

*Municipal  
Elections Act and  
Optional Ranked  
Ballot Voting  
Recommendations*

JULY 27, 2015

At the June 2015 AMO Board of Directors meeting recommendations concerning the Provincial Government's consultation on the *Municipal Elections Act* and the option for municipalities to use Ranked Ballot Voting in the next municipal election were considered. The following recommendations were approved by the Board and are submitted to you for consideration. We would be pleased to meet to discuss them further.

AMO has previously made recommendations to the Province regarding the *Municipal Elections Act*. The Board confirmed its previous recommendations including:

**First Council Meeting of a New Council** – Changes to the municipal election date have resulted in a longer period before council can first meet. New councils are eager to serve and the period should be shortened. However, this must be balanced with the understanding that for some municipal governments, a longer period may be needed for the transition and organization of the first meeting of council. Therefore, the Board is now recommending that the first meeting should be fixed to take place within a range of 18 to 39 days after the election allowing individual municipalities to set their council date within this time. The current date of December 1<sup>st</sup> would remain as the latest limit with elections held on the fourth Monday in October.

**Campaign Period** – The current municipal campaign period is over ten months long. This is significant particularly in contrast to federal and provincial campaigns that are substantially shorter. This length can be detrimental to a sustained focus on local issues and contribute to voter fatigue. Therefore, AMO recommends that the date to begin filing nominations should be moved to June 1<sup>st</sup>, but that candidates should have an ability to fundraise after January 2<sup>nd</sup> to ensure they can raise the necessary funds for an election. To do this, requirements would be needed to limit the uses of funding to organizing fundraising activities so that the campaign spending would be separated. Further, funds for candidates that withdraw before the nomination day will also need clear rules to ensure they are properly administered. Nomination and campaign fundraising dates have historically been tied, but we suggest this is not a fundamental requirement.

**Municipal Campaign Finance and Reporting** – Corporate and union campaign contribution rules should be the same for municipal candidates as for provincial parties and candidates. What is the rationale otherwise?

To ensure clarity and simplicity for municipal government candidates, election finance forms prepared and made available by the Ministry need to be reviewed before each election to make them as clear and easy to use as possible, especially for candidates with no expenses to declare. The Act can also require that all financial statements should be made publically available on municipal websites to ensure transparency.

Some additional issues were raised in the Ministry's consultation materials that AMO had not previously made recommendations on. The Board considered these and made the following suggestions:

**Accessibility** – Implementing the *Accessibility for Ontarians with Disabilities Act* changes and introducing voting technologies should be the instruments of ensuring accessibility of municipal elections for voters and candidates. As municipalities implement these changes and gain experience in using internet and other voting methods, accessibility will continue to improve for all Ontarians. Municipal governments have led the way on this and the practices will continue to grow as not only does it encourage greater voter turnout, but also less costly elections.

**Enforcement** – The courts are the appropriate body for enforcement of the *Municipal Elections Act* in Ontario. Police investigations and Crown prosecutions ensure a process where evidence is properly gathered and weighed. A process where individuals could forward prosecutions independently without police involvement could result in challenges to due process. If changes in who is the enforcement body are contemplated, it is suggested that the Ministry of Municipal Affairs and Housing or another government Ministry, which is adequately resourced and trained, could be the more appropriate agent.

**Voter's List** – Inaccuracies, errors, and omissions on the municipal voters' list have been raised by many municipalities, election after election. These result in mistakes that aggravate voters, can frustrate voting behaviour, and question the capabilities of municipal elections staff and the process. AMO supports the need to improve the municipal voters' list to safeguard the integrity of local government elections. We understand that AMCTO, whose membership includes returning officers, is bringing forward recommendations shortly on how to achieve improvements and AMO supports examining AMCTO's recommendations for solutions. At the same time, we understand that MPAC's work can be impacted by data it gets from the Province, so the Province needs to take some ownership of the situation.

**Optional Ranked Ballot Voting** – AMO's Board also considered a number of issues related to the government's intent to optional Ranked Ballot Voting implementation in municipal government elections such as:

- how are decisions to switch to ranked ballots made;
- who makes them;
- what offices should be decided using ranked ballots;
- whether all candidates should be ranked;
- whether municipalities should be able to eliminate non-viable candidates at once; and
- how results should be reported.

### **AMO's Recommendations Related to Ranked Balloting:**

Municipal governments are open organizations. Citizens and citizens' groups are more easily able to make deputations to council and influence consideration of local issues and proposals than those seeking to input into provincial and federal decisions. As well, local governments need to take into account the views of others, including those that may be interested but not to the point of making deputations. So there are multiple stakeholders. Councils also have a duty to the municipal corporation. This means that a process to look at adopting ranked ballot will need to take input from local groups, interested residents and their associations, local businesses, others, and the administration. It will also have to consider how technology and alternative voting mechanisms are impacted.

In order to achieve the above, it is recommended that the provincial government should set a broad frame work, one that allows a municipal government to consider the system of voting through their regular policy review process. This would include local consideration of whether to use the system; for which offices; how many candidates it is appropriate to rank given their local circumstances; whether to eliminate candidates that cannot reach a majority in one batch to simplify voting; and the method of reporting results (each round or at once). Municipalities, using their regular policy review systems, can then decide the best direction in dialogue with their electorates. This could avoid potentially divisive referenda, although that tool would also be available to a council if it wished. This approach will preserve the ability to explore electoral systems at the local level and create solutions that are meaningful and appropriate for a community rather than the Province designing and regulating details in what would likely be a one-size fits all approach, which tends to be the nature of regulations.

We hope you will find this feedback useful as you move forward with a review of the *Municipal Elections Act*. We believe that implementing these suggestions will safeguard the integrity and improve the simplicity of the municipal government election process. We look forward to hearing what other parties have submitted and discussing where the Ministry may or may not go in amending the Act.