



INFORMATION REPORT

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| TO: | Mayor and Members General Issues Committee |
| COMMITTEE DATE: | October 5, 2016 |
| SUBJECT/REPORT NO: | Municipal Election Act Amendments (Bill 181) (CL16011) (City Wide) |
| WARD(S) AFFECTED: | City Wide |
| PREPARED BY: | Tony Fallis, Manager, Elections 905 546-2424 x2753 |
| SUBMITTED BY: | Rose Caterini, City Clerk |
| SIGNATURE: | |

Council Direction:

City Council at its meeting of April 13, 2016 requested that the City Clerk prepare a report outlining options of the changes to the Municipal Elections Act (MEA) and report to the General Issues Committee by December 7, 2016 for consideration and approval, and implementation as per the amended Municipal Elections Act.

Information:

Recently the Ministry of Municipal Affairs undertook a review of the Municipal Elections Act. Their goal was to make sure that the rules governing how municipal leaders are elected are clear and simple, and reflect how modern campaigns and elections should be run.

Following are details of changes to the MEA that may require Council decisions and additional changes that affect many aspects of operative and administrative responsibilities.

Question on the Ballot

- 8.1(1)** A by-law to submit a question to the electors under clause 8(1)(b) or (c),
- (a) shall be passed on or before March 1 in the year of a regular election at which it is intended to submit the question to electors;
 - (b) cannot be amended after the last date referred to in clause (a); and
 - (c) despite clause (b), can be revoked on or before nomination day and, if the election does not include an election for office, on or before the 31st day before voting day.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Council may decide to submit a question, or questions, to the electorate. The question/s must be within Council's jurisdiction. The question/s shall not be a matter which has been prescribed by the Minister as a matter of provincial interest. The questions/s shall be clear, concise and neutral. The only permitted answers to a question are yes or no.

By-Law must be passed by March 1, 2018

Ranked Balloting

41.1 (1) The Lieutenant Governor in Council may, by regulation, authorize elections for offices on a municipal council to be conducted in accordance with the following rules:

1. Electors vote by ranking candidates for an office in order of the elector's preference.
2. Votes are distributed to candidates based on the rankings marked on the ballots.
3. The counting of votes is carried out in one or more rounds, with at least one candidate being elected or eliminated in each round.

(2) The regulation may provide that a ranked ballot election is authorized for only specified office on a municipal council.

41.2(1) The council of a municipality may pass by-laws with respect to the use of ranked ballot elections for offices on council if such elections are authorized by a regulation made under section 41.1.

41.2(2) The Lieutenant Governor in Council may, by regulation, impose conditions and limitations on the authority of a municipality to pass a by-law, including establishing standards and procedures for public consultation about a proposed by-law.

The Ministry is currently working on regulations that will guide municipalities on the option of ranked ballot voting. The Clerk will report back with information on ranked ballot voting once the regulation comes into law.

Deadline to authorize ranked ballot voting for the 2018 Municipal Election has not been confirmed.

Alternative Voting Methods

- 42.1** 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.

Information on various types of alternative voting are outlined in Report CL16010.

Pursuant to Section 42(2) of the MEA a by-law authorizing vote counting equipment is in place.

A by-law to authorize other types of alternative voting must be passed by May 1, 2017.

Recounts

- 56 (1.1)** The clerk shall hold a recount in accordance with any policy passed by the municipality or local board under subsection (3)
- (3)** A municipality may, by by-law adopt a policy with respect to the circumstances in which the municipality requires the clerk to hold a recount of the votes cast in an election.

Final date to pass a by-law is May 1, 2018. A draft policy will be presented to Council prior to this date.

Rebates

- 88.11(1)** A municipality may, by by-law, provide for the payment of rebates to individuals who made contributions to candidates for office on the municipal council.
- (3)** The by-law or resolution may provide for the payment of different amounts to different individuals on any basis.

A study conducted by the Election office from the 2010 Municipal Election showed a rebate program for the City of Hamilton would cost approximately 1.2 million dollars.

Municipal Resources

88.18 Before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources during the election campaign period.

We will be presenting Council with a draft policy for approval prior to the date listed above.

Compliance Audit Committee

88.38(1) A council or local board shall establish a compliance audit committee before October 1 of an election year for the purposes of this Act.

Citizen appointees have been recommended through the Selection.

Timeline for Council Decisions (if required)

| Action To Be Passed Before | Subject | Action |
|-----------------------------------|----------------------------|--------------------------------|
| May 1, 2017 | Alternative Voting Methods | By-Law Required |
| To be Confirmed by Regulation | Ranked Balloting | By-Law Required |
| March 1, 2018 | Questions on the Ballot | By-Law Required |
| May 1, 2018 | Municipal Resources | Rules and Procedures |
| May 1, 2018 | Recounts | By-Law Required |
| October 1, 2018 | Compliance Audit Committee | Selection of Committee Members |
| No Prescribed Date | Rebates | By-Law Required |

Other MEA Amendments that do not require Council Decision

- **Nominations**

Nominations will be accepted from May 1, in an election year, and end at 2:00 p.m. on Nomination Day.

- **Nomination Day**

Nomination day is now the fourth Friday in July in the year of an election. The nomination of a person for an office on a council must be endorsed by at least 25 persons, and they may endorse more than one nomination.

- **Registration of Third Party Advertisers**

An individual, corporation or trade union may file with the clerk a notice of registration to be a registered third party for the election. Third party registration may not be made by a nominated candidate.

- **Advance Voting Days and Hours of Voting**

The City Clerk is now responsible for the date, or dates, on which advance polls will be held, the number and location of voting places for advance polls, and the hours during which the voting places shall be open for advance polls. These hours may be different for different voting locations.

- **Election Day**

The City Clerk may establish reduced voting hours with respect to institutions and retirement homes that are only for the use of residents of the institution or retirement home.

- **Post Election Day**

As soon as possible after voting day, the clerk shall place on a website or other electronic form;

1. The number of votes for each candidate.
2. The number of declined and rejected ballots.
3. The number of votes for the affirmative or negative on a by-law or question.

- **Electronic Filing of Financial Statements**

The City Clerk may provide for electronic filing and may establish conditions and limits with respect to electronic filing.

- **Campaign Finances**

No contributions of money may be accepted or expenses incurred unless one or more campaign accounts are first opened.

Sections referring to the candidates' campaigns have been repealed. For greater clarity there is new legislation as it pertains to finances. The list of changes is lengthy and may be found at www.ontario.ca/laws/statute/96m32.

- **Financial Statements**

Candidates that file their financial statement on time will have their nomination fee refunded.