



**City of Kingston
Information Report to Council
Report Number 18-384**

To: Mayor and Members of Council
From: Denis Leger, Commissioner, Corporate & Emergency Services
Resource Staff: John Bolognone, City Clerk
Date of Meeting: November 20, 2018
Subject: 2018 Municipal Election – Results of Referendum Question and Potential Next Steps

Executive Summary:

As directed by Council, the 2018 municipal election ballot included the following Referendum Question:

“Are you in favour of using Ranked Ballot Voting to elect the Mayor and District Councillors in the City of Kingston? Yes. No.”.

Section 8.2 of the *Municipal Elections Act* requires that at least 50% of eligible electors in the municipality must vote on the Referendum Question in order for the results to be “binding”. Based on the Official 2018 Election Results, the number of eligible electors in the City of Kingston was 83,608.

A total of 34,529 electors cast ballots, or 41.3% of eligible electors. Of that number, 32,803 voted on the Referendum Question, or 39.2% of eligible electors. Since 50% of eligible electors did not vote on the Referendum Question, the results of the Question are not “binding” on Council.

Of the electors that voted on the Referendum Question, 62.9% were in favour of using Ranked Ballot Voting to elect the Mayor and District Councillors in the City of Kingston. Although the results are not “binding”, Council could use the results to inform any further deliberations on the use of Ranked Ballot Voting for future municipal elections.

Should Council decide to implement Ranked Ballot Voting, the requirements of the *Municipal Elections Act* and Ontario Regulation 310/16 with respect to Ranked Ballot Elections would

have to be followed. This would include the preparation of required information to be presented to both the public and Council with respect to such matters as the cost of a Ranked Ballot Election, the voting technology to be used and the impacts on overall election administration. The required Ranked Ballot Voting By-law would need to be passed by May 1, 2021 in order to implement Ranked Ballot Voting for the 2022 municipal election.

At its meeting held November 15, 2016, Council directed the City Clerk to monitor the use of Ranked Ballot Elections throughout Ontario for the 2018 election and report back to Council in 2019 with respect to the experiences of other jurisdictions that used ranked balloting. As the City of London was the only municipality to use ranked balloting in 2018, staff will be following up with London and will provide a report to Council by the end of Q2 2019 with respect to London's experiences with its Ranked Ballot Election. This information will greatly assist with the preparation of the required information noted above that must be made available to Council and the public before the Ranked Ballot Election By-law is passed.

Recommendation:

There is no recommendation as this report is for information purposes only.

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Denis Leger, Commissioner,
Corporate & Emergency
Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Gerard Hunt, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Lanie Hurdle, Commissioner, Community Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required

Options/Discussion:

Purpose

The purpose of this report is to:

- a. Provide Council with a summary of the results of the Referendum Question on the 2018 ballot with respect to Ranked Ballot Voting; and
- b. Provide Council with the legislated process that would have to be followed should Council decide to initiate the process to implement Ranked Ballot Voting for the 2022 municipal election.

Background

On February 6, 2018 Council received [Report Number 18-062](#) that provided:

- a summary of the public input received at a series of Open Houses held in January, 2018 with respect to Ranked Ballot Voting and the Referendum Question;
- the proposed wording of the Referendum Question to be included on the 2018 municipal election ballot; and
- a Draft By-law for three readings authorizing the City Clerk to include the Referendum Question on the 2018 ballot.

At that meeting, Council approved the wording for the Referendum Question and gave all three readings to By-law Number 2018-046, "A By-Law to Submit to the Electors of the City Of Kingston a Question Pursuant to the Municipal Elections Act, 1996 (Ranked Ballot Voting to Elect the Mayor and District Councillors)".

In accordance with Council's approved Public Education / Communications Strategy, staff continued to utilize the City's website, signage, print media, social media, news releases and a video to explain how a Ranked Ballot Election would work and how the votes would be distributed based on the rankings on each ballot. In addition, a second series of Open Houses were held across the City in September, 2018. The public education campaign with respect to Ranked Ballot Voting continued up to and including Voting Day on October 22, 2018.

On November 15, 2016 Council passed a motion directing the City Clerk to report back to Council in 2019 with respect to the experiences of other jurisdictions that used ranked balloting in their 2018 municipal election. As the City of London was the only municipality to use ranked balloting in 2018, staff will be following up with London and will provide a report to Council on London's experiences with ranked balloting.

Implementation of the Referendum Question Results

In accordance with Section 8.2 of the *Municipal Elections Act, 1996*, as amended, in order for the results of the Referendum Question to be "binding", at least 50% of eligible electors in the municipality must vote on the Question. The number of eligible electors for the 2018 election

was determined from the Voters' List as it existed at the close of voting on Voting Day (October 22, 2018).

Based on the Official 2018 Election Results, the number of eligible electors in the City of Kingston was 83,608. A total of 34,529 electors, or 41.3% of eligible electors, cast their ballots in person on either Advance Voting Day or Voting Day or through the on-line voting system. Of that number, 32,803 voted on the Referendum Question, or 39.2% of eligible electors. Of the electors that voted on the Referendum Question, 20,642 or 62.9% were in favour of using Ranked Ballot Voting to elect the Mayor and District Councillors in the City of Kingston. In addition, 12,161 or 37.1% voted "No" to the Referendum Question. Since 50% of eligible electors did not vote on the Referendum Question, the results are not "binding" on Council.

For the purposes of clarifying the term "binding" with respect to the Question results, it is noted that the only truly "binding" result would have been if 50% of the eligible electors had voted on the Referendum Question and the majority had voted "No". In that case the City could not take any further action with respect to Ranked Ballot Voting for a period of four (4) years after Voting Day (i.e. until after October 22, 2022). That would have meant that the earliest a future Council could implement Ranked Ballot Voting would be for the 2026 municipal election.

If 50% of the eligible electors had voted on the Referendum Question and the majority had voted "Yes", then the City would have to initiate implementation within 180 days from Voting Day. Even if the majority of the votes on the Question were "Yes", implementation would still be subject to the requirements of the *Municipal Elections Act, 1996* and Ontario Regulation 310/16 with respect to Ranked Ballot Elections (see following section on Next Steps) and would require that Council pass a Ranked Ballot Election By-law. However, after holding the required Public Meeting, Council would have the discretion not to implement the "Yes" vote. Although the results are not binding, Council could use these results to inform any future deliberations on the use of Ranked Ballot Voting and could still decide to initiate the process to implement Ranked Ballot Voting for the Mayor and District Councillors.

Next Steps Should Council Decide to Implement Ranked Ballot Voting

Should Council decide to initiate the process to implement Ranked Ballot Voting, the requirements of the *Municipal Elections Act, 1996* and Ontario Regulation 310/16 with respect to Ranked Ballot Elections would have to be followed. The legislation requires that Council must pass a Ranked Ballot Election By-law.

As outlined in Council [Report Number 16-366](#), before deciding to pass a Ranked Ballot Election By-law, subsection 5. (1) of Ontario Regulation 310/16 identifies the following considerations that must be addressed by Council:

- The costs to the municipality of conducting a Ranked Ballot Election;
- The availability of technology such as voting equipment and vote-counting equipment and software, for conducting the election; and
- The impact the proposed By-law would have on election administration.

Prior to passing the Ranked Ballot Election By-law, subsection 9. (1) of Ontario Regulation 310/16 identifies the following information that must also be made available to the public:

- A detailed description of how the Ranked Ballot Election would be conducted, including a description of how votes would be distributed to candidates based on the rankings marked on ballots;
- An estimate of the costs of conducting a Ranked Ballot Election;
- A description of the voting equipment and vote-counting equipment, if any, that is being considered; and
- A description of any alternative voting method being considered.

The foregoing information must be made available free of charge to any member of the public upon request and must be available at the required Open House(s) and Public Meeting(s).

At least one (1) Open House must be held for the purpose of giving the public an opportunity to review and ask questions with respect to the required public information. At least one (1) public meeting must be held to consider the proposed Ranked Ballot Election By-law. Notice of the Open House(s) and Public Meeting(s) must be given in accordance with the requirements of Ontario Regulation 310/16 (see Notice Provisions below). After the public meeting has been held, Council would have the discretion not to implement Ranked Ballot Voting. If the By-law is passed, Council cannot reverse or substantially change the action for four (4) years.

The Ranked Ballot Election By-law would have to be passed by May 1, 2021 for the City to use Ranked Ballot Voting for the 2022 municipal election.

Report to Council on the Experiences of Other Municipalities Using Ranked Ballot Voting

On November 15, 2016 Council received [Report Number 16-366](#) that provided information with respect to Ranked Ballot Elections. At that meeting Council passed a motion directing the City Clerk to:

”monitor the use of ranked ballot elections throughout Ontario for the 2018 municipal election and report back to Council in 2019 with a report that outlines the experiences of other jurisdictions that used ranked balloting in their 2018 municipal election”.

The City of London was the only municipality to use ranked balloting in 2018. The City of Cambridge also had a Referendum Question on the ballot.

During the preparation of the presentations for the Open Houses on Ranked Ballot Voting and the content for the Ranked Ballots webpage, staff had some initial discussions with the City of London particularly with respect to the matter of additional costs for conducting a Ranked Ballot Election. At that time, London had not compiled a final accounting of the costs that could be attributed to Ranked Ballot Voting. Now that the election is complete, staff will be following up with London in order to obtain additional information. Once the additional information has been

obtained, staff will provide the requested report to Council by the end of Q2, 2019 summarizing London's experiences with Ranked Ballot Voting.

London's experiences will also be of great assistance to staff in compiling the required information that must be presented to Council and the public prior to the passing of a Ranked Ballot Election By-law with respect to such matters as: the cost of conducting a Ranked Ballot Election; the voting technology to be used; and, the impacts on overall election administration. After considering the experiences of the City of London and the potential costs for the City of Kingston, Council could then provide direction to staff to initiate the process to implement Ranked Ballot Voting.

Existing Policy/By-Law:

The *Municipal Elections Act, 1996*, as amended (Section 41.2)

Ontario Regulation 310/16, Ranked Ballot Elections

Notice Provisions:

Section 10 of Ontario Regulation 310/16 sets out the following provisions with respect to the required Open House(s);

- The Open House shall be held at least fifteen (15) days before the required public meeting;
- Notice of the Open House must be published in a newspaper having general circulation in the municipality at least thirty (30) days before the Open House is to be held;
- Council shall give at least thirty (30) days notice of the Open House to every person and organization that has, within two (2) years before the day of the Open House, requested that the municipality provide the person or organization with such notice and has provided an address for the notice; and
- Council shall ensure that the public information required by Section 9 of the Regulation is available at the Open House.

Section 11 of Ontario Regulation 310/16 sets out the following provisions with respect to the required Public Meeting(s);

- Notice of the Public Meeting must be published in a newspaper having general circulation in the municipality at least thirty (30) days before the Public Meeting is to be held;
- Council shall give at least thirty (30) days notice of the Public Meeting to every person and organization that has, within two (2) years before the day of the Public Meeting, requested that the municipality provide the person or organization with such notice and has provided an address for the notice; and

- Council shall ensure that the notices set out the intention of the municipality to pass the Ranked Ballot Election By-law;
- Council shall ensure that any person who attends the public meeting is given the opportunity to make representations in respect of the proposed By-law; and
- Council shall ensure that the public information required by Section 9 of the Regulation is available at the Public Meeting.

Accessibility Considerations:

This report is AODA compliant and may be available in alternate formats upon request.

Financial Considerations:

There are no financial considerations with this report. However, it is noted that future municipal elections will be more costly for the taxpayers of the City if Council decides to implement Ranked Ballot Voting. The additional costs were estimated to be \$220,000 or more. A more refined cost estimate would be provided to Council and made available to the public prior to the required Open House(s) and Public Meeting.

Contacts:

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Other City of Kingston Staff Consulted:

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Exhibits Attached:

There are no Exhibits to this report.