



Subject: Amendments to the *Municipal Elections Act, 1996*
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Department: Corporate Services
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In accordance with the Procedure By-law, any Member of Council may request that this Information Report be placed on an upcoming General Committee or Council meeting agenda for discussion.

Executive Summary

This report provides Council with information regarding recent amendments to the *Municipal Elections Act, 1996*. The amendments touch on a wide variety of election provisions, and can be summarized as follows;

- Both the nomination period and the election campaign period are shorter than in years past.
- Nomination and eligibility procedures now require 25 signatures from eligible electors.
- Campaign finance rules and enforcement have been amended significantly.
- The Act now contains a framework for third party advertising.
- There are other miscellaneous amendments of note.

Background

Bill 181 - *Municipal Elections Modernization Act, 2017* as well as Bill 68 - *Modernizing Ontario's Municipal Legislation Act, 2016* provided amendments to the *Municipal Elections Act, 1996* (the "Act") which were aimed at modernizing the Act to reflect more contemporary methods for administering municipal elections in Ontario.

These amending bills have provided the most significant changes to the way elections are administered in Ontario in over 25 years.

Analysis

Both Nomination Period and the Election Campaign Period are shorter than in years past

Nomination period now begins on May 1 of a regular election year and ends on the fourth Tuesday of July at 2:00 p.m. This provision also limits the Election Campaign Period, as that can not begin for any candidate until they have officially filed their nomination with the Town Clerk.

Nomination and Eligibility Procedures now require 25 signatures from eligible electors

Candidates seeking office on Council must submit 25 endorsement signatures from eligible electors with their nomination. Candidates will be asked to sign a declaration that the signatures are from eligible voters. This is only a requirement for Municipal Council nominations and does not apply to School Board candidates.

Campaign Finance rules and enforcement have been amended significantly

The following provides a brief summary of the new provisions in place regarding campaign finance. All candidates are encouraged to consult their accountant, lawyer or a representative from the Ministry of Municipal Affairs should questions arise. The updated Candidates Guide, when available from the Ministry, will provide additional clarity on these matters.

- Contributions by corporations and trade unions to candidates are banned, however, corporations and trade unions can contribute to third party advertisers.
- A candidate may resubmit their financial statement to correct an error up until the filing deadline, which is the last Friday in March of the year following the regular election.
- A candidate who misses the filing deadline may file within a 30 day grace period provided they pay a \$500 late filing fee to the Clerk.
- A new spending limit for post-election parties and expressions of appreciation after voting day will be established by regulation.

Enforcement related updates;

- Candidates will be entitled to a full refund of the nomination fee if they file their campaign financial statement and, if needed, the auditor's report by the deadline

- The Town Clerk is required to publicly identify the candidates and third parties who filed or did not file a financial statement in a timely manner.
- There will be a new process regarding contribution limits. The Town Clerk who conducted the election is responsible for reviewing the contributions that are reported on the financial statements of council and trustee candidates as well as third party advertisers

The Act now contains a framework for Third Party Advertising

A third party advertisement is a message in any medium (billboard, newspaper, radio, etc.) where a cost is incurred, that supports or opposes a candidate or a “yes” or “no” vote on a question on the ballot.

Individuals, corporations and unions can register as third party advertisers and can also make contributions to third party advertisers. Third party advertisers will need to register with the municipality where they want to advertise. If they want to advertise in more than one municipality, they have to register in each municipality. Regulations for spending limit amounts and forms have not yet been made.

The “restricted period” begins on the day that nominations for the election can be filed, and ends at the close of voting on voting day. Essentially this means that if an individual, corporation or trade union is going to publish advertisements that are in support of or opposed to a candidate or a question on a ballot after May 1st in a regular election year, they must first be registered with the Town Clerk before spending any money on the advertisements.

Once registered, a third-party advertiser is subject to similar campaign finance rules as candidates, such as spending limits, rules on contributions, and the requirement to file a financial statement with the Town Clerk. This also means that the third-party advertisers will be permitted to place campaign signs, which will also be subject to the provisions of the governing sign by-laws for individual Municipalities.

To help combat third party advertisers who are not registered with the Clerk, Candidates and third party advertisers are required to identify themselves on campaign advertisements and signs, so that it is clear who is responsible for each sign and advertisement that appears or is broadcast.

There are other miscellaneous amendments of note

- Campaign provisions have also been clarified to allow candidates to access apartment buildings, condominiums, non-profit housing co-ops or gated communities from 9 a.m. until 9 p.m. in order to campaign. Landlords and condominium corporations will not be allowed to prohibit tenants or owners from displaying campaign signs in their windows.
- Voters are prohibited from taking photographs or videos of their marked ballots. In addition, members of the public are able to inspect documents and materials related to the election for 120 days after the results of the election have been declared.
- The Town Clerk is now required to not only declare who wins the election but also provide the public with information regarding the number of votes received by each candidate, the number of votes for “yes” and “no” for a question on the ballot, and the number of declined and rejected ballots.
- The Town Clerk has greater flexibility in determining how certain election documents may be submitted and how notices are sent out. Further, the Clerk now has sole discretion in determining Advanced Voting Days, and if voting locations will have reduced hours.
- The Town Clerk has discretion with additions and deletions to the Voters’ List
- The Town Clerk is now required to prepare an Accessibility Plan for the identification, removal and prevention of barriers that affect voters and candidates with disabilities, and make the plan available to the public before voting day in a regular election.

Advisory Committee Review

None

Legal Considerations

The 2018 Municipal Election will be conducted in accordance with the *Municipal Elections Act, 1996*.

Financial Implications

None

Communications Considerations

Legislative Services continue to work with Communications staff to ensure that new timelines and procedures are communicated to the general public.

Link to Strategic Plan

This report supports the strategic goal of a fairness for everyone in the community.

Alternative(s) to the Recommendation

None

Conclusions

The recent amendments to the *Municipal Elections Act, 1996*, were designed to enhance the administration of Municipal Elections, and modernize the election process for Ontario residents.

Candidates requiring legal clarification should seek their own legal advice. It is the responsibility of all candidates to ensure that their campaign is compliant with the *Municipal Elections Act, 1996*

Attachments

None

Previous Reports

None

Pre-submission Review

Agenda Management Team review on March 15, 2018

Departmental Approval



Techa van Leeuwen
Director
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Approved for Agenda



Doug Nadorozny
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