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This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION
to be made under the
MUNICIPAL ELECTIONS ACT, 1996
RANKED BALLOT ELECTIONS

CONTENTS

[INTERPRETATION](#)

<u>1.</u>	Interpretation	
		<u>AUTHORITY TO CONDUCT RANKED BALLOT ELECTIONS</u>
<u>2.</u>	Authority conferred, single-tier or lower-tier municipality	
<u>3.</u>	Authority conferred, upper-tier municipality	
<u>4.</u>	Elector's right to vote	
		<u>BY-LAWS WITH RESPECT TO RANKED BALLOT ELECTIONS</u>
<u>5.</u>	Matters to be considered by council	
<u>6.</u>	Contents of by-law	
<u>7.</u>	Application of by-law to elections	
<u>8.</u>	When by-law comes into force	
		<u>INFORMATION ABOUT PROPOSED BY-LAWS</u>
<u>9.</u>	Proposed by-law: information for the public	
<u>10.</u>	Proposed by-law: open house (single-tier or lower-tier municipality)	
<u>11.</u>	Proposed by-law: public meeting	
		<u>CONDUCTING A RANKED BALLOT ELECTION</u>
<u>12.</u>	Responsibilities of clerks re upper-tier municipalities	
<u>13.</u>	Responsibility for counting votes re upper-tier municipality	

INTERPRETATION

Interpretation

1. In this Regulation, a reference to a by-law with respect to ranked ballot elections means a by-law that may be passed by a municipality under section 41.2 of the Act.

AUTHORITY TO CONDUCT RANKED BALLOT ELECTIONS

Authority conferred, single-tier or lower-tier municipality

2. (1) Subject to subsection (2), the council of a single-tier or lower-tier municipality is hereby authorized to conduct ranked ballot elections for offices on the council in accordance with the rules set out in subsection 41.1 (1) of the Act.

(2) Ranked ballot elections for offices on the council of a single-tier or lower-tier municipality are authorized only if they are conducted for all offices on the council.

Authority conferred, upper-tier municipality

3. (1) Subject to subsections (2) to (4), the council of an upper-tier municipality is hereby authorized to conduct ranked ballot elections for offices on the council in accordance with the rules set out in subsection 41.1 (1) of the Act.

(2) Ranked ballot elections are not authorized for any office on the council of an upper-tier municipality unless they are authorized for all offices on the council of every lower-tier municipality within the upper-tier municipality.

(3) Ranked ballot elections are not authorized for any office on the council of an upper-tier municipality unless both of the following circumstances exist:

1. One or more members of the council of the upper-tier municipality are elected to the council by the electors of all or part of one or more lower-tier municipalities within the upper-tier municipality.
2. The members referred to in paragraph 1 who are elected to the council of the upper-tier municipality are not also elected to the council of a lower-tier municipality within the upper-tier municipality.

(4) Ranked ballot elections are authorized only for the offices of members described in paragraphs 1 and 2 of subsection (3) and they are authorized only if they are conducted for the offices of all of those members of the council of the upper-tier municipality.

Elector's right to vote

4. (1) An elector is entitled to rank as many candidates for an office as the by-law with respect to ranked ballot elections specifies or, if the by-law does not specify the number of rankings, three candidates.

(2) Paragraph 3 of subsection 51 (2) of the Act does not apply with respect to a ranked ballot election.

BY-LAWS WITH RESPECT TO RANKED BALLOT ELECTIONS

Matters to be considered by council

5. (1) Before passing a by-law with respect to ranked ballot elections, the council of a single-tier or lower-tier municipality shall consider the following matters:

1. The public interest.

2. The costs to the municipality of conducting the elections.
3. The availability of technology, such as voting equipment and vote-counting equipment and software, for conducting the elections.
4. Administrative practices and procedures that would be required to conduct the elections.

(2) Before passing a by-law with respect to ranked ballot elections, the council of an upper-tier municipality shall consider the following matters:

1. The public interest.
2. The costs to the municipality of conducting the elections.
3. The technology, if any, being used by the lower-tier municipalities within the upper-tier municipality for conducting their ranked ballot elections.

Contents of by-law

6. (1) A by-law with respect to ranked ballot elections may specify the maximum number of rankings for each office on council.

(2) The by-law may specify a different number of rankings for each office.

(3) In this section, a reference to the number of rankings for an office is a reference to the number of candidates for the office in respect of whom an elector is permitted to indicate a preference when voting.

Application of by-law to elections

7. A by-law with respect to ranked ballot elections applies to all regular elections and by-elections of the municipality.

When by-law comes into force

8. (1) A by-law with respect to ranked ballot elections does not come into force until,

- (a) if it is passed after May 1, in the case of a single-tier or lower-tier municipality, or after July 1, in the case of an upper-tier municipality, in the year before the year of a regular election, the day a newly-elected council is organized following the second regular election after the passing of the by-law; or
- (b) in any other case, the day a newly-elected council is organized following the first regular election after the passing of the by-law.

(2) Despite subsection (1), the regular election that is held immediately before the coming into force of a by-law with respect to ranked ballot elections shall be conducted as if the by-law were already in force.

INFORMATION ABOUT PROPOSED BY-LAWS

Proposed by-law: information for the public

9. (1) Before passing a by-law with respect to ranked ballot elections, the council shall ensure that the following information is made available to the public with respect to the proposed by-law:

1. A detailed description of how the elections would be conducted, including a description of how votes would be distributed to candidates based on the rankings marked on ballots.
2. An estimate of the costs of conducting the elections.
3. For a proposed by-law of a single-tier or lower-tier municipality, a description of the voting equipment and vote-counting equipment, if any, that is being considered.
4. For a proposed by-law of a single-tier or lower-tier municipality, a description of any alternative voting method being considered.

(2) If the proposed by-law would repeal a by-law with respect to ranked ballot elections, paragraph 1 of subsection (1) requires only a detailed description of how the elections would be conducted.

(3) The council shall ensure that the information required by this section is made available free of charge to any member of the public upon request.

(4) The council of an upper-tier municipality shall ensure that the information required by this section is made available to the public at least 15 days before the public meeting required by section 11 is held.

Proposed by-law: open house (single-tier or lower-tier municipality)

10. (1) Before passing a by-law with respect to ranked ballot elections, the council of a single-tier or lower-tier municipality shall ensure that at least one open house is held in accordance with this section for the purpose of giving the public an opportunity to review and ask questions about the information required by section 9.

(2) The open house shall be held at least 15 days before the public meeting required by section 11 is held.

(3) At least 30 days before the open house is to be held, the council shall publish notice of the open house in a newspaper having general circulation in the municipality.

(4) The council shall give at least 30 days notice of the open house to every person and organization that has, within two years before the day of the open house, requested that the municipality provide the person or organization with such notice and has provided an address for the notice.

(5) The council shall ensure that the information required by section 9 is available at the open house.

Proposed by-law: public meeting

11. (1) Before passing a by-law with respect to ranked ballot elections, the council shall ensure that a public meeting is held in accordance with this section in respect of the proposed by-law.

(2) At least 30 days before the public meeting is to be held, the council shall publish notice of the public meeting as follows:

1. For a proposed by-law of a single-tier or lower-tier municipality, in a newspaper having general circulation in the municipality.
2. For a proposed by-law of an upper-tier municipality, in one or more newspapers that, together, have general circulation in each lower-tier municipality within the upper-tier municipality.

(3) The council shall give at least 30 days notice of the public meeting to every person and organization that has, within two years before the day of the public meeting, requested that the municipality provide the person or organization with such notice and has provided an address for the notice.

(4) The council shall ensure that the notices required by subsections (2) and (3) set out the intention of the municipality to pass the by-law.

(5) The council shall ensure that any person who attends the public meeting is given the opportunity to make representations in respect of the proposed by-law.

(6) The council shall ensure that the information required by section 9 is available at the public meeting.

CONDUCTING A RANKED BALLOT ELECTION

Responsibilities of clerks re upper-tier municipalities

12. (1) The clerk of an upper-tier municipality is responsible for conducting a ranked ballot election for offices on the council of the municipality, except as otherwise specified in this Regulation.

(2) When an upper-tier municipality passes a by-law with respect to ranked ballot elections, the clerk of the municipality shall give a copy of the by-law to the clerks of every lower-tier municipality within the upper-tier municipality.

(3) As soon as possible after the upper-tier municipality passes a by-law with respect to ranked ballot elections, the clerk of each lower-tier municipality within the upper-tier municipality shall tell the clerk of the upper-tier municipality how many eligible electors were on the voters' list for the lower-tier municipality, as the voters' list existed at the close of voting on voting day in the previous regular election.

Responsibility for counting votes re upper-tier municipality

13. (1) In a regular election for offices on the council of an upper-tier municipality, the clerk of the lower-tier municipality within the upper-tier municipality that has the greatest number of eligible electors is responsible for counting the votes in the ranked ballot election for offices on the council of the upper-tier municipality.

(2) In a by-election for an office on the council of an upper-tier municipality,

- (a) if the geographic area of the office is wholly within one of the lower-tier municipalities, the clerk of the lower-tier municipality is responsible for counting the votes in the ranked ballot election; and
- (b) if the geographic area of the office is within two or more of the lower-tier municipalities, the clerk of the lower-tier municipality that has the greatest number of eligible electors is responsible for counting the votes in the ranked ballot election.

(3) For the purposes of subsection (1) and clause (2) (b), the number of eligible electors is determined with reference to the voters' list for the lower-tier municipality, as the voters' list existed at the close of voting on voting day in the previous regular election.

(4) The clerk of the upper-tier municipality shall determine which lower-tier municipality is described in subsection (1) or clause (2) (a) or (b), as the case may be, based on information provided to him or her by the clerk of each lower-tier municipality, and shall tell the clerks of the lower-tier municipalities which clerk is responsible for counting the votes in the ranked ballot election.