballot system were to be implemented in the 2018 election, it is estimated the cost to administer the election would increase by \$50,000. Included in the budget are two election positions that assist, temporarily, to plan and administer the election. Sufficient funds are anticipated to be available in the election reserve by 2018 through annual contributions to the Election Reserve.

Background

The 2018 Municipal Election will be held Monday October 22, 2018. Planning and preparations for the 2018 election have commenced.

Bill 181 - the Municipal Elections Modernization Act, which received Royal Assent in June of 2016, is the culmination of a process to reform the **Municipal Elections Act, 1996 (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. While some of the provincial regulations under Bill 181 have been approved, not all regulations are available at this time. Therefore, not all details pertaining to the MEA changes are known at the time this report was prepared.

An overview of the key changes to the following categories are outlined in this report; election calendar, nomination endorsements, campaign finances, third party advertising, ranked ballots, administrative responsibilities, election signs and recounts.

Election Calendar

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 or the last day for a candidate to file a nomination paper has moved from the second Friday in September to the fourth Friday in July. Nomination Day for the 2018 Municipal Election is July 27, 2018.

Other key date changes include:

- The deadline to enact a by-law to place a question on a ballot is moved from June 1st to March 1st in an election year;
- The deadline for other questions (e.g. a school board, a Minister's question) is now May 1st, moved from the previous date of June 1st;
- The deadline to pass a by-law authorizing the use of alternative voting methods, such as telephone voting, mail or internet voting is now May 1st in the year prior to an election. Previously, the date was in 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.

A table summarizing the changes to key election dates is attached as Appendix B.

Candidates Require 25 Endorsement Signatures with their Nomination Paper

Candidates must obtain 25 endorsement signatures from eligible electors to be filed with their nomination paper. Individuals providing the signatures must be qualified electors and would 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.

Campaign Finances

Contributions by corporations and trade unions to Council candidates are now prohibited. 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.

While union and corporate donations to candidates are prohibited, the legislation does allow corporate and union donations to individuals or organizations registered as third party registrants, subject to applicable contributions limits defined by regulation.

Bill 181 proposes a new spending limit for candidates, including spending rules following Voting Day for expressions of appreciation. Candidates are required to inform contributors of the contribution limits. A candidate will not be required to open a bank account, if they do not raise or spend money. Following the 2018 election, campaign deficits will not be carried-forward from the previous campaign.

A list of 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 will be publically available.

A candidate's nomination fee will only be refunded if a financial statement is filed on time. Previously, a candidate had their nomination fee returned if they received a least two per cent of the votes. 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 grace period to file their 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.

Third Party Advertising

The **Municipal Elections Act** now includes a framework for third party advertising. 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.

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.

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 his/her 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.

Enhanced Administrative Responsibilities and Flexibility

Changes to the Act provide municipal staff with greater authority and flexibility in the administration of the election, including the management of the Voters' List, the scheduling of dates and times for Advance Voting and reduced voting in certain institutions and whether voting places will open earlier on Voting Day.

Revisions to the Voters' List are permitted in alternate formats, such as electronic, rather than just in person or in writing. 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 Clerk's Office. Applications for this purpose may be made from September 1st of the election year, through to the close of voting.

More options are available 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.

Election Signs

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.

Recounts

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 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. As an example, a Council could decide that if two candidates are within ten 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.

Staff will provide more information on recounts in a future report.

Additional Updates to the Act

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.

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, staff 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 already have such policies in effect.

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.

Currently it is an offence to give, lend, offer or promise someone “an office” or employment 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 to convince a person to run for office, not run for office or withdraw from running for office.

Ranked Ballots

Municipalities now 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 Election and consider the following rules:

- Voters vote by ranking candidates for an office in order of the voter's preference-typically by choosing three selections.
- Votes are distributed to candidates based on the rankings marked on the ballots.
- The counting of votes is carried out in one or more rounds, with at least one candidate being elected or eliminated in each round.
- The ranked ballot system can only be considered for offices on municipal council and not for school board trustee positions.

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.

In a single-member ranked ballot election, such as the position for Mayor, the threshold to be elected is 50 +1 per cent. First choice votes are counted for all of the candidates. If a candidate receives at least 50 per cent plus one votes, he or she is elected. If none of the candidates receives enough first choice votes, the candidate with the fewest votes is eliminated. When a candidate is eliminated, their ballots are not disregarded. Instead each of the ballots is redistributed to one of the remaining candidates according to the next highest choice marked on the ballot. This process of counting and redistributing votes will continue until a candidate receives at least 50 +1 per cent of the votes. At which point, the candidate is considered the winner and no further counting/redistribution of votes is necessary. Appendix C provides a flow chart of the process for a single member ranked ballot election.

In a multi-member ranked ballot election, such as the election of two Ward Councillors, the threshold to be elected is typically 33.33 +1 per cent of the votes. The process of counting and redistributing votes, as described above, is also used to determine the two Ward Councillors. A candidate who passes the threshold and is elected would have the votes that were not needed to win, redistributed to other candidates for the next round of counting. Appendix D provides a flow chart of the process for a multi-member ranked ballot election. The Ministry of Municipal Affairs and Housing provides a summary, attached as Appendix E, of Frequently Asked Questions pertaining to ranked ballots.

Staff Do Not Recommend Ranked Ballots for the 2018 Election

If a ranked ballot system were to be implemented in the City of Peterborough, several different methods would be employed in marking and counting the composite ballots. A single-member ranked ballot election would be used for the Office of Mayor, while a multi-member ranked ballot system would be employed for the election of the Ward Councillors in each of the five Wards. The system used in the 2014 election, which is sometimes described as the First-Past-the-Post system would be used to elect the School Trustees as there is no provision in the Act and regulations to use ranked ballots for the election of Trustees. Electorate voting at a walk-in poll using a paper composite ballot or voting on the internet would be required to cast their votes using different techniques on the same ballot. Staff are concerned that some voters will find the requirement to vote by different techniques confusing, frustrating or inconsistent and thus detract from their voting experience.

In the 2014 election staff made changes at the polling stations to reduce line ups and the time it would take vote. Staff anticipate if the ranked ballot option were used, it would take longer to explain how to fill-out the ballot and it would take longer to vote, especially for those voters that require the accessible voting technology.

Additional staff may be required at each poll to assist in explaining how to vote using the ranked ballot system. Staff is therefore concerned about increased voter wait times at the polls.

Using a paper ballot and optical scan vote counting technology (which is the same technology used in previous City of Peterborough elections and recommended for the 2018 election) would require, at a minimum, the issuance of a larger and/or two-sided ballot to each voter (depending on the number of candidates), and possibly multiple ballot papers in order to accommodate ranked ballot elections. A larger or two-sided ballot may not be as user-friendly as a single page ballot. The larger or multi-paged ballot will increase costs to purchase ballots. Based on the quantity of ballots purchased for the 2014 election, it is estimated the costs of ballots would increase by approximately \$11,000. Other estimated costs to implement the ranked ballot feature include; \$15,000 for tabulator upgrades and \$7,500 for Internet Voting System upgrades.

Staff believe a significant education process would be necessary to ensure voters understood the changes to voting if ranked ballots were implemented. The cost estimate to host an information meeting in each of the five Wards is approximately \$12,000 for facility rentals, advertising, staff prep time, and materials. This estimate does not include the cost to host the open house required before passing a by-law to implement ranked ballots.

Staff performed logic and accuracy (L & A) testing prior to each election to ensure the technology is working properly and the vote counting equipment is accurate. Staff anticipate there would be additional costs and time involved in performing L & A testing.

In terms of the counting of votes cast, staff is concerned the use of ranked ballots will increase the quantity of spoiled ballots, thus increasing the time to vote and potentially reducing the number of overall votes. According to O. Reg. 310/16 Ranked Ballots, ballots shall be rejected from the count if more than one candidate receives the highest ranking and/or if no rankings have been assigned to any candidate for the office. As it is unclear in the above regulation whether each round vote counting is required to be certified by the Clerk before posting and initiating the next round of counts, staff are seeking clarification from the Ministry of Municipal Affairs and Housing. Staff is concerned about the time it may take to provide the results to the public.

A conservative estimate of the cumulative costs to implement ranked ballots is \$50,000. As the ranked ballot option is new and staff do not have experience with this option, there may be other costs associated with ranked ballots that staff are not aware of at this time.

According to information provided by the Ministry of Municipal Affairs and Housing, ranked ballots have the potential to give voters a greater say in who is elected. 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. Ranked ballots may reduce negative campaigning

as 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. Finally, ranked ballots may encourage more candidates to remain in the race until voting day, since the threat of “splitting the vote” between like-minded candidates is reduced. Although there are purported advantages to implementing a ranked ballot election system, the federal and provincial governments, at present, do not use ranked ballots to elect MP’s and MPP’s.

Staff have been checking with other municipalities and election technology vendors to better understand the level of interest in implementing the ranked ballot option in the 2018 election. A concern shared by other municipalities is the administrative and financial challenges to implement ranked ballots within the limited time lines as specified by the MEA. Further, municipalities are concerned about being the “test” site for this new initiative and experiencing problems with the administration of the election. Staff do not recommend the implementation of a rank ballot election system in 2018.

It is recommended the existing system or the First-Past-the-Post System continues to be used in the 2018 City of Peterborough election. Staff would monitor the use of ranked ballots in the 2018 Municipal Election and report to Council on this matter at a later date.

Proposed Voting Technology for 2018 Municipal Election (same as 2014 election)

Optic Scan Tabulation Equipment, Internet Voting and Advance Voting have been used in previous elections in the City of Peterborough.

The **Municipal Elections Act, 1996, S.O. 1996, c.32** (The Act) is the overriding legislation that dictates many of the election requirements.

Section 42(1) of the **Act** provides that the council of a local municipality may pass by-laws,

- (a) authorizing the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators;
- (b) authorizing electors to use an alternative voting method, such as voting by mail or by telephone, that does not require electors to attend at a voting place in order to vote.

Section 42(5) of **The Act** establishes that Advance Voting (Section 43) and Voting Proxies (Section 44) may be used in conjunction with alternate voting methods where the by-law passed for alternate voting methods specifies such authorization.

To enable the use of Optical Scan Tabulation Equipment, Internet Voting, and Advance Voting in the 2018 election, a by-law must be passed prior to the election to be able to use the methods.

A brief description of each method follows.

Optical Scan Tabulation Equipment

With the use of this equipment, voters present their voting card, which is scanned by the voting clerk. This “scan” is linked electronically to the “real-time” voters list. All computers in all voting stations are linked to this one master voting list. Once a registered elector votes, the system prevents the same voter from voting a second time.

Electors fill out their paper ballot and the ballot is inserted by staff in the feeder of the optic scanning equipment. The vote is immediately processed and the elector is advised by the machine operator whether their vote is “counted”, or deemed to have an error or over-voted. The elector then has the option to correct their ballot and attempt to have it scanned again. This is an important feature as, with the traditional method of voting, there was no way to advise the voter if the vote had an error or would not be counted.

These machines allow for dual-sided scanning, flexible ballot sizes, and have the capability to store ballot images in non-volatile memory for fast and accurate post-event assessment or for a potential recount. In the event of a power failure, existing election data will not be compromised and voting can continue through an auxiliary ballot compartment on the ballot box. These optical tabulators are compact in size, lightweight, portable and durable, making them perfect for poll-level deployments with a high frequency of voters.

Another important feature is that results can be tabulated quickly after the voting location closes which allows for quick election result announcements.

It is recommended that Optical Scan Technology be used again in the 2018 Municipal Election.

Accessible Voting Equipment

Optical Scanning equipment also allows electors with special needs to vote independently. An audio ballot function accommodates electors with visual impairments. Electors with low dexterity can opt to use paddles to cast their vote. A sip and puff interface is also available for electors. This technology was used in 2014 at one voting location.

Magnification screens are available at all polls for individuals needing the text to appear larger on the printed ballots.

Staff recommend Accessible Voting Equipment be used at one voting location during the 2018 election.

Internet Voting

Internet voting provides a remote, convenient method to vote, it serves groups with special needs, mobility issues, and other individuals unable to attend traditional voting stations for various reasons. Residents can cast a vote at their convenience, from anywhere they can connect to the Internet. Benefits to this alternative method of voting may include increased accessibility, increased voter participation, voter convenience, and less reliance on proxy voting.

How long has Internet Voting been used

The City of Peterborough was one of the first municipalities in Canada to offer Internet voting. Since implementation, its use and acceptance within our community has continued to grow. In 2014, 10,283 voters voted via the internet (37.8% of electors who cast a vote). This is a significant increase over 2010, when 3,951 voters voted via the internet – (16.3% of total votes cast), up from the 13.9% that did so in 2006. It is expected internet voting will be a popular choice among the electorate in the 2018 municipal election.

Internet Security

The City of Peterborough used Dominion Voting Services to provide Internet voting services for the 2014, 2010 and 2006 elections. A complete external audit was performed for the City of Peterborough against the Internet voting system each time by an external auditing firm. They conducted testing on all of the components and provided confirmation that the system used was effective with minimal security risk. If council concurs with the recommendations an external audit would be conducted for the 2018 election to ensure Internet voting is secure and integral.

It is recommended to use internet voting in the 2018 Peterborough municipal election.

Proxy Voting not Recommended in 2018 Election

Voting by proxy allows individuals who may not be able to vote on Voting Day, the opportunity to vote with the assistance of another trusted, eligible elector. Only several people voted in the 2014 election via proxy vote. Staff believe the low demand for proxy voting was due to the availability of alternate voting methods, such as internet voting and advance voting opportunities.

It is not recommended to use proxy voting in the 2018 Peterborough municipal election.

Advance Votes

Advance Voting at City Hall and six other advance polling locations accounted for 6.3% (1,731) of votes cast during the last election. This is a decrease from the 2010 election when 8.8% used advanced voting. Combined with Internet voting, the number of electors taking advantage of advance voting opportunities was 44.1% compared to 25.1% in 2010.

Advance voting provides a convenient, accessible way for electors to cast a paper ballot ahead of Election Day. It also alleviates congestion and reduces wait times by providing additional days and times for electors to vote.

It is recommended the City of Peterborough continue to offer advance voting opportunities.

Walk In Polls

In 2014, the city had approximately 254 staff in place (of which 97 were external) on Election Day at a total of 20 polls. The concept of “super polls” (polls with a multiple number of polling stations) were introduced at voting locations across the city to make the process easier and more efficient for electors to vote. Sites were carefully selected based on accessibility standards, capacity of persons, the ability to connect to city technology and the internet, parking availability and other criteria. The improvements made at the polls in the 2014 election reduced wait times. Staff will be reviewing polling location options in 2017 and any potential changes that could improve the voter experience in 2018 municipal election.

In addition to the above mentioned polls, Special Polls operated on reduced hours to cater to the unique requirements of electors in local retirement residences, long-term care facilities, and the Peterborough Regional Health Centre. In 2014, 14 Special Polls were set up and served 647 electors. Staff will continue with such voting locations.

Vote Anywhere Technology

Vote Anywhere Technology allows an elector to walk into any voting location – whether it be in their ward, close to home, work, or most convenient to them – and vote.

A digital List of Electors allows any elector to walk into any voting location and to be instantaneously struck off the same electronic list throughout the city.

During the 2014 election approximately twenty per cent of electors cast votes outside of their ward at a Voting Location on Election Day.

It is recommended that the City of Peterborough utilize Vote Anywhere Technology again in the 2018 Municipal Election.

Next Steps - RFP for Election Equipment

Staff are preparing a Request for Proposal (RFP) to be issued in early 2017 for election equipment for the 2018 Municipal Elections, as the previous two-election contract has expired. Subject to Council's approval of this report, the RFP will seek proposals to provide optical scan tabulation equipment and internet voting. Council's approval of the voting technology and the selection of a vendor for election equipment are two important steps in planning the 2018 municipal election.

Election Planning - Ward Boundary Review

Staff are currently reviewing the existing five Ward boundaries to determine if changes to the boundaries are required for the 2018 election. Since the 2014 election, Monaghan Ward (Ward 2) has experienced some growth and additional growth is projected over the next decade in this Ward with developments such as the Lily Lake Subdivision. Staff will bring a report to Council for their consideration in 2017 on Ward boundary matters.

Summary

Numerous changes have been made the **Municipal Elections Act** such as a reduced Nomination Period, campaign finances, candidate endorsement signatures, election signs and ranked ballots. Staff do not recommend the option of implementing ranked ballots in the 2018 municipal election due to various administrative challenges, the concern it may not be well received by the electorate and the fact that there is little first-hand knowledge of the pros and cons of administering a municipal election in Ontario using ranked ballots. Staff recommend the use the same system that being the First Past the Post System, as used in previous elections and to monitor the use of ranked ballots in the 2018 municipal election and report the findings to Council.

Staff recommends using the same alternate voting technology as in previous elections, that being Internet Voting and Optical Scan Tabulator Equipment, without proxy voting, while also authorizing Advance Voting in the 2018 municipal election.

Submitted by:

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City Clerk

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Attachments:

Appendix A – Alternative Voting Methods Draft By-Law

Appendix B – Legislated Changes to the Election Calendar

Appendix C – Flow Chart for Single Member Ranked Ballot Election

Appendix D - Flow Chart for Multi-Member Ranked Ballot Election

Appendix E – FAQ's Ranked Ballots from Ministry of Municipal Affairs and Housing

Appendix A – Alternative Voting Methods Draft By-Law

BY-LAW NUMBER 16-Draft

Being A By-Law To Authorize The Use Of Optical Scanning Vote Tabulators For The Purpose Of Counting Votes At The 2018 Municipal Election, And The Use Of Internet Voting As Alternative Voting Methods And To Authorize Advance Voting For Use In The 2018 Municipal Election

Whereas Section 42 of the **Municipal Elections Act, 1996**, provides that the Council of a Municipality may, by by-law, authorize the use of optical scanning vote tabulators for the purpose of counting votes at Municipal Elections;

And Whereas Section 42 of the **Municipal Elections Act, 1996**, provides that the Council may, by by-law, authorize the use of an alternate voting method that does not require electors to attend at a voting place in order to vote;

And Whereas Section 42 of the **Municipal Elections Act, 1996**, provides that when a by-law authorizing the use of an alternative voting method is in effect, sections 43 (advance votes) and 44 (voting proxies) apply only if the by-law so specifies.

And Whereas the Council of the Corporation of the City of Peterborough considers it desirable to pass such a by-law;

Now Therefore The Corporation Of The City Of Peterborough By The Council Thereof Hereby Enacts As Follows:

1. That the use of optical scanning vote tabulators for the purpose of counting votes at municipal elections and the use of Internet voting as an alternative voting method that doesn't require electors to attend at a voting place in order to vote is hereby authorized for the 2018 Election in the City of Peterborough.
2. That section 43 (advance votes) of the **Municipal Election Act, 1996** is applicable in the 2018 Election in the City of Peterborough.
3. That this by-law shall come into full force and take effect as of the date of its passing.

By-law read a first, second and third time this 12 day of December, 2016.

Daryl Bennett, Mayor

John Kennedy, City Clerk

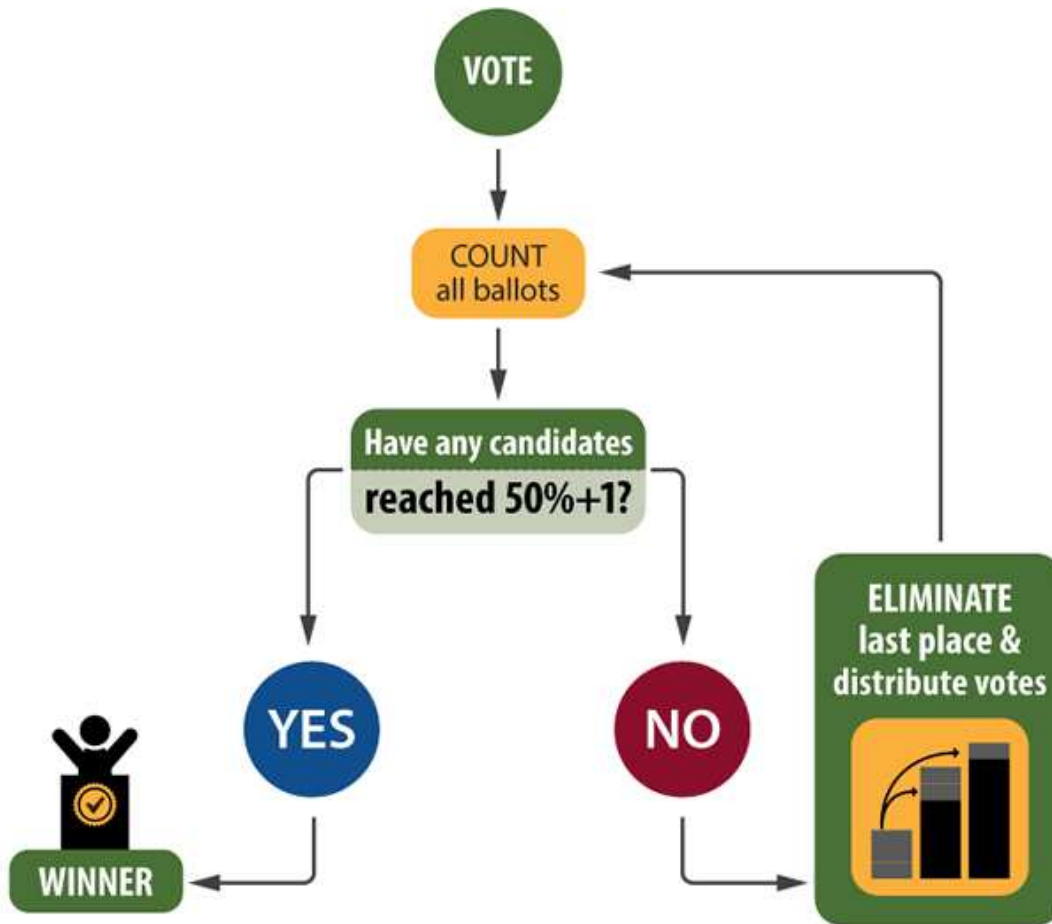
Appendix B

Legislated Changes to the Election Calendar

Change To:	Previous Date	New Date
By-law – Alternate Voting Methods	June 1, 2018	May 1, 2017
By-law – Ranked ballots	N/A	May 1/ July 1, 2017
Clerk's Policies & Procedures for voting/alternate voting	June 1, 2018	Dec. 31, 2017
Clerk determination of single or batch elimination for ranked ballots	N/A	Dec. 31, 2017
Approval of Ballot Question: <ul style="list-style-type: none"> • By Council By-law • Ordered by Upper Tier/Minister 	180 days prior to June 1, 2018	Mar. 1, 2018 May 1, 2018
Nominations & 3 rd party Advertiser	Jan. 2, 2018	May 1, 2018
Use of Corporate Resources Policy	N/A	May 1, 2018
Nomination Day	Sept. 14, 2018	July 27, 2018
Close of 3 rd Party Advertising Registrations	N/A	Oct. 19, 2018

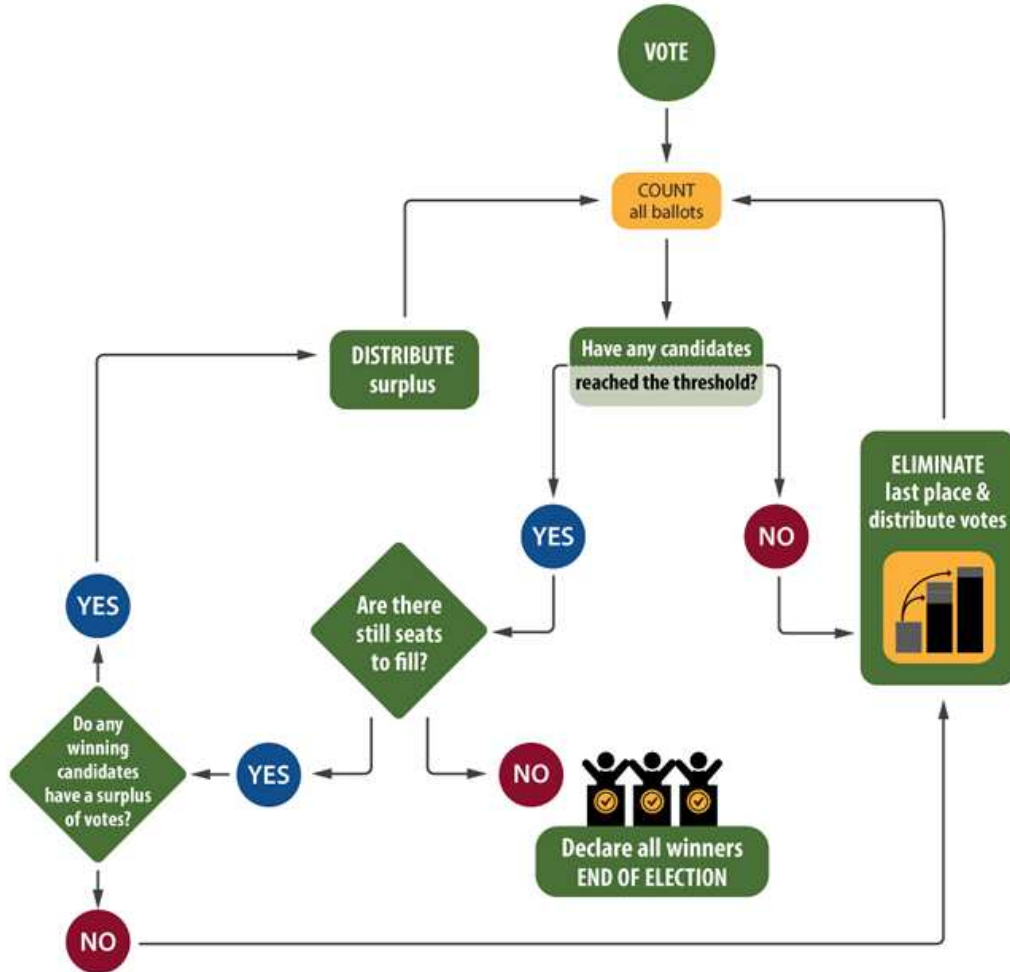
Appendix C

Flow Chart for Single Member Ranked Ballot Election



Appendix D

Flow Chart for Multi-Member Ranked Ballot Election



Appendix E

FAQ's Ranked Ballots from Ministry of Municipal Affairs and Housing**Frequently Asked Questions – 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.