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ARTICLE

Municipal Elections Act Update: The Ontario Government Introduces Proposed Changes To The Municipal Elections Act To Allow Ranked Ballots

On April 4, 2016, the Ontario Minister of Municipal Affairs and Housing, the Hon. Ted McMeeken introduced Bill 181, the *Municipal Elections Modernization Act, 2016* ("Bill 181") which proposes changes to the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched. (the "Act").

While the Act remains subject to revision as it moves through the legislative process, it includes changes to how municipal elections are run in Ontario, including establishing a framework to allow ranked ballots in all of Ontario's 444 municipalities.

Minister McMeeken stated in the Legislature in support of Bill 181 that the proposed package of reforms, would, if passed: "help ensure that the rules governing how municipal leaders are elected are clear and reflect how to run modern campaigns and elections. This package of reforms responds to the real and evolving needs of our communities, including providing municipalities with the option to introduce ranked-ballot voting for the 2018 municipal elections."

Key proposed changes are:

Ranked Ballots

To date, no municipality in Canada uses a ranked ballot election system and currently only the City of Toronto has the existing legal authority to implement a ranked ballot system. The proposed changes would give all municipal councils in Ontario the option to pass a by-law to use ranked ballot elections, once the government passes a regulation authorizing these elections.

A definition of "Ranked Ballot" is proposed to be added to the definition Section of the Act:

"ranked ballot election" means, with respect to an office on the council of a municipality, an election authorized under subsection 41.1 (1);

The new proposed Section 41.1 sets out a framework for ranked ballots.

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.

As per new provisions 41.1(2),(3) and (4); 41.2, many of the details setting out how the ranked ballot system will work in practice are to be contained in the regulations, which the Ministry will release after the Act is passed; this includes authorization of using ranked ballots, requirements for public consultation before implementing a ranked ballot by-law, which offices on municipal council will be determined by ranked ballot, the standards and procedures, delegation to municipal clerks and counting of votes.

Thus far, there are no proposed changes to school board trustee elections to allow for ranked ballots.

Nominations Calendar

Bill 181 proposes to shorten the nomination calendar. Currently, for a regular election, nominations run from January 1 and end on the second Friday in September; this is proposed to be changed to run from May 1 to the fourth Friday in July.

Campaign Advertising

Bill 181 introduces a new Section 88.3 of the Act that requires candidates to identify themselves on their election campaign advertisements and under Section 88.7, municipalities are entitled to remove offending signs.

New provisions are also proposed regarding third party advertisements (Sections 88.4; 88.5; 88.6) including changes regarding expenses, spending limits and identification requirements.

Campaign Finance/Contribution Reform

Currently only the City of Toronto has the authority to ban corporate and union donations in municipal elections. The City of Toronto has prohibited these contributions for the past two elections. Bill 181 extends that option to all of Ontario's municipalities by the proposed addition of Section 88.15.

There are also proposed amendments made regarding campaign contributions to candidates, financial reporting requirements, expenses and registered third-party fundraising.

Administration of Elections

Bill 181 also proposes changes that are intended to remove barriers that could affect electors and candidates with disabilities and making it easier to make changes to the voters list.

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