Document 3 - Bill 218 - Changes to the *Municipal Elections Act, 1996*

1. (1) The definition of "prescribed" in subsection 1 (1) of the *Municipal Elections Act, 1996* is amended by striking out "or, for references in section 41.1, prescribed by the Lieutenant Governor in Council".

   "prescribed" means prescribed by the Minister ~~or, for references in section 41.1, prescribed by the Lieutenant Governor in Council~~; ("prescrit")

1. (2) The definition of "ranked ballot election" in subsection 1 (1) of the Act is repealed.

   ~~"ranked ballot election" means, with respect to an office on the council of a municipality, an election authorized under subsection 41.1 (1); ("scrutin préférentiel")~~

2. Subparagraph 1 iii of section 3 of the Act is amended by striking out "that has not passed a by-law authorizing the use of a ranked ballot election" at the end.

   Application of Act

   This Act applies to:

   1. An election to an office on:

      i. the council of a local municipality,

      ii. the council of an upper-tier municipality, if the holder of the office is required to be elected by the electors of one or more local municipalities,

      iii. a local board, if the holder of the office is required to be elected in the same manner as members of the council of a local municipality ~~that has not passed a by-law authorizing the use of a ranked ballot election~~.

3. Paragraph 3 of subsection 7 (3) of the Act is repealed.
   Exceptions: recounts, by-elections

   (3) Despite subsection (1), the local municipality shall be reimbursed for its reasonable costs in the following situations:

   1. When the clerk conducts a recount in a regular election with respect to,

      i. an office on a local board or upper-tier municipality,

  ii. a by-law or question submitted by an upper-tier municipality, or

  iii. a question submitted by a local board or the Minister.

 2. When the clerk conducts a by-election for a local board or an upper-tier municipality or the Minister, or a recount in such a by-election.

 3. ~~When the clerk counts the votes or conducts a recount for a ranked ballot election for an upper-tier municipality, if the member of council of the upper-tier municipality is not also elected to the council of the lower-tier municipality within the upper-tier municipality. 1996, c. 32, Sched., s. 7 (3); 2016, c. 15, s. 6.~~

4. Section 31 of the Act is amended by striking out "fourth Friday in July" and substituting "second Friday in September".
Nomination day

Nomination day for a regular election is the ~~fourth Friday in July~~ **second Friday in September** in the year of the election.

5. Sections 41.1 and 41.2 of the Act are repealed.
~~Ranked ballot elections~~

~~41.1 (1) The Lieutenant Governor in Council may, by regulation, authorize elections for offices on a municipal council to be conducted in accordance with the following rules:~~

~~1. Electors vote by ranking candidates for an office in order of the elector's preference.~~

~~2. Votes are distributed to candidates based on the rankings marked on the ballots.~~

~~3. The counting of votes is carried out in one or more rounds, with at least one candidate being elected or eliminated in each round. 2016, c. 15, s. 30.~~

~~Restriction, prescribed offices~~

~~(2) The regulation may provide that a ranked ballot election is authorized for only specified offices on a municipal council. 2016, c. 15, s. 30.~~

~~Upper-tier municipalities~~

(3) If a regulation authorizes ranked ballot elections for offices on the council of an upper-tier municipality, the regulation may specify the clerk who is responsible for prescribed matters relating to the election. 2016, c. 15, s. 30.

Standards and procedures

(4) The regulation may establish standards and procedures for the conduct of ranked ballot elections, including rules governing the following matters:

1. Ballots, voting procedures, the counting of votes and recounts.

2. Powers that the clerk of the municipality may exercise in administering ranked ballot elections.

3. Information to be made available to the public with respect to the counting of votes in each round. 2016, c. 15, s. 30.

Subdelegation

(5) The regulation may authorize the clerk of a municipality to establish procedures for ranked ballot elections. 2016, c. 15, s. 30.

Varying the operation of the Act

(6) If, in the opinion of the Lieutenant Governor in Council, it is necessary or desirable in order to further the purposes of this section and this Act, the regulation may vary the operation of any of the following provisions of this Act or may provide that any of the following provisions do not apply with respect to a ranked ballot election:

1. Section 11.1 (special case, responsibilities of clerks).

2. Subsection 47 (5) (rights of candidates and scrutineers).

3. Subsection 52 (3) (marking ballot, etc.).

4. Section 54 (counting of votes).

5. Section 55 (delivery of statement and ballot box to clerk).

6. Clause 57 (1) (a) (recount).

7. Subsection 58 (3) (court order).

8. Section 59 (inclusion of a related recount).

9. Subsections 62 (1) and (3) (recount, clerk's duties).

10. Section 63 (judicial recount).

11. Such other provisions of this Act as the Lieutenant Governor in Council considers appropriate. 2016, c. 15, s. 30.

Transition

(7) The regulation may provide for transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the implementation of ranked ballot elections or in connection with the cessation of the use of ranked ballot elections in a municipality. 2016, c. 15, s. 30.

Section Amendments with date in force (d/m/y)

By-laws re ranked ballot elections

41.2 (1) The council of a municipality may pass by-laws with respect to ranked ballot elections for offices on the council if such elections are authorized by a regulation made under section 41.1. 2016, c. 15, s. 30.

Restrictions on authority of municipality

(2) The Lieutenant Governor in Council may, by regulation, impose conditions and limitations on the authority of a municipality to pass a by-law, including establishing standards and procedures for public consultation about a proposed by-law. 2016, c. 15, s. 30.

Same

(3) A ranked ballot election cannot be conducted for an office on the council unless the municipality has passed a by-law in accordance with this section. 2016, c. 15, s. 30.

6. (1) Clause (a) of subsection 42 (2) of the Act is amended by striking out "in the year before the year of the election" and substituting "in the year of the election".

A by-law passed under subsection (1) or under a predecessor of it,

(a) applies to a regular election if the by-law is passed on or before May 1 in the year before the year of the election **in the year of the election**; and

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(b) applies to a by-election if the by-law is passed more than 60 days before voting day. 2009, c. 33, Sched. 21, s. 8 (22); 2016, c. 15, s. 31 (1).

6. (2) Subparagraph 1 i of subsection 42 (4) of the Act is amended by striking out "before December 31 in the year before the year of the election" and substituting "before June 1 in the year of the election".

The following rules apply with respect to the clerk's duties under clause (3) (a):

1. The clerk shall comply with subsection (3),

   i. in the case of a regular election, on or ~~before December 31 in the year before the year of the election~~ **before June 1 in the year of the election**, and

   ii. in the case of a by-election, at least 60 days before the first day on which an elector can vote.

2. The procedures and forms, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

3. Without limiting the generality of clause (3) (a), procedures for the use of vote-counting equipment may provide that,

   i. at the time when and in the place where the votes are being counted, there shall be no more than one scrutineer for each certified candidate for each piece of vote-counting equipment, and

   ii. at a recount, the persons referred to in subsection 61 (5) are not entitled to examine each ballot as the votes are being counted by the clerk. 2009, c. 33, Sched. 21, s. 8 (22); 2016, c. 15, s. 31 (4, 5).

7. Subsection 51 (3) of the Act is repealed.
    ~~Ranked ballot election~~

    ~~(3) Despite paragraph 3 of subsection (2), in a ranked ballot election for an office, an elector is entitled to rank as many candidates for the office as are specified by regulation. 2016, c. 15, s. 37.~~

8. Subsection 60 (4) of the Act is repealed.

   ~~Exception for ranked ballot election~~

   ~~(4) Subsection (3) does not apply with respect to a ranked ballot election. 2016, c. 15, s. 41 (3).~~

9. Paragraph 5 of subsection 83 (7) of the Act is repealed.

   (7) Clause (6) (a) applies to the following irregularities:

   1. An irregularity on the part of the clerk or in any of the procedures before voting day.

   2. Failure to have a voting place open at the appointed location and time.

   3. Non-compliance with a provision of this Act or of a regulation, by-law, resolution or procedure made, passed or established under this Act, dealing with voting, counting of votes or time requirements.

   4. A mistake in the use of forms, whether prescribed or not.

   5. ~~Failure to comply with the procedural requirements imposed under sections 41.1 and 41.2 for a ranked ballot election. 1996, c. 32, Sched., s. 83 (7); 2016, c. 15, s. 44.~~

10. Clause (a) of subsection 95 (1) of the Act is amended by striking out "regulations, except in sections 41.1 and 41.2" and substituting "regulations".

    95 (1) The Minister may, by regulation,

    (a) prescribe anything that is permitted or required to be prescribed or that is permitted or required to be done in accordance with the regulations or as provided in the ~~regulations, except in sections 41.1 and 41.2~~ **regulations**;

Revocation

11. Ontario Regulation 310/16 (Ranked Ballot Elections) made under the Act is revoked.

Commencement

12. This Schedule comes into force on the day the *Supporting Ontario's Recovery and Municipal Elections Act, 2020* receives Royal Assent.