



Planning for the 2018 Municipal Election

December 2, 2016

Disclaimer

- This presentation provides general information in plain language about the Municipal Elections Act, 1996 and O.Reg. 310/16.
- This presentation should not be considered legal advice and is not meant to replace provincial legislation. For more specific information, please refer to the relevant legislation and regulations which can be found online at www.e-laws.gov.on.ca.
- As local facts and circumstances are variable, users should obtain their own legal and professional advice when specific issues arise.

Overview

- Status of Legislation and Regulations
- Bill 181 Changes:
 - Ranked Ballots
 - Election Calendar
 - Nomination Requirements
 - Third Party Advertising
 - Campaign Finance
 - Compliance and Enforcement
 - Compliance Audit Committees
 - Election Administration
- MEA Changes Proposed in Modernizing Ontario's Municipal Legislation Act (MOMLA)

Status of Legislation and Regulations

Complete

- June 9: Bill 181, the Municipal Elections Modernization Act, 2016, received Royal Assent
- June 9: Transition regulation for by-elections in progress
- September 16: LGiC regulation for ranked ballot elections
- September 30: Amendments to O.Reg. 101/97 and updated forms

Upcoming

- Additional amendments to both O.Reg 101/97 and forms will be coming in 2018
- Proposed changes related to municipal elections through the proposed Modernizing Ontario's Municipal Legislation Act (Bill 68)

Ranked Ballots

- Provides municipalities with the option of using ranked ballots starting in the 2018 municipal election
- Deadline to pass a by-law: May 1, 2017
- Council must consider:
 - costs of conducting the election
 - availability of technology
 - impact on election administration
- Consultation: open house and public meeting

Election Calendar

- Opening of nominations moved to May 1st
- Nomination day moved to fourth Friday in July
- Deadlines related to fixed dates for the voters' list are in September
- Deadlines for question on the ballot are now earlier:
 - March 1st for by-laws
 - May 1st for Minister, school board, upper-tier etc.
- Deadlines related to alternative voting and equipment are earlier:
 - For councils to pass by-laws, May 1st in the year before the year of the election
 - For the clerk to establish procedures, December 31st in the year before the year of the election

Nomination Requirements

- Candidates for council office will be required to submit 25 endorsement signatures with their nomination form
- Those who sign will also have to sign a declaration that they were eligible to vote when they provided the endorsement
- Clerk is entitled to rely on the signed declaration
- If a municipality is divided into wards, a person who is eligible to run in the municipality is eligible to be nominated for an office in an election in any ward of the municipality

Third Party Advertising

- Advertisements that support, promote or oppose:
 - A candidate
 - A “yes” or “no” answer to a question on the ballot
- Advertising about “issues” is not regulated
- Individuals, corporations and unions are eligible to register
- Generally, the finance rules that apply to candidates apply to third party advertisers
- A third party that registers in the local municipality is able to advertise in relation to any candidate or question being voted on by voters in that municipality
- Third party advertisers and candidates will be required to identify themselves on signs and advertisements

Campaign Finance

- Separate spending limit for parties and expressions of appreciation
 - 10% of general spending limit
- Municipalities or local boards providing information to the public on a website or other electronic means is not considered to be a contribution
- Corporations and unions are prohibited from making contributions to candidates
- Other changes to campaign finance rules, particularly affecting “small” campaigns:
 - The nomination fee is not a campaign expense
 - A candidate does not have to open a bank account if they do not raise or spend money
 - Anonymous and cash contributions cannot exceed \$25
 - Contributions over \$25 would have to be made in a way that links the contributor’s name and account with the payment
 - If goods sold to raise funds are sold for \$25 or less, that amount is considered campaign income, not a contribution

Compliance and Enforcement

- Nomination fee only refundable if financial statement is filed on time
- Financial statement can be filed after voting day
- Candidate who misses the deadline may file within a 30-day grace period, provided a \$500 late filing fee is paid to the municipality
- Clerk must review contributions reported on financial statements to determine if any contributor has exceeded a contribution limit
- Requirements for notices have been updated to reflect grace period

Election Administration

- Municipalities and school boards required to establish policies regarding the use of municipal or board resources during a campaign
- Councils and boards may establish policies prior to the election setting out additional conditions for an automatic recount
- Clerks determine dates and times for advance voting, reduced voting hours in institutions, and early opening on voting day
- Clerks may provide for electronic filing of financial statements
- Original signatures only required for nomination/registration forms and appointment of proxy
- Process for declined ballots
- Clerk may remove the names of deceased electors from the voters' list on own initiative

What is Bill 68 – Modernizing Ontario’s Municipal Legislation Act (MOMLA)?

- Bill 68 which proposes changes to the *Municipal Act*, the *City of Toronto Act* and *Municipal Conflict of Interest Act* to:
 - enhance municipal accountability and transparency,
 - promote municipal financial sustainability and flexibility; and
 - ensure responsive and flexible municipal governments.
- Amendments are also proposed to other acts to implement other government priorities, seeking approval for amendments to the *Municipal Elections Act, 1996* to be more consistent with provincial election reform, and to make any needed consequential amendments to other acts.

MEA Proposals in MOMLA

Modernizing Ontario's Municipal Legislation Act (Bill 68) was introduced in the legislature on November 16, 2016 and includes proposed changes to the Municipal Elections Act:

- Change the start of the term of office for council and school board members to November 15.
- Raise the contribution limit for contributions to a single candidate or third party advertiser to \$1,200.
- A self-funding limit is proposed for municipal council candidates based on the number of electors voting for the office, to a maximum of \$25,000 per candidate. Formula:
 - \$7,500 + \$0.20 per elector for head of council
 - \$5,000 + \$0.20 per elector for other council offices

Thank you!