



TOWN OF MINTO

DATE: October 12, 2016

REPORT TO: Mayor and Council

FROM: Bill White C.A.O. Clerk

Annilene McRobb, CAO Clerk & Council Assistant

SUBJECT: Municipal Elections Act Regulation 310/16 Ranked Ballots

STRATEGIC PLAN

12.7 Demonstrate innovation in all aspects of municipal business acknowledging the importance of training, succession planning, transparency, communication and team-based approaches to municipal operations.

BACKGROUND

On May 28, 2015 the Province of Ontario launched a review of the Municipal Elections Act which is customary after each election. During the commenting period Council passed the following resolution:

THAT the Council receives the Municipal Elections Act Review report from the C.A.O. Clerk and C.A.O. Clerk Council Assistant dated July 16, 2015 and that Council support a May 1 start to the nomination period, one meeting for outgoing Council after the election, and inaugural meetings no later than the second Thursday in December. Also that the Town of Minto advise the Province does not support a ranked ballot system for the following reasons:

1. Issues of splitting the vote, negative campaigning or abandoning a race are generally not problems in rural Ontario;
2. "One candidate one vote" Council's elected in Ontario have built communities that are the envy of the world with open, transparent and fair races with very few issues;
3. Ranked ballots will be confusing and will increase cost for training candidates, election officials and voters as well as require expense and unnecessary equipment;
4. Ranked ballots may encourage political parties to run slates of candidates to attempt to win as many first, second and third place votes so that a party secures the office over an individual.

Bill 181, the Municipal Elections Modernization Act received Royal Assent June 9, 2016 after the Standing Committee on Finance and Economic Affairs held public hearings on May 5 and May 12, 2016. All 3,400 submissions from the public were reviewed by the Committee members on May 19, 2016.

In 2017 staff will report to Council on changes to the Act that will impact on the 2018 election, along with other matters related to that upcoming process. This report is to address the process by which the Town might follow to decide whether a ranked ballot system for the 2018 election in light of the final regulation being approved.

Regulation 310/16 states Council should consider the following matters before passing a by-law allowing ranked ballots:

1. The costs to the municipality of conducting the elections.

2. The availability of technology, such as voting equipment and vote-counting equipment and software, for conducting the elections.
3. The impact the proposed by-law would have on election administration.

The Act provides that ranked ballots are not allowed for any office on County Council unless authorized for “all offices on the council of every lower-tier municipality”. If Council were to consider a ranked ballot system for one or more of its offices a draft by-law must be prepared and a public meeting held.

COMMENTS:

Council is on record opposing a ranked ballot system in comments sent to the Province in 2015. The Province approved the regulation allowing ranked ballots believing it reduces strategic voting (not voting because you think your preferred candidate may not win), reduces negative campaigning (a candidate needs first place votes to win plus high ranking second place votes from other candidates to win), and ensures more candidates remain in a race (less chance of “splitting the vote” with like-minded candidates).

This link attempts to explain how a ranked voting system might work

<http://www.mah.gov.on.ca/Page11118.aspx>

In a ranked ballot vote the candidate with the most first place votes could lose to a candidate with more second and third place votes and fewer first place votes.

The regulation is specific on what can be considered when Council decide if it wished to use a ranked ballot and the procedure to be taken to approve a ranked ballot.

Costs to the municipality of conducting the elections

The Town’s election process costs slightly under \$30,000 to conduct. A mail in ballot system is used to collect the vote including about five polling days where mail in ballots are collected at seniors homes and arenas. The main costs are the “rights” to the DataFix software that produces the voter’s list and mail in ballot form, postage, and staffing to attend the polling days and on Election Day to count the vote. Ove 60 people were paid for three hours work for training and counting ballots in the 2014 election.

To use computer tabulated counting the Town should expect a minimum \$15,000 per election added cost, plus about between \$5,000 and \$8,000 per election for ranked ballots. This includes renting new technology each election less any potential savings in part time help during the counting process. A ranked ballot is physically larger which will increase production costs by about 50% as well as increase mailing cost.

Availability of technology

Counting ranked ballot votes in a reasonable time requires computer tabulation, which means renting pricy equipment and added training for candidates, election officials, and voters. There are companies with balloting systems ready to accommodate municipalities with scanners to count votes including programming to “count” ranked ballots. This technology can be enhanced with more “accessible” options that would help persons with certain disabilities vote by mail.

If Council wished to proceed with a ranked ballot election it should provide that direction in 2016 with a view to conducting a public meeting early in 2017 at the latest, procuring voting equipment through quotation by mid-2017 with training and implementation in time for fall 2018. Staff has done sufficient research to ascertain that there is technology that can be rented to allow a ranked ballot election in Minto albeit at adding about 50% to the Town’s election cost.

Impact on election administration.

In 2014 the Town published its preliminary results by 10pm election night following manual counting of about 3,500 ballots. Using a technology based system requires considerably fewer temporary staff for counting. Depending on the vendor selected less than six election officials with rented electronic tabulation equipment, software and computers should be able to process 3,500 ballots within a couple of hours.

Some jurisdictions begin counting ballots with tabulators before close of polls at 8pm. After 8pm any ballots received on Election Day are tabulated. So long as technology works, ballot counting will be more efficient than using 60 plus part time people from the community to count. Tabulating technology includes security measures to protect the system and a process by which recounts and ballot auditing can occur. Scrutineers can be present during counting with a technological system but there is no human involvement interpreting ballots.

General

With experience in 12 municipal elections helping volunteers count ballots and helping the electorate vote, Clerk's Department Staff believes anything that can be confusing will be confusing to the majority of people. Main causes for spoiled ballots are voting outside the circle provided next to a candidate's name, voting for too many candidates for one office, or not using a proper mark on the ballot. Ranked ballots complicate voting to some degree as the electorate must place a number in the circle beside the candidates in order of preference. Anything hard to explain to people who run and participate in elections will be more challenging to implement.

With a ranked ballot, community volunteers cannot be used to count the vote. There is something democratic about 60 community members counting ballots by hand within view of the candidate's scrutineers. With electronic tabulation, community scrutiny is not part of the process. If a ranked ballot results in a candidate with the most first place votes losing to a candidate with more second place votes it will be very difficult to fully demonstrate that to the electorate. Essentially we would all need to accept the electronic results.

The following is an excerpt from the 2015 staff report on ranked ballots:

"One candidate one vote" has been the model for democratic systems for over 150 years. Thousands of good people have been elected to municipal office across Ontario using a traditional voting system. Candidates are elected that most people think are the best for the job. It does not reward being second or third best, and in that sense can be harsh and is not for the "faint of heart". People who run in elections understand that and should have our respect for letting their name stand.

When a long standing system is subject to change by a partisan government, regardless of the party, it is right to be skeptical as to motivations. Minto has not had a problem with turnout so people seem to vote even if they think their candidate may not win. Campaigns are rarely negative in Minto, and seldom do candidates "drop out" of the race even if they feel the vote might split.

Looking back it is remarkable how much a Council reflects the community. The vast majority of people elected have the interests of all local residents in mind, not just those that voted for them. These Councils have built communities that are the envy of the world, elected with traditional voting methods in open, transparent and fair competitions with few problems.

Even the Federal Government has “backed off” on election reform on the basis that it is no longer needed due to public satisfaction with the government. Staff believes there is satisfaction with the way municipal elections currently run and does not support a ranked ballot in 2018.

FINANCIAL CONSIDERATIONS.

A ranked ballot system requires electronic tabulation and additional options to count ranked ballots. This will increase the current cost of \$30,000 by at least 50% or more.

RECOMMENDATION

That Council receives the Municipal Elections Act Regulation 310/16 Ranked Ballots report from the C.A.O. Clerk and Deputy Clerk dated October 12, 2016 and confirms that the Town of Minto will not use ranked ballots for the 2018 election.

Annilene McRobb
Deputy Clerk

Bill White
C.A.O. Clerk