



November 2, 2016

REPORT TO: Administration & Finance Executive Committee

FROM: Elizabeth (Lisa) Slomke, Clerk

SUBJECT: Municipal Elections Modernization Act (Bill 181)

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## **BACKGROUND INFORMATION**

After public consultation, Minister McMeekin, Ministry of Municipal Affairs and Housing, tabled the Municipal Elections Modernization Act (MEMA) on April 4, 2016. These amendments have been touted as the most significant update to the Municipal Elections Act (MEA) in recent history. Bill 181 was passed and received Royal Assent on June 9, 2016, consequently will be in place for the 2018 Elections, although the regulations are still being finalized.

## **HIGHLIGHTED CHANGES**

### Elections Calendar

Many of the dates and timelines associated with the election have been changed, which affect the implementation of a by-law for ranked balloting / alternative voting, the nomination period, voters list availability, policies & procedures and the potential lame duck period. I have created a table attached which outlines the changed dates.

### Clerk Responsibilities

The changes in Bill 181 have transferred some responsibility previously held by existing Council to the Clerk, including the establishment of advance voting dates, locations and hours and increased ability to manage the voters list.

### Election Advertising

Candidates will be responsible to include additional information on their advertising to make it clear who is responsible for the message as well as being responsible to advise broadcasters and publishers about these new advertising requirements. Subsequently, the broadcaster or publisher will be responsible for retaining the advertising information (copy of the ad and

invoice) for a period of 2 years, and making this advertising information available to the public during that 2-year period (Section 88.3).

Additionally, the MEA amendments include a framework for the registration and financial filing of third-party advertisers. Individuals, corporations and unions wishing to be third-party advertisers will be required to register as a third-party advertiser, after which they can advertise in support of or opposed to any candidate. Candidates can not register as third-party advertisers. Campaign financial rules and contribution limits still apply.

### Accessibility

The Clerk is now required to prepare an Elections Accessibility Plan which will be available to the public prior to voting day, the Clerk's report due within 90 days of the election will be made available to the public, rather than submitting it to Council.

### Campaign Finances

Candidates that do not incur any expenses nor accept any contributions will no longer be required to open a bank account. The nomination fee will only be refundable if the financial statement is filed on time. A candidate who misses the filing deadline could file within a 30-day grace period, provided that a \$500.00 late filing fee is paid to the municipality. The Clerk will report on which candidates and third-party advertisers filed financial statements and which candidates and third party advertisers did not.

### Ranked Ballot Voting

Commencing with the 2018 Municipal Elections, municipalities have the option to use a ranked ballot voting system vs the first-past-the-post system (currently used). Ranked ballots allow a voter to select candidates in order of preference (first choice, second choice, third choice, etc.). There are currently no municipalities or provinces in Canada that use ranked ballot voting. The ranked ballot approach would require the winning candidate(s) to cross a threshold in order to be elected (=50% of the total number of votes received for a contest +1). There are videos linked on the Ministry of Municipal Affairs website which clearly explains how ranked ballot voting works. The new legislation also addresses items such as public consultation, vote counting format and which offices on Council that may use ranked ballot voting.

## **NEXT STEPS**

Since 2017 is creeping closer to us and the first significant deadline is looming, additional staff reports will be brought forward related to Ranked Ballot Voting and Alternative Voting. Council will need to decide whether and which options will be used for the 2018 Municipal Election.

The Clerk's office will be participating in future training session provided by AMCTO over the next two years leading up to the October 22, 2018 Municipal Election Day.

## ELECTIONS CALENDAR

Item	Old Legislation	New Legislation
Authorization of Alternative Voting Methods	June 1, 2018	May 1, 2017
By-law authorizing use of Ranked Ballots	N/A	May 1, 2017
Policies & Procedures for Voting	June 1, 2018	December 31, 2017
Approval of Ballot Question <ul style="list-style-type: none"> <li>- Approved by Council by-law</li> <li>- Ordered by Minister</li> </ul>	180 days prior June 1, 2018	March 1, 2018 May 1, 2018
Nomination Period Opens	January 2, 2018	May 1, 2018
Third Party Advertiser Registration Opens	N/A	May 1, 2018
Use of Corporate Resources Policy	N/A	May 1, 2018
Nomination Day	September 14, 2018	July 27, 2018
Close of Third Party Advertising Registrations	N/A	October 19, 2018