**By-law Authority and Consultation Requirement for Ranked Ballot Elections
Under the Municipal Elections Act, 1996**

Summary of Proposal:

The Municipal Elections Modernization Act, 2016 (Bill 181) would, if passed, provide municipalities with the authority to conduct ranked ballot elections for offices on municipal councils if authorized by a regulation made by the Lieutenant Governor in Council. The Lieutenant Governor in Council could make regulations setting out:
-rules governing ballots, voting procedures, the counting of votes, recounts and reporting results
-conditions, limitations and procedural requirements for passing the by-law, including consultation requirements and timing
-powers that the clerk may exercise in administering a ranked ballot election

The government proposes a new regulation which authorizes ranked ballot elections and sets out the following conditions, limitations and procedural requirements for municipalities passing a by-law authorizing the use of ranked ballots:

General Requirements
If a by-law is passed, ranked ballots must be used to elect all of the members of council. The by-law may specify the maximum number of rankings that an elector may make. The maximum number of rankings may be different for each office being elected. If the by-law does not specify the maximum number of rankings, the default maximum is three.
If ranked ballots are authorized for a regular election, ranked ballots must also be used in any by-elections that are held to fill council vacancies during the council term.

Consultation and Timing: Lower and Single-Tier Municipalities
Before passing a by-law, the municipality must hold an open house to provide the public with information about:
-how elections would be conducted, including a description of vote counting estimated costs of conducting the election
-any voting and vote-counting equipment that is being considered for use in the election
-any alternative voting method being considered for use in the election.

The municipality must hold a public meeting to allow the public to speak to council about the proposed by-law. The public meeting must be held at least 15 days after the open house is held.
The by-law must be passed no later than May 1 in the year before the year of the election (e.g. May 1, 2017 for the 2018 election).

Restriction for Upper-Tier Municipalities
Upper-tier municipalities that have directly elected offices (i.e. the member does not also sit on a lower tier council) may pass a by-law authorizing the use of ranked ballots to elect those offices.

An upper tier municipality could only pass a by-law if all of the lower-tier municipalities within it have passed by-laws authorizing the use of ranked ballots to elect the lower-tier offices.

Consultation and Timing: Upper-Tier Municipalities
An upper tier municipality must provide the public with information about how elections would be conducted, and the estimated costs.
The upper tier municipality must hold a public meeting to allow the public to speak to council about the proposed by-law.
The by-law must be passed no later than July 1 in the year before the year of the election (e.g. July 1, 2017 for the 2018 election)

Division of responsibilities in Upper-Tier Elections
If an upper-tier municipality has passed a by-law authorizing the use of ranked ballots, the clerk of the lower-tier municipality with the largest number of electors would be responsible for counting the votes.
The clerks of the other lower tier municipalities would be required to transmit the voting information to the designated clerk.
The designated clerk would count the votes and provide the results to the clerk of the upper tier municipality, who would be responsible for making the results public.