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Municipal Elections Act  
AMCTO Zone 2  
Thursday October 20, 2016

# Disclaimer

- These slides are provided by the Ministry of Municipal Affairs for convenience only.
- The slides should not be considered legal advice. These slides are 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](http://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.

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# Context

- Regular municipal elections are held every four years. The *Municipal Elections Act, 1996* is reviewed after every municipal election.
- The last comprehensive package of amendments to the Act was passed in 2009.
- The review following the 2010 election resulted in changes to regulations, forms and guidance materials.
- Changes to the *Municipal Elections Act, 1996* are consistent with the mandate letter to former Minister McMeekin to review the Act, including providing the option of ranked ballots for future municipal elections, starting in 2018.

# Consultation Overview

- Public consultations ran from May 28 to July 27, 2015.
- The Ministry received approximately 3,400 responses from the online consultation, including from municipalities, clerks, municipal stakeholders and members of the public.
- In-person consultations were also held with municipal administrators and some public interest groups.
- A working group explored issues regarding ranked ballots.

# Review Themes and Key Changes

<p><b>Ranked Ballots</b></p>	<p><b>Campaign Finance</b></p>	<p><b>Third Party Advertising</b></p>
<p>Provide municipalities with the option of using ranked ballots starting in the 2018 municipal election.</p>	<p>Increase transparency, clarify and modernize campaign finance rules.</p>	<p>Introduce a level of accountability and fairness.</p>
<p><b>Election Calendar</b></p>	<p><b>Compliance and Enforcement</b></p>	<p><b>Voters' List</b></p>
<p>Address length of campaign period and allow enough time to prepare for a ranked ballot election.</p>	<p>Increase transparency, encourage compliance and help to enforce campaign rules.</p>	<p>Eliminate barriers facing the clerk in updating the voters' list and commit to identify longer-term solutions.</p>

## Ranked Ballots

The *Municipal Elections Act, 1996*, as amended, provides municipalities with the option to use ranked ballots starting with the regular election in 2018.

Ontario Regulation 310/16 authorizes ranked ballot elections in Ontario for those municipalities that choose this option.



## Ranked Ballots

### Ontario Regulation 310/16:

- Authorizes ranked ballot elections and set out conditions, limitations and procedural requirements for municipalities.
- Sets out the rules governing ballots, voting procedures, the counting of votes, recounts and reporting results.

### By-law deadlines:

- **Lower-tier:** May 1, 2017
- **Upper-tier:** July 1, 2017





## Regulatory Requirements

- If a by-law is passed, ranked ballots must be used to elect all of the members of council.
- May specify the maximum number of rankings that an elector may make. Default maximum is three.
- Rankings can be different for each office being elected.
- If ranked ballots are authorized for a regular election, ranked ballots must also be used in any by-elections.



## Public Consultation

- Municipality interested in using ranked ballots must hold an open house and provide the following information:
  - how elections would be conducted, including a description of vote counting
  - estimated costs
  - voting/vote-counting equipment
  - alternative voting methods.
- At least 15 days after the open house, the municipality must hold a public meeting that allows the public to provide feedback.





# Campaign Finance

# Contributions

- A candidate does not have to open a bank account if they do not raise or spend money.
- Contributions to candidates from unions and corporations are prohibited in municipal elections, but corporations and unions will be able to participate as third party advertisers and contribute to third party advertisers.
- Generally, the same contribution rules will apply to third party advertiser campaigns as to candidates.
- 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.
- Municipalities or local boards providing information to the public on a website or other electronic means is not a contribution.

# Contributions

- If goods sold to raise funds are sold for \$25 or less, that amount is considered campaign income, not a contribution.
- Donations under \$25 at fundraising events are not contributions.
- The rules for determining if corporations are deemed to be a single corporation have been simplified.
- Municipalities and local boards are required to set policies about the use of resources during the campaign period.
- Candidates are required to inform contributors of contribution limits.

# Expenses

- The nomination fee is not a campaign expense.
- After the 2018 election, campaign deficits will not be carried forward from the previous campaign.
- Expenses related to preparation of the auditor's report that accompanies the financial statement can be incurred after December 31.

# Spending Limits

- Minor change to spending limit determination:
  - Preliminary Estimate:
    - For 2018, voter's list as it existed on nomination day in 2014
    - After 2018, voter's list as it was on September 15 in year of last regular election
  - Final Limit:
    - Voter's list as it is on September 15 or the corrected list for by-elections
- Spending limit to be provided by September 25 (or within 10 days of correcting the voter's list in case of by-election).
- Introduction of a spending limit for parties and expressions of appreciation after the close of voting (amount to be set out in regulation).

# Campaign Financial Filings

- Candidates would be able to close their campaign and file their financial statement before December 31.
- Clerk required to make public a report (on a website or in another electronic format) setting out all candidates and indicating whether each candidate complied with the filing requirements by April 30<sup>th</sup> or within 90 days of a by-election.
- Candidate can file documents up to 30 days late by paying a \$500 late filing fee to the clerk.
- Clerk can determine conditions and limits to permit electronic filings.





## Third Party Advertising

# Third Party Advertising Definitions

## Definitions:

“*third party advertisement*” means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing,

a) a candidate, or

b) a “yes” or “no” answer to a question referred to in subsection 8(1),(2) or (3),

but does not include an advertisement by or under the direction of a candidate or an advertisement described in subsection (2) or (2.1).

# Third Party Advertising

- Individuals, corporations and trade unions may register to be third party advertisers and will be required to identify themselves and provide mandatory information on all advertising.
- There is no registration fee for third party advertisers.
- A third party advertiser would register in the local municipality with the clerk responsible for conducting an election.
- Third parties may advertise in support of or opposition to any candidate being elected by voters in that municipality.
- Registration for questions on the ballot would be included in third party advertising.
- For a regular election, the registration cannot be filed earlier than the first day for filing nominations and cannot be filed later than the Friday before voting day, during the clerk's office hours.

# Contributions to Third Party Advertisers

Who Can Contribute	Who Cannot Contribute
An individual who is normally resident in Ontario.	A candidate whose nomination has been filed under section 33.
A corporation that carries on business in Ontario.	A federal political party registered under the Canada Elections Act (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party.
A trade union that holds bargaining rights for employees in Ontario.	A provincial political party, constituency association, registered candidate or leadership contestant registered under the Election Finances Act.
	The Crown in right of Canada or Ontario, a municipality or local board.

# Campaign Finance Rules for Third Party Advertisers

- Generally, third party advertisers are required to follow the same campaign finance rules as candidates.
- A third party advertiser may register in multiple municipalities, but each registration is a separate campaign with its own spending limits.
- Similar to the current process for candidates, the clerk will provide estimated and final spending limits once the third party advertiser is registered.
- The prescribed formula used is based on the number of electors entitled to vote in an election in the municipality.



# Compliance and Enforcement

# Compliance and Enforcement

- The nomination fee is only refundable if the financial statement is filed on time.
- A candidate who misses the filing deadline may file within a 30-day grace period, provided a \$500 late filing fee is paid to the municipality.
- A candidate may resubmit a financial statement to correct an error up until the filing deadline.
- The clerk is required to make public a report of which candidates filed financial statements and which did not.
- It is an offence to offer a person money or other valuables in order to convince them to run for office or refrain from running for office.

# Compliance Audit Committees

- The compliance audit committees are required to provide brief written reasons for decisions.
- The compliance audit committee meetings are required to be open to the public. Electors will be able to apply for a compliance audit of a third party advertiser's campaign finances.
- The Minister has the authority to make a regulation setting out qualifications for compliance audit committee members.
- Registered third party advertisers will not be permitted to sit as members of the compliance audit committee.



# Election Calendar



# Key Date Changes

- Opening of nominations moved to May 1.
- Nomination day has moved to the fourth Friday in July.
- Dates that relate to nominations (certifying, acclamations, etc.) also moved to end of July/start of August.
- Dates that were previously calculated based on nomination day (voters' list, spending limit calculation, etc.) are now fixed dates in September.
- Deadlines related to questions on the ballot have moved to earlier in the year.

## Key Date Changes, cont'd.

- Proposed deadline to pass a by-law for ranked ballots would be May 1 in the year before the election (lower tier). (May 1, 2017)
- Proposed deadline to pass a by-law for ranked ballots would be July 1 in the year before the election (upper tier). (July 1, 2017)
- Deadline to pass by-laws for alternative voting and vote counting is May 1 in the year before the election. (May 1, 2017)
- Clerk's procedures relating to alternative voting/vote counting is December 31 in the year before the election. (December 31, 2017)

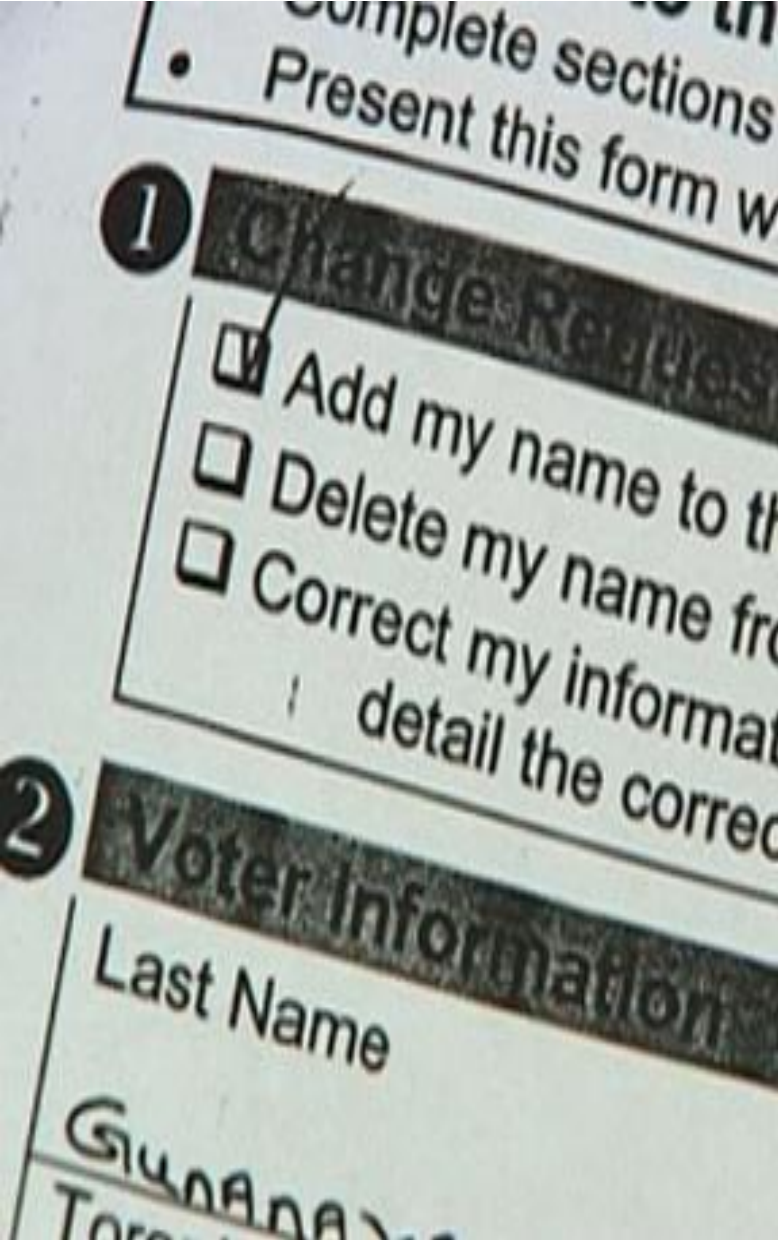
# Key 2018 Election Dates

May 1	<ul style="list-style-type: none"><li>- Nomination and campaign period begins</li><li>- Registration period for third party advertisers begins</li><li>- Clerk to advise of preliminary spending limit estimate</li><li>- Last day for by-law passage adopting recount policy</li></ul>
July 27	<ul style="list-style-type: none"><li>- Nomination day (9 AM to 2 PM)</li><li>- Nominations withdrawal permitted until 2 PM</li><li>- Last day to withdraw a question on the ballot</li></ul>
July 30	<ul style="list-style-type: none"><li>- Nominations certified by 4 PM</li><li>- Acclamations declared after 4 PM</li><li>- Proxy vote certificates may be issued after 4 PM</li></ul>

## Key 2018 Election Dates

July 31	Default date for MPAC to deliver preliminary list of electors (PLE)
August 31	If agreed to by MPAC and the clerk, alternative last day for MPAC to deliver preliminary list of electors (PLE)
September 1	Revision period for voters' list begins
October 22	Voting day

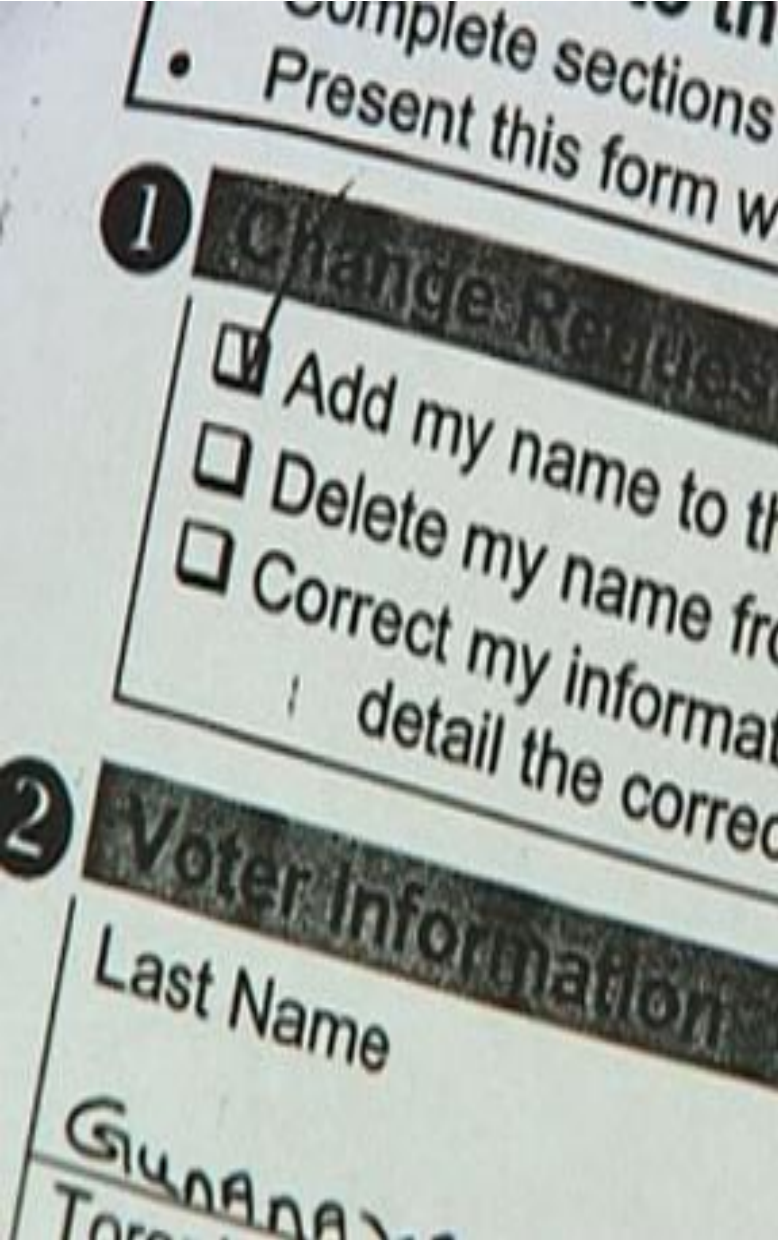
March 29, 2019	Deadline for filing financial statements
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# Voters' List

## Changes to the Voters' List

- On or before March 31 in each year in which there is a regular election the clerk of each local municipality may divide the municipality into voting subdivisions.
- An elector is entitled to vote only in the ward where he or she resides.
- Municipal Property Assessment Corporation requirement to provide the secretary of every school board with extracts of the preliminary list has been repealed.



## Voters' List

- The clerk shall not provide a copy or a part of the voter's list until September 1.
- Clerks are able to determine additional formats for applications to amend information on the voters' list.
- Requests to delete another person's name are only allowed when the other person is deceased.
- On their own initiative, clerks may remove the names of persons that they know to be deceased.
- All applications for changes to the list are allowed from September 1 until the close of voting on voting day.





# Accessibility

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- Clerks are required to prepare a plan for the identification, removal and prevention of barriers that affect voters and candidates with disabilities, and make the plan available to the public before voting day.
- Prior requirement to post information in a voting place has been changed to a requirement to make information available.
- The requirement for original signatures is limited to nomination forms, third party advertiser registration forms, and proxy appointment forms.

# General

# Eligibility to Run

- 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.
- If a municipality is divided into wards, a person is eligible to be nominated for an office in an election in any ward of the municipality.
  - This provision applies despite any order of the Ontario Municipal Board, order of the Minister under section 173 of the *Municipal Act, 2001*, or section 149 of the *City of Toronto Act, 2006* or order of a commission under section 175 of the *Municipal Act, 2001*.

# Election Administration

- Municipalities and school boards will be 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, rather than councils, would determine dates and times for advance voting, reduced voting hours in certain institutions, and early opening on voting day.
- Advance voting could not begin more than 30 days before voting day.
- Clerks are given the authority to provide for electronic filing of the candidate's financial statements.

## New Duties for Clerks

- Prepare accessibility plan and post publicly prior to voting day.
- Register third party advertisers.
- Calculate and provide spending limits to third party advertisers.
- Calculate and provide spending limits for parties and expressions of appreciation.
- Establish advance voting dates and voting hours.
- Make post-election accessibility report available to public.

## New Duties for Clerks

- Make public a list of which candidates and third party advertisers filed campaign financial statements and which did not.
- Review contributions and prepare reports for consideration by the compliance audit committee.
- Forward applications for audits of third party advertisers to compliance audit committee.
- Send reports regarding contributors to trustee candidates to secretary of the school board.

## Next Steps

- As needed.





## Contact Information

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