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MISSION

Working together
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Meeting Date: 03/28/2017

Report #: 17-011 (CRP)

To: COUNCIL

Report Date: 02/10/2017

Report Author: M. Di Lullo, City Clerk

Department: Corporate Services

Division: Clerk's

Report Title: Placing a Question on the Election Ballot

File No: C07GE-17

Ward No: All

RECOMMENDATION(S)

THAT Staff Report Number 17-011 (CRP) Placing a Question on the Election Ballot be received,

AND THAT Council directs the City Clerk to give notice and to arrange a public meeting to consider placing the following question on 2018 municipal election ballot:

“Are you in favour of the City of Cambridge using a ranked ballot system for the 2022 municipal election?”

YES

NO

AND THAT the City Solicitor be directed to prepare the appropriate by-law,

AND FURTHER THAT a copy of this report be forwarded to the Ministry of Municipal Affairs and Housing, Regional Municipality of Waterloo and area municipalities.

SUMMARY

This report provides an overview on placing a question to the electorate on the municipal election ballot; specifically, related to the use of ranked ballots for the 2022 municipal election.

BACKGROUND

In the fall 2016, a report was provided to Council about the 2018 municipal election and one of the items addressed implementation by the Provincial Government of ranked ballot in the administration of municipal elections.

Council passed motion #158-16 to maintain first-past-the-post for the upcoming municipal election and has endorsed a referendum (a question) on the ballot related to the use of ranked ballot for the 2022 municipal election.

The purpose of this report is to provide an overview of the process and what the question will be should Council want to pursue this option.

A municipal council may pass a by-law to put a question on the ballot, however, in accordance with paragraph (b) of subsection 8(1) of the *Municipal Elections Act, 1996* (“MEA”); there are rules governing the question that may be asked:

1. It shall concern a matter within the jurisdiction of the municipality
2. Despite rule 1, it shall not concern a matter which has been prescribed by the Minister as a matter of provincial interest
3. It shall be clear, concise and neutral
4. It shall be capable of being answered in the affirmative or the negative and the only permitted answers to the question are “yes” or “no”

The MEA further notes under subsection 8.1(1) that a by-law:

1. Shall be passed on or before March 1 in the year of a regular election at which it is intended to submit the question to the electors;
2. Cannot be amended after the last date referred to in clause (a);
3. Despite clause (b), can be revoked on or before nomination day and, if the election does not include an election for an office, on or before the 31st day before voting day.

The MEA also provides for the following notices:

1. before passing a by-law (10 days) and
 2. after passage/adoption (15 days)
 3. one public meeting must be held in order to consider the matter.
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Within 20 days following the notice adoption of the by-law, the Minister of Municipal Affairs and Housing or any other person or entity may file an appeal to the Chief Electoral Officer on the grounds that it does not comply with the MEA, the question is not clear, concise and neutral and/or on the grounds that the question is not capable of being answered by a “yes” or “no”.

Excerpt from Resolution #158-16:

AND FURTHER THAT Council endorses a referendum on the ballot for the 2018 municipal election related to the usage of ranked ballots and directs the Clerk to report back in the New Year with the process.

Should Council wish to proceed, the question on the ballot could be worded as follows:

“Are you in favour of the City of Cambridge using a ranked ballot system for the 2022 municipal election?”

YES

NO

The result of a vote on a question binding on the municipality is if **at least 50 per cent of eligible electors in the municipality vote** on the question and more than 50 per cent of the votes on the question are in favour of the question. In the 2014 election, the City only received approximately 30 per cent voter turnout.

If the result of the vote on a question is in the affirmative, the municipality shall do everything in its power to implement the results of the question and do so in a timely manner.

If the result of the vote on a question is in the negative, the municipality shall not do anything to implement the matter which was the subject of the question for a period of four years following voting day.

Other considerations

If a question is proposed for the ballot, then a communication strategy will be required that should include a multi-faceted approach to inform electors of the upcoming municipal election and to provide information about the question that will be on the ballot.

Costs will be incurred if staff uses paid advertising channels, such as newspaper, radio and digital ads. Communications conducted through the City’s website, social media and alternative channels, including media releases will result in indirect costs associated with staff time required to generate and distribute appropriate content. In addition, if the decision is in the affirmative and becomes binding, there will be costs associated with implementation.

There are logistical considerations should the ballot need to be amended to include a question since the City is exploring alternative voting methods, as previously reported.

O. Reg 310/16 Ranked Ballot Elections

A final consideration for ranked ballot elections are the offices to which ranked ballots applies in the administration of an election.

According to Section 2(2):

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

This means that if there is a vote in favour of the ranked ballot system, it will only apply to the Mayor and City Councillors and not to Regional Councillors. Any move to a ranked ballot system for Regional Councillors would need to be initiated by the Regional Council. The choice of ranked ballots does not apply to school boards so they will continue to use the first-past-the-post system.

ANALYSIS

Strategic Alignment:

PEOPLE To actively engage, inform and create opportunities for people to participate in community building – making Cambridge a better place to live, work, play and learn for all.

Goal #2 - Governance and Leadership

Objective 2.1 Provide a wide range of ways that people can become involved in city decision making.

The municipal election is opportunity for the electors of Cambridge to become engaged in the democratic make-up of the local government structure and receiving input on the process by which Council is elected assists in the future administration of municipal elections.

Existing Policy/By-Law:

The *MEA* provides the rules and guidelines for a question and for moving to a ranked ballot system.

Financial Impact:

Should Council approve the recommendation, costs to proceed with placing a question on the ballot will be collected and paid through the election administration account.

Public Input:

The electorate will have input should Council approve the recommendation. As noted, notes and a public meeting is mandated and in order for the question to be valid – the results of the vote on the question are binding if at least 50 percent of all eligible electors vote on the question and if more than 50 percent of these votes are in favour of the results.

Internal/External Consultation:

Legal Services and Communications Divisions were consulted.

Comments/Analysis:

Placing a question on the ballot is one option to receive feedback from the electorate as it relates to changing the voting system for future elections. As reported, the Clerk will monitor other municipalities that do decide to use a ranked ballot and report back following the completion of the 2018 municipal election.

SIGNATURE

Prepared by:

A handwritten signature in black ink, appearing to be a stylized 'Z' or similar character.

Acting City Manager Approval:

A handwritten signature in black ink that reads "Dave Bush".

ATTACHMENTS
