



Memorandum

Office of the City Clerk
Fax: 623-5468
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TO: Members of Council
FROM: Ms. K. Power, City Clerk
DATE: Monday, October 26, 2020
SUBJECT: **New Business**
Committee of the Whole – October 26, 2020

COMMITTEE OF THE WHOLE

New Business

1. Memorandum from Ms. K. Power, City Clerk, dated October 23, 2020 containing a motion relative to Bill 218: Proposed Changes to the Municipal Elections Act.

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Memorandum

Office of the City Clerk
Fax: 623-5468
Telephone: 625-2230

TO: Mayor & Council
FROM: Krista Power, City Clerk
DATE: October 23, 2020
SUBJECT: Bill 218 – Proposed Changes to the *Municipal Elections Act*
Committee of the Whole – October 26, 2020

This memorandum is a follow up to the email correspondence sent to City Council on Wednesday, October 21, 2020 relative to the announcements by the Premier of Ontario and the Minister of Municipal Affairs and Housing that changes were proposed in Bill 218: Supporting Ontario's Recovery and Municipal Elections Act, 2020.

As the Returning Officer for the City of Thunder Bay's municipal election and as the statutory officer for the corporation relative to governance, procedural fairness and elections it is my responsibility to advise Council on changes in legislation that affect these areas. The changes proposed are outlined as follows:

Bill 218 proposes to change the *Municipal Elections Act*:

- Removes the option for ranked ballots which were introduced for the 2018 Municipal Elections in Ontario
- Reverts nomination day back to "second Friday in September" from the "fourth Friday in July."
- Changes the timeline for passing a bylaw authorizing the use of voting and vote-counting equipment or alternative voting method from "May 1st the year before an election" to "May 1st the year of an election."
- Changes to the timeline for clerks to establish procedures and forms for voting and vote-counting equipment and alternative voting methods from "December 31 in the year before the year of the election" to "before June 1 in the year of the election."

My recommendation is that City Council advise the province relative to concerns with respect to some of the proposed changes most notably; the option for municipal councils to use ranked balloting, and the change in nomination day.

While Thunder Bay has not used Ranked Balloting for elections to date, Council has yet to make a determination on the plan for the 2022 Municipal Election and Ranked Balloting would have been an important consideration for Council within this process. The proposal from the province to remove the option for municipalities to run their elections using ranked balloting is concerning and does not respond to the call from Clerks across the province for other changes that are more urgent and would be more impactful. There has been no ask from Clerks and municipal officials relative to elections to make this change and no consultation on this proposed change to the *Municipal Elections Act* has taken place with municipalities. Research demonstrates that the use of ranked ballots in elections improves diversity in government and increasing satisfaction of voters in seeing their choices reflected in their elected officials.

Ranked Ballots were introduced into the legislation during the last review of the Act and were first used in the 2018 election by the city of London. The Association of Municipal Clerks and Treasurers of Ontario is tracking election planning activities and this data suggests that several municipalities have been considering the use of ranked ballots for the 2022 elections. Referendums on the use of ranked balloting for the 2022 election were held in Kingston and Cambridge and results were overwhelmingly in favour of the use of ranked ballots for their 2022 elections.

Clerks across Ontario have been advocating for change in two areas relative to elections;

- Voters List – while the province has committed to changes, these won't be in place for 2022 but rather are being planned for 2026
- Regulations/Standards for alternate methods of voting (internet balloting) – there are currently no standards and regulations that provide guidance to clerks as to how online elections should be conducted and while best practices exist, it would be beneficial to municipalities and to voters to standardize regulations and requirements for the use of online voting.

As such the following recommendation is provided for your consideration;

With respect to the memorandum from Ms. K. Power dated October 23, 2020 relative to Bill 218: Supporting Ontario's Recovery and *Municipal Elections Act*, that proposes changes to the *Municipal Elections Act*, we recommend that a letter be sent to the Premier of Ontario, the Honourable Doug Ford; the Minister of Municipal Affairs and Housing, Minister Steve Clarke, the Association of Municipal Clerks and Treasurers of Ontario, Association of Municipalities of Ontario, the Big City Mayors Coalition (formerly LUMCO) with respect to the lack of consultation on the recommended changes to legislation that affects municipal councils and voters;

AND THAT municipalities be consulted with respect to changes that affect voting processes as outlined in the *Municipal Elections Act*;

AND THAT the Provincial Government continue to make changes and improvements to the Voters List as outlined in Bill 204, as well as provide for a review and recommendations and/or regulations that guide the application of alternate methods of voting in Ontario;

AND THAT any necessary by-laws be presented to City Council for ratification.

C.C. Norm Gale, City Manager