



**SUBJECT: Ranked choice voting consultation**

**TO: Community Planning, Regulation & Mobility Cttee.**

**FROM: Clerks Department**

Report Number: CL-20-20

Wards Affected: All

File Numbers: 165-01

Date to Committee: November 10, 2020

Date to Council: November 23, 2020

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### **Recommendation:**

Approve the public engagement strategy for ranked choice voting consultation attached as Appendix A to clerks department report CL-20-20; and

Approve the withdrawal of \$30,000 from the election reserve to fund the ranked choice voting consultation and engagement.

### **PURPOSE:**

An Engaging City

- Good Governance

### **Vision to Focus Alignment:**

- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

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### **Background and Discussion:**

On June 9, 2016 the Province of Ontario passed legislative amendments to the *Municipal Elections Act* by way of the *Municipal Elections Modernization Act 2016* (MEMA). The MEMA set forth several substantive amendments to the Act, one of which was to provide municipalities the option to offer ranked ballots to electors, which would

allow an elector to rank the candidates in their preference. On September 16, 2016 Ontario Reg. 310/16 was introduced which provides further guidance on how ranked ballot elections are to be introduced, approved by local councils and administered throughout the electoral process.

On September 28, 2020 City Council directed the City Clerk to initiate the consultation process as outlined in Ontario Reg. 310/16 with respect to ranked ballots, and return to the Corporate Services, Strategy, Risk & Accountability (CSSRA) Committee with a supplemental report outlining an engagement plan, a proposed timeline, and a proposed consultation budget with an accompanying request for withdrawal from the Elections Reserve. The City Clerk was also directed to keep in mind the need to be representative in the public consultation process.

### **Bill 218 - Supporting Ontario's Recovery and Municipal Elections Act**

Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020 was introduced in the Ontario Legislature on October 20, 2020. The Bill is proposing to amend the Municipal Elections Act and remove the option of ranked ballots. Staff are monitoring the passage of the Bill but intended to follow up on the supplemental report as the current timelines for ranked ballot engagement are short. Should the Bill be amended or withdrawn, any delays in approving the engagement plan would affect the launch of a potential campaign. A delay in launching the campaign may lead to a compressed public consultation process and appear as closed consultation. Should Bill 218 pass, the City of Burlington will not be pursuing ranked ballot consultation. If this report is in process when the Bill is passed the Chair will be asked to deem the report moot and receive and file it for information purposes. If the option to pursue ranked ballots is removed from the Municipal Elections Act, the City will not be pursuing this consultation.

### **What are Ranked Ballots?**

Most municipal elections employ a first past the post methodology when tabulating ballots and declaring an elected candidate. In **first past the post** elections, customarily, a voter can select one choice per matter. When tabulating the votes, the candidate with the most votes is elected.

In a **ranked ballot system**, voters have the option of selecting up to three candidates, ranking them by preference of their first, second, and third choice. Current legislation allows a municipal council to determine the number of rankings, and if not selected three choices is a default. The candidate who achieves the threshold of 50 percent plus one vote is elected. After tabulating the votes, if there is no candidate who meets the determined threshold, then the candidate with the fewest votes is eliminated. The ballots that selected the eliminated candidate as the first choice are now redistributed to

the remaining candidates, this time using those voters' second choice candidate. This process is repeated until a candidate who achieves the 50 percent plus one threshold is determined. Legislation dictates that if a council passes a by-law it must pertain to both Mayor and Council seats. There cannot be a difference in voting method between the Mayor and Council.

### **Legislative Requirements**

With respect to the process, and in accordance with the provisions of O. Reg. 310/16 and the Municipal Elections Act, as amended, Council must pass a by-law to switch to ranked ballots by May 1, 2021. Prior to passing of the by-law, Council must hold a two-step consultation, and what has been stipulated in the Regulation is the minimum amount of consultation and public notice that should be completed by a municipality.

1. Host an open house to provide information to the public about ranked ballot elections, at least 15 days before the public meeting and with at least thirty (days) public notice, and
2. Hold a public meeting to hear feedback from residents, with at least thirty (30) days public notice.

During the consultation, at the open house and the public meeting, council must make all of the following available to the public:

- information about how ranked ballot elections work, including how the votes are counted;
- an estimate of how much ranked ballot elections would cost;
- a description of any voting equipment and vote-counting equipment that is being considered for use in the election; and,
- a description of any alternative voting method being considered for use in the election.

Based on the Regulation, staff have created a timeline that highlights the legislated deadlines that must be scheduled, and notice provisions that must be adhered to. For a detailed listing of the consultation, a communications and engagement plan has been attached as Appendix A.

<b>Section of Regulation</b>	<b>Activity</b>	<b>Date</b>
10(5)	Launch Get involved Burlington Materials	January 14, 2021
10(4)	Open House Public Notice Published in Paper	January 14, 2021
10(2)	Open Houses	February 17, 18, 2021
11(2)	Notice for Public Meeting	February 18, 2021

(9(4)	Report and Agenda for Public Meeting published.	March 12, 2021
11(1)	Public Meeting hosted by CSSRA	March 22, 2021
	CSSRA Agenda published with RB Report	March 26, 2021
	CSSRA Meeting – Recommendation on Ranked Ballots	April 8, 2021
8 (1)(a)	Council Meeting to Approve By-law (Deadline May 1, 2021)	April 20, 2021

### **Public Engagement Plan**

As noted in staff report CL-06-20, a ranked ballot election represents a significant change for candidates, election administrators and the electorate. It represents a fundamental departure from the current system of First Past the Post (FPTP) and that the composite ballot may feature several ways to select a candidate(s). In addition, it is important that the electorate have as much information as possible on how a ranked ballot election is conducted and how much it will cost.

The Clerks department worked with Corporate Communications, including staff from the engagement division to create an engagement plan. In creating the plan, it was decided to re-brand ranked ballots to ranked choice voting as it was a user focused term. In addition, the plan establishes three key objectives:

1. to ensure that electors are aware of the ranked choice voting system, know how a ranked choice voting election works and how much it will cost;
2. to ensure that electors are aware of the engagement opportunities including dates and times, how their contributions will be considered and how they can access information about ranked choice voting elections; and
3. when and how decisions of council will be made on ranked choice voting.

The engagement plan outlines the information that will be produced for the public regarding ranked choice elections and will be disseminated by way of the City's website, signage, print media, social media and news releases. Many of these components of the engagement plan would be initiated over the next few months, in advance of the initial round of public open houses that are proposed to be held in February 2021, and all of which will be virtual and hosted by an independent moderator. Council would then hold the statutory public meeting in March 2021 and pass the required By-law by May 1, 2021 in order to adhere to legislative requirements.

### **Virtual Open Houses**

Due to COVID-19 the engagement plan focuses on creating virtual opportunities for the public to attend and learn about the concept of ranked choice voting. A series of public open houses are proposed to be held in February 2021. It is anticipated that the open

houses may mirror the virtual format established by the Official Plan engagement. In addition, staff are anticipating the use of a consultant to help run the sessions. Spanning over two days, the virtual open houses will be strategically placed at different times during the day to appeal to a wider audience. Clerks department staff will be in attendance to provide clarification, only when required and will mostly be in attendance to observe and take notes. To reduce barriers attendees will have an opportunity to submit questions in advance or may choose to ask questions live at the sessions through use of the video conferencing technology.

The format will be that a presentation will be delivered which explains how ranked choice voting works, how much a ranked choice election may potentially cost and the impacts on overall election administration. The session would then feature an opportunity for residents to ask questions. Conducting the open houses will ensure that the public is aware of the process and the concept of ranked choice voting in advance of the statutory public meeting which will be held in March 2021, and the opportunity to delegate when the report and recommendations come forward in April 2021 to the CSSRA Committee.

### **Stakeholder Engagement**

In addition to the statutory engagement as outlined in Regulation 310/16 the Clerks department will make presentations to various stakeholder groups around the city. The staff team are still in process of developing an extensive stakeholder list. At present staff will make use of existing advisory committees of Council, such as the Burlington Accessibility Advisory Committee, Seniors' Advisory Committee, and the Inclusivity Advisory Committee.

### **Get Involved Burlington Webpage & Online Survey**

A Get Involved Burlington page will be created to help manage the project and serve as a resource to residents seeking information on the concepts, status updates and contact information. Having a project page will allow staff to have a permanent presence on the site to inform of the following:

- a landing page with an overview;
- key dates;
- key information
  - what is ranked choice voting?;
  - how is a winner determined in a ranked choice election?;
  - what are the potential changes and costs of a ranked choice election?;
  - a document library;

- news or updates on key information; and
- contact information.

In addition, the site will also feature an online survey that will ask the following questions:

**Question 1:** Do you prefer choosing one candidate or being able to choose three?

**Question 2:** : How confident are you that you understand how a winner is determined?

**Question 3:** Are you in favour of changing to a ranked choice vote for the 2022 Municipal Election?

**Question 4:** What other election related policies do you think the City should engage the public on? [ Will feature a text box to fill, to encourage comments and open answers.]

As directed by Council the survey will be closed to only registered users of Get Involved Burlington, and staff will work to filter results to provide a picture of what Burlington residents had to say. Results will be communicated to Council and will be posted to the site, to close the loop with participants.

### **Social Media (Twitter and Facebook) Posts**

Social media will be used to advise residents of the ranked choice voting consultation process, where they can get information on ranked choice voting, to invite residents to the open house (information and education sessions) and the statutory public meetings. Any feedback received from social media engagement (comments, replies) will be provided to staff for analysis and review.

### **Videos**

A video will be created that explains what ranked choice voting is, how ranked choice voting works, and how votes are counted. The video will be available for the public open houses, public meetings, on the City's website, etc. Staff are hoping to use a common video that had been used by municipalities in 2018. If the video could be used in the campaign, significant project savings will be realized.

### **City Talk Newsletter**

An article will be placed in the Spring edition of City Talk advising residents of the public consultation process and the date that Council is expected to consider the final recommendation report. In addition, a broadcast through Get Involved Burlington will be used, which will be a direct email to approximately 6,000 registered users.

### **Statutory Public Meeting**

Staff are proposing to have the Chair of CSSRA host the statutory public meeting. The format will be similar to a planning statutory public meeting and an outline will be provided to Council by way of the publishing the agenda and compiling of the Chair's script.

### **Engagement after May 2021**

Should Council pass the by-law in advance of May 1, 2021 there will be approximately 20 months before Election Day in October and throughout this period information will continue to be provided to residents. The Clerks Department will work with Corporate Communications to revamp the engagement plan, with lessons learned from the previous engagement. In addition, materials created during the pre-ranked choice engagement will be reshaped and used for the long-term engagement plan. Open houses will be planned for the fall 2021 and possibly the spring 2022 and hosted by staff to reduce overhead costs.

### **Strategy/process**

As there are no in-person public sessions due to COVID-19, significant thought has been put into the development of a multi-pronged engagement plan. Residents will be encouraged to use any or all methods of contacting the Clerks department to get involved. Accommodations may be made based on need. Staff will work to ensure that any potential barriers to participation are addressed.

### **Options Considered**

Ontario Regulation 310/16 outlines the minimum requirements for engagement that must be undertaken before a local council may make a decision on ranked choice voting. In terms of the engagement plan, it outlines an engagement that goes above the minimum standards, as due to COVID-19 in person gathering sizes are limited and therefore there will be no in-person sessions.

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### **Financial Matters:**

Should Council direct staff to initiate the public consultation process with respect to ranked choice voting, the proposed budget could be utilized. Through the report staff are requesting a one-time withdraw from the reserve to accommodate the public consultation expenses. Staff anticipate that it may cost approximately \$30,000 to fund the consultation. The following is a general estimation of costs for the engagement and it is also included in Appendix A.

Item	Details	Cost
City Update ad	<ul style="list-style-type: none"> <li>• Full page ad</li> <li>• Half page ad</li> </ul>	\$1,300 (full) \$650 (half)
Consultant	<ul style="list-style-type: none"> <li>• Host 3 virtual open houses</li> <li>• Public meeting</li> <li>• Facilitate/writing of the report</li> </ul>	\$5,000 – \$7,000 per session
Direct mail	<ul style="list-style-type: none"> <li>• Postcard</li> <li>• Brochure</li> </ul>	\$10,000 – \$15,000
Halton Multicultural Council	<ul style="list-style-type: none"> <li>• Survey and survey responses translation into top 5 languages in Halton</li> </ul>	\$900 per language
Online ads	<ul style="list-style-type: none"> <li>• Inside Halton – Burlington Post</li> </ul>	\$800
Social Media boosts	<ul style="list-style-type: none"> <li>• Corporate social media channels</li> </ul>	\$500
Video	<ul style="list-style-type: none"> <li>• Promotional video on what is ranked choice voting</li> </ul>	\$3,500

### Potential Savings

Upon review, there may be some cost savings if staff do not use a consultant or a host for the open houses and to generate a report. However, due to the current workload of the Clerks department this may prove difficult and may affect the output. In addition, staff are working with other municipalities to obtain an educational video used by many municipalities in 2018. If this can be arranged, there may be additional savings that would be achieved. Public education materials generated from the consultation regarding ranked choice voting could be re-used throughout the electoral process should Council choose to allow ranked choice voting for the 2022 election.

### Total Financial Impact

A one-time withdrawal of \$30,000 from the Election Reserve.

### Source of Funding

Election reserve is provided to support the election costs. Each year there is an annual contribution of \$160,000. Should Council pass a by-law to proceed with ranked choice voting, the funding model for the reserve will need to be revised to ensure that there are sufficient funds for the 2022 municipal election and any by-elections that may occur.



### **Other Resource Impacts**

Recent re-organizations to the clerks department has reduced FTE resources. A manager position dedicated to committee and election services is no longer a resource in the clerks department. Therefore, should Council choose to pursue ranked choice voting, previous Council requests and reviews may need to reprioritize for staff to meet the legislated May 1, 2021 deadline.

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### **Climate Implications**

Internet voting and online consultations may reduce the need for travel. Lowered travel rates may help to reduce the carbon footprint associated with voting or attending in-person meetings.

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### **Engagement Matters:**

No public consultation was provided in creating this report. Staff relied on in-house expertise from Corporate Communications, including engagement staff. The full report centers on engagement on ranked choice voting, and conducting a public engagement campaign, which will support the overarching legislative requirements for public consultation as outlined in Ontario Regulation 310/16.

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### **Conclusion:**

Should Council approve, staff will continue to build the stakeholder list and to start building materials. It is anticipated that the first ad will be launched mid-January, which means much of the work to begin crafting materials will start shortly after the Council approval on November 23, 2020.

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Respectfully submitted,

Kevin Arjoon

City Clerk

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**Appendices:**

A. Engagement and communication plan - ranked choice voting

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.