

Vote Counting and Reporting Requirements 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 setting out the following rules governing ballots, voting procedures, the counting of votes, recounts and reporting results.

Requirements for Ballots

The general rules for what can appear on a ballot set out in the Municipal Elections Act would continue to apply to ranked ballots.

In addition, the ballots to be used in a ranked ballot election must contain the following information:

- the number of candidates to be elected for each office
- instructions to the voter on how to mark the ballot to rank their preferences
- the maximum number of preferences that may be ranked on the ballot for each office

How Rankings will be Interpreted

The voter's preference will be determined by looking at the rankings given to candidates.

If a voter gives the same candidate more than one ranking, only the highest of those rankings will be considered.

If a voter skips a ranking, the next highest ranking will be considered.

If a voter gives two candidates the highest ranking, so that it is not possible to determine which candidate is the voter's first preference, the ballot will be rejected.

In any round of counting after the first round, if a ballot is to be transferred, but it is not possible to determine which candidate is the voter's next preference, the ballot becomes exhausted.

A voter does not have to rank the maximum number of preferences. For example, if a voter only ranks one candidate, that candidate would be the voter's highest preference. If the ballot is to be transferred in a later round, it would become exhausted because it would not be possible to determine the voter's next preference.

Elimination of Candidates

Candidates may be eliminated either using single elimination or batch elimination. The clerk has the authority to decide which elimination method will be used. The same elimination method must be used for all offices, and all rounds of vote counting. In the single elimination method, the candidate who has the lowest number of votes is eliminated, and those votes are distributed to the remaining candidates according to the next preference shown on each ballot. In the batch elimination method, all candidates who do not have a mathematical chance of being elected are eliminated at the same time, and those votes are distributed to the remaining candidates according to the next preference shown on each ballot.

Calculation of the Threshold

A candidate must receive a predetermined number of votes for that office in order to be elected. The regulation will set out the mathematical formula for calculating this number for each office to be elected.

Vote Counting – Single Member Offices

In the first round of counting, votes are counted according to the highest rankings indicated on the ballots.

If a candidate receives enough votes to meet or exceed the threshold, that candidate is elected and counting ends.

If no candidate has enough votes to meet or exceed the threshold, the candidate or candidates with the lowest number of votes is/are eliminated (depending on whether single or batch elimination is being used) and votes are distributed to the remaining candidates according to the next ranking on each ballot.

The steps described above are repeated in subsequent rounds until a candidate has enough votes to meet or exceed the threshold and is elected.

If no candidate has enough votes to meet or exceed the threshold, and eliminating the candidate with the lowest number of votes would only leave one candidate remaining, the counting ends and the candidate with the highest number of votes is elected.

Ties

If it cannot be determined which candidate should be eliminated because candidates with the lowest number of votes are tied, the process to determine which candidate to eliminate is the following:

The tied candidate that had the lower number of votes in the previous round is eliminated. If candidates were tied in the previous round, vote totals in the earlier round are used. If the candidates were tied in all previous rounds, the name of the candidate who will be eliminated is chosen by lot.

Vote Counting – Multi-member Offices

In the first round of counting, votes are counted according to the highest rankings indicated on the ballots.

If the number of candidates who have enough votes to meet or exceed the threshold is the same as the number of candidates that are to be elected, those candidates are elected and the counting ends.

If one candidate has enough votes to meet or exceed the threshold, that candidate is elected, and their surplus votes must be distributed to the remaining candidates. The regulation will set out mathematical formulas for calculating the value of the distributed votes.

If more than one candidate receives enough votes to meet or exceed the threshold, only the candidate with the highest number of votes is elected in that round, and that candidate's surplus votes are distributed to the remaining candidates.

If no candidate has enough votes to meet or exceed the threshold, the candidate or candidates with the lowest number of votes is/are eliminated (depending on whether single or batch elimination is being used) and votes are distributed to the remaining candidates according to the next ranking on each ballot.

The steps described above are repeated in subsequent rounds until the number of candidates elected equals the number of candidates that are to be elected.

If the number of candidates elected is less than the number of candidates to be elected, and eliminating the candidate with the lowest number of votes would leave the same number of candidates as the number of candidates to be elected, the counting ends and the remaining candidate with the highest number of votes is elected.

Ties

If it cannot be determined which of the candidates who have enough votes to meet or exceed the threshold has the highest number of votes because candidates are tied, the tied candidate that had the higher number of votes in the previous round will be considered to have the highest number of votes.

If the candidates were tied in previous rounds, vote totals in the earlier round are used.

If the candidates were tied in all previous rounds, the name of the candidate who will be considered to have the highest number of votes is chosen by lot.

If it cannot be determined which candidate should be eliminated because candidates with the lowest number of votes are tied, the process to determine which candidate to eliminate is the following:

The tied candidate that had the lower number of votes in the previous round is eliminated. If candidates were tied in the previous round, vote totals in the earlier round are used. If the candidates were tied in all previous rounds, the name of the candidate who will be eliminated is chosen by lot.

Reporting Requirements

In addition to declaring the candidates who have been elected, clerks must also report the following information to the public:

- the number of ballots cast
- the number of ballots that were declined or rejected
- the threshold for each office
- the number of votes each candidate received in the first round of vote counting
- the results of each round of vote counting, including the number of votes received by each remaining candidate and the number of exhausted ballots

Judicial Recount

An application may be made to the court for a determination of the validity of disputed ballots, and for a recount. The court will review the disputed ballots and determine which ballots should be included in the recount.

The clerk will conduct a recount of the ballots for the office, including or excluding the disputed ballots as determined by the court. The clerk will provide the results of the recount to the court.