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# HALDIMAND COUNTY

## Report CLS-07-2020 Update on 2022 Municipal Election

For Consideration by Council in Committee on October 27, 2020

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### OBJECTIVE:

To provide updates on certain aspects related to the 2022 municipal election.

### RECOMMENDATIONS:

1. THAT Report CLS-07-2020 Update on Municipal Election be received as information.

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**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

### EXECUTIVE SUMMARY:

The next municipal election is scheduled for October 24, 2022. While planning for elections always begins well in advance of the actual event, certain aspects should be addressed in a timely manner in order to allocate sufficient time and resources to them. This report provides updates and focuses on:

- a recent amendment to the *Municipal Elections Act, 1996* (MEA) concerning the voters' list;
- staff's plan to investigate and report back in 2021 on alternative voting methods;
- recently-introduced amendments to the MEA regarding ranked ballots, timing of by-laws and the date for Nomination Day.

### BACKGROUND:

The MEA, which governs how municipal elections take place in Ontario, has been in place since 1996. The legislation has been updated several times with various changes that reflect advancing technology, an amended financial framework for candidates, and in recent years, the introduction of an optional ranked balloting system that municipalities may choose to adopt. One of the original purposes for this report was to include an overview of the ranked balloting system and provide Council with the opportunity to direct staff to investigate this option further and report back, aligning with timelines in the MEA. On October 20, 2020, Bill 218, *Supporting Ontario's Recovery and Municipal Elections Act, 2020* was introduced and proposes the removal of the option of ranked ballots for municipal elections and some other minor amendments, so this report provides an update with the premise that the proposed legislation will be enacted in the near future.

In terms of technology, Haldimand County has utilized optical scan tabulators for vote counting since 2006. This method of vote tabulation has been found to be efficient and the plan is to continue to do so for 2022. Alternative voting methods have been available for use for many years, however, to this point, Haldimand County has not undertaken a full review of these alternatives due to the resources required, especially in relation to other corporate priority needs. In order to address increased accessibility for voters in general, and to anticipate possible restrictions related to a pandemic situation, alternative

voting methods should be investigated and presented for consideration for the upcoming municipal election.

## **ANALYSIS:**

### **Voters' List**

The MEA prescribes that the voters' list is derived from a preliminary list of voters which is provided by the Municipal Property Assessment Corporation (MPAC). Over the course of many recent municipal elections, the province has been advised of the poor quality of voters' lists that result from this process and a change in this regard has been lobbied for by municipal staff and Councils. Through Bill 204, which received Royal Assent on October 1, 2020, an amendment to the MEA creates a single registry of electors for municipal and provincial elections. While this is welcome news, the change only takes effect on January 1, 2024, which means that the existing practice will still be in effect for the October 24, 2022 municipal election.

Staff will continue to do their best to make adjustments as necessary to ensure as good a quality of voters' list as possible and will focus communication on having voters check the list for accuracy prior to the election.

### **Alternative Voting Methods**

As with the last four elections, staff plan to use vote tabulators for vote counting in 2022. In addition to this technology, staff would like to consider the possibility of adding internet voting as an option for voters in order to increase accessibility for those who may find it difficult to attend a voting location in person, notably in a community as expansive as Haldimand County, and to allow additional convenience for cottage owners who don't live in the municipality. Alternative voting methods would also provide accessibility to the voting process in the case where there are any restrictions in place related to COVID-19 or other extenuating factors. As this method has not been utilized previously, if approved, it would likely be made available during an extended advanced voting period in 2022, and not on election day itself, to ensure effectiveness and reduce any potential issues related to using multiple voting channels for the first time. This approach is generally consistent with how other municipalities incorporate alternative voting methods to augment 'in person' voting.

With the legislative changes introduced through Bill 218, in the case of both vote tabulators and the use of alternative voting methods such as internet, mail or telephone, a by-law must be in place by May 1 in the year of the election. (For the 2018 election, by-laws had to be in place by May 1 in the year before the election.)

Staff will bring a report forward in 2021 to address the potential use of alternative voting methods, specifically internet voting, and will also review the potential corollary use of mail and/or telephone voting (there may be synergies or additional costs with considering more than one alternative voting method). Any alternative method, and most certainly internet voting, will result in increased cost and resource requirements. Internet voting requires additional software, additional resources to ensure security of the system and additional administrative and technical support. These factors will be addressed in the report in more detail.

### **Ranked Ballots**

The ability to use a ranked ballot system was introduced for the first time in Ontario for the 2018 municipal election. Only one municipality – the City of London utilized ranked ballots in 2018. By allowing a voter to rank candidates in order of preference, i.e. 1<sup>st</sup> choice, 2<sup>nd</sup> choice, 3<sup>rd</sup> choice, the electorate could be seen as having a greater say in who is elected to office with this methodology. The process ensures that no candidate wins without earning more than 50% of the vote. Several municipalities were currently in the process of investigating the incorporation of this methodology for

2022 as the legislation required significant public consultation and the need to have a by-law in place by May 1 in the year before the election.

The recent introduction of Bill 218 removes ranked balloting as an option for municipal elections.

### **Other Proposed Legislative Amendments**

A significant amendment in Bill 218 reverts Nomination Day back to the second Friday in September, which had been the traditional date, but was changed to the fourth Friday in July for the 2018 election. This will extend the period for filing nominations from May 1<sup>st</sup> through to September 9<sup>th</sup>. This will also reduce any potential pre-election “lame-duck” period from 12 weeks to 6 weeks, should less than three-quarters of current members run for their seats in 2022. Hopefully it will also reduce the likelihood of candidates becoming ineligible after Nomination Day, and in the case of that resulting in an acclamation, requiring a by-election to take place.

One final minor amendment in Bill 218 changes the need for procedures and forms related to vote-counting equipment and alternative voting to be established by June 1 in the year of the election, rather than by December 31 in the year before the election.

### **Ward Boundary Review**

The population in Haldimand County has been growing and shifting over the past several years and it has been recognized that a ward boundary review may better align representation on Council with current and forecasted population trends. The issue was raised when Council was setting priorities for the 2018-2022 term and was not adopted as a current priority, largely due to the fact that the review should be based on the County’s Growth Strategy, which will be implemented as part of Phase 1 of the Official Plan and is scheduled for Council consideration in early 2021. Any revised ward configuration would have to be in place prior to the end of 2021 ensuring that any appeals have been decided by the Local Planning Appeals Tribunal, so a by-law would need to be enacted by early October 2021 at the latest. Finalizing both matters would be difficult to achieve in time for the 2022 election so staff recommend consideration of a review early in the next term of Council.

## **FINANCIAL/LEGAL IMPLICATIONS:**

Currently, a \$50,000 contribution is made annually to the Election Reserve to cover the cost of an election over a 4-year period. This amount may need to be adjusted for 2021 and 2022 to account for increased costs related to alternative voting methods.

## **STAKEHOLDER IMPACTS:**

Not applicable.

## **REPORT IMPACTS:**

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

None.