

To: Chair and Members of the Inclusivity Committee

From: Kevin Arjoon, City Clerk

Date: September 27, 2021

Re: 2021 Election Survey Results and Comments Required on Election Policies

In preparation of the 2022 municipal election the Office of the City Clerk submitted report CL-21-21, entitled Election Policies Survey Results (Attachment A). The report provided City Council with the results of an election survey, open for comment from March 31-April 29, 2021, and yielded 300 responses. When it was presented, Council directed staff to seek input from its advisory committees and the Mayors Millennial Committee regarding a potential election campaign contribution rebate program and potential ways to enhance election engagement:

Direct the City Clerk to bring forward an option for a modest election finance rebate program by Q4 2021, and to seek feedback from our advisory committees on that option and use any other opportunities to engage the public. The option(s) could focus on smaller donations and aim for a modest cost to the city, similar to the programs in Whitby and Mississauga and limit eligibility to Burlington residents only. (SD-21-21)

What is a Campaign Contribution Rebate Program?

The *Municipal Elections Act* allows for municipalities to establish a campaign contribution rebate program that provides partial rebates to individuals who financially contributed to a Council candidate's election campaign. Municipal campaign contributions are not eligible for income tax rebates, as other levels of governments, Provincial or Federal. The principle purpose of the program is to encourage participation in municipal elections by reducing the financial burden placed on candidates and campaign donors. If the municipality adopts a program, rebates are funded through the general revenues, and therefore would be a tax supported program.

A program would require candidates to issue contribution receipts to donors who would then apply for a rebate from the city. Rebates would only be processed after the election, and after a candidate files their election financial statements in compliance with the Act. A number of municipalities have implemented a contribution rebate program including the Ottawa, Toronto, Mississauga, Markham, Vaughan, Whitby, Ajax and Oakville.

2022 Election Policy Review

As the 2022 Municipal Election approaches the Office of the City Clerk is conducting a review of its election policies. The following election policies will be reviewed.

- Election Signs By-law
- Corporate Resources during an Election Policy

2022 Election Engagement

The Office of the City Clerk is currently working with the Communications & Engagement department to create a communication and engagement plan for the 2022 Election. The Office of the City Clerk are also canvassing its advisory committees for potential engagement tactics to pursue during the election.

At your committee meeting a representative from the Office of the City Clerk will be in attendance to respond to questions and to gather feedback on this form. A summary of this feedback will be included in an upcoming report to the Corporate Services Strategy Risk and Accountability Committee and will be circulated to all Advisory Committees for information.

Thank you,

Kevin Arjoon
City Clerk
Office of the City Clerk

Attachments:

Attachment A -Report CL-21-21 Election Policies Survey Results

Attachment B - Election Signs By-law, By-law 18-2018

Attachment C -Use of Corporate Resources during an Election Policy



SUBJECT: Election policies survey results
TO: Corporate Services, Strategy, Risk & Accountability Cttee.
FROM: Office of the City Clerk

Report Number: CL-21-21

Wards Affected: All

File Numbers: 165-01

Date to Committee: July 5, 2021

Date to Council: July 13, 2021

Recommendation:

Receive and file office of the city clerk report CL-21-21 providing the election policies survey results attached as appendix A.

PURPOSE:

Vision to Focus Alignment:

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

Executive Summary:

- On September 20, 2020, Council directed the City Clerk to consult with members of Council, and the public with respect to the municipal election and any potential policies.
- In early 2021 Clerk's staff worked with Corporate Communications and Engagement staff to develop a 20-question survey asking residents what methods they would like to use for voting, engagement techniques used, possible topics for an election open house, and policies that regulate the use of corporate resources, election signs and potential campaign contribution rebates.

- The survey ran from March 31, 2021 to April 23, 2021, was advertised via a media released (issued March 31, 2021), and posted in local newspapers and social media.
 - Over 300 residents completed the survey and a geographical heat map outlining the ward representation of the contributors is included as Appendix A to this report
 - A summary of the survey results is attached as Appendix A to this report.
 - The results from the survey will assist in election planning for the 2022 municipal election. It is anticipated that most election policy changes will be completed by the end of 2021.
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Background and Discussion:

In September 2020, Council directed the City Clerk to consult with members of Council, and the public with respect to the municipal election and any potential policies or enhancements to be considered when preparing for the 2022 City of Burlington election and report back to a future Corporate Services, Strategy, Risk & Accountability Committee (CSSRA) meeting with a summary and potential policy options.

The *Municipal Elections Act, 1996, S.O. 1996, c. 32* (the Act) governs the election process, and its principles that must be considered when administering and implementing policies. The principles of the Act are,

- The secrecy and confidentiality of the individual vote is paramount.
- The election should be fair and non-biased.
- The election should be accessible to the voters.
- The integrity of the process should be maintained throughout the election.
- There be certainty that the results of the election reflect the votes cast.
- Voters and candidates should be treated fairly and consistently within a municipality.

This report will be presented to the CSSRA meeting of July 5, 2021. Feedback received from members of Council at this meeting will constitute feedback and consultation with members of Council. Any feedback regarding the election should be completed by way of a public forum, as members of Council may have intentions of running for office in the 2022 municipal election.

Survey at a glance

In early 2021 as part of the Office of the City Clerk's election preparedness planning, Clerk's staff worked with Corporate Communications and Engagement staff to develop a series of questions and focus areas to engage residents. A Get Involved site was

created to introduce the election planning project, site content on the burlington.ca elections webpage was completed and comparative municipal surveys in from Sarnia, Windsor and Grimsby were consulted.

A survey, consisting of 20 questions was developed to asks residents what methods they would like to use for voting, engagement techniques used, possible topics for an election open house, and policies that regulate the use of corporate resources, election signs and potential campaign contribution rebates. To provide context on the policies, where applicable links to relevant documents such as by-laws and/or policies were provided. Voting options listed included paper ballots, internet voting, mail-in ballots and voting by phone. The survey ran from March 31, 2021 to April 23, 2021.

Residents were asked general information about age, the ward in which they live and whether they usually vote.

The survey was advertised via a media release (issued March 31, 2021), notices were placed in local newspapers for three consecutive weeks in the Burlington Post and InsideHalton on April 1, April 8 and April 15. News of the survey was posted on social media through paid posts on Facebook and Instagram with a target audience of 18-29. Paid boosted posts on Twitter were rejected due to the political nature. Twitter implemented a new political ad policy in November 2020 due to the U.S. elections: <https://business.twitter.com/en/help/ads-policies/ads-content-policies/political-content.html>. This means that the city will not be able to purchase targeted Twitter ads to promote participation during the 2022 election.

The analytics for social media include:

Facebook Post & Facebook Ad Network (also includes paid Instagram)

- Reach: 6,599
- Link Clicks: 707
- 67.6% of those reached are Women and 43% of them are aged 18-29. (target was 18-29).
- Promotion period (paid boost) was April 15 to April 23, 2021

Instagram Post

- Reach: 4,135
- Impressions: 4,559
- Promotion period was March 31

Total Reach for Facebook/Instagram: 10,734

Twitter

- Impressions: 25,122
- Link Clicks: 313

- Promotion period was March 31 to April 23, 2021

The results from the survey will assist in election planning for the 2022 municipal election. It is anticipated that most election policy changes will be completed by the end of 2021. A summary of the 2021 Election Survey results is attached as Appendix A.

Who we Heard from?

During the 3 week posting, over 1200 participants accessed the survey, and 300 survey responses were received. Of the 300 contributors, they reflected the following demographics:

- 18-29 years of age, 17 contributions (5.4%)
- 30-39 years of age, 62 contributions (19.6%)
- 40-49 years of age, 55 contributions (17.4%)
- 50-59 years of age, 73 contributions (23%)
- 60-69 years of age, 57 contributions (18%)
- 70+ years of age, 51 residents (16.1%)

2 contributors did not disclose their age range.

Of the 300 contributions, nearly all, 96% responded that they reside in the City, with 3 contributors being non-resident property owners, 2 commercial business owner non-residents, 1 seasonal non-resident, 3 full-time post-secondary student non-residents and 4 declining to disclose. Note, that there were 317 contributions from 300 individuals. Therefore, 17 surveys were the product of a multiple contributor.

Voting Experience

In order to plan for the 2022 municipal election, we wanted to learn more about the 2018 election and voting experience. Questions were included into the survey to understand the electors general experience.

There are many factors that affect voter turnout for municipal elections including voter apathy and engagement, political candidates/races and voting methods. The City's voter turnout has averaged 37% over the past 3 elections.

Suggestions to increase voter turn-out from residents in the survey include the following. Staff have bucketed the responses as to how actionable they are.

Tactics that will be pursued:

- Social media push to engage Burlington residents
- Make it easier for voters (more locations, easier ways to vote)
- Easy to understand communication, a step by step to voting
- Incentives ("I voted stickers", a backdrop for a selfie, etc. to spread the word to networks, treats)

- Utilize the Association of Municipalities of Ontario awareness campaign surrounding municipal elections
- Use all social media outlets including Instagram
- Put voter registration directions on property tax bills and all other city correspondence
- Provide more information on (1) budget (2) how it gets collected (3) what it gets spent on, including political and staff salaries
- Reach out to community organizations to encourage voter turnout
- Wrap City vehicles and put signs on transit buses

Tactics that may be investigated:

- Do not allow lawn signs - environmental concern plus it sways voter turnout. If people see many signs from one candidate, some may not see the need to vote - they assume they know who will win. It's a popularity contest.
- Sponsor candidate meetings. The onus shouldn't just be on organizations like the Chamber of Commerce to host these events
- More Meet Candidates Sessions moderated by a neutral moderator advertised in advance with key sets of questions for each candidate
- Increased voting times and locations
- More "special" voting locations in apartment buildings where seniors live, or large condo complexes like the Paradigm on Fairview. Maybe at the GO stations so people can vote on their way home from work.
- Continue accessible voting methods, considering home voting
- Partner and utilize school boards to send home reminders

Tactics that are out of scope:

- Decrease candidate registration and time to campaign
- Ranked Ballots (suggested twice)
- Improved Voters' List
- Make voting mandatory
- Use all social media outlets including Tik Tok
- Enable voting age 16+
- Reduce anonymous ads by non-candidates
- Make it easier for voters to (rides to the polls)
- Canvassing for current issues, and suggesting voters seek candidates' positions in them

The survey asked whether residents felt the City does a good job at informing residents

- 29% reported they strongly agree, and
- 59% reporting the somewhat agree

The survey asked where residents received their election information from about the election process and engaging residents to participate

- 58% reported they received information from newspaper and printed material, and
- 47% reported they received information from the City's website

Typically, the municipal involvement in communicating the candidates and their platforms through official City sites is limited, outside of the posting of their nomination. We wanted to determine whether this limited a resident's knowledge of who the candidates are, and if there was any support to have the City play a larger role in candidate promotion.

- The survey asked whether the City should post candidate information including their photos and responses to a standard community questionnaire on the City's website to support public engagement for the 2022 municipal election.
 - 94% reported they felt the City should publicize this information more
 - 6% reported they felt the City should not

Staff will investigate how this could be achieved for the 2022 municipal election, considering the application and principles of the Act, that the election shall be fair and non-biased, and voters and candidates shall be treated fairly and consistently.

Election Open House

The September 2020 Council resolution directed the City Clerk to schedule a Council Workshop by Q3 2021, to serve as an election open house with experts serving on a panel to discuss not only voting methods and engagement, but also any policy changes that were suggested and supported through the survey results.

The survey asked whether residents would be interested in attending the open house and if so, to provide any topics they would find interesting for discussion. Over 54% reported they would be interested in attending the open house. Topics suggested for consideration include:

- Voting timing, locations and methods of voting, including security
- Third party advertising and campaign election rules for candidates
- Running for office and candidate how-to's
- Consider a remote open house and discuss current issues affecting all of Burlington, including rural Burlington.
- Staff should not be leading this
- Consideration of ranked ballots and voting reform
- Voter turnout and engagement, directly contacting voters
- How to regulate and mitigate the inherent advantage of incumbents

- How to protect against misinformation
- Election signage and promotional platform material
- Increasing the quality of candidates
- Increasing voter participation
- Campaign financial contribution accountability and transparency
- Reviewing the Use of Corporate Resources during an Election Policy
- Impact the pandemic has had on municipal elections

Concerns were raised in some responses regarding the remote or virtual limitations of the open house, noting that it may be a barrier to some, and specifically how to engage voters that don't typically vote were noted. Staff will be taking this feedback forward and may incorporate portions into the session.

Voting Method

In September 2020 Council directed staff to proceed to issue a request for proposals (RFP) for a vote tabulation system for the 2022 municipal election, and any by-elections leading up to 2026, optical scan tabulators for in person advance voting and on election day and internet voting for advance voting opportunities only. This has been the method(s) used successfully in previous City elections going back to 2009.

The next series of questions gauged resident's comfortability with the different voting options available.

- The survey asked residents comfort level with:
 - Paper Ballots
 - 80% responded they were very comfortable with paper ballots, and
 - 11% responded they were somewhat comfortable with paper ballots
 - Internet Voting
 - 63% responded they were very comfortable with internet voting, and
 - 14% responded they were somewhat comfortable with internet voting
 - Mail-in Ballots
 - 49% responded they were very comfortable with mail-in ballots, and
 - 24% responded they were somewhat comfortable with internet voting
 - Voting by Phone
 - 24% responded they were very comfortable with voting by phone, and

- 21% responded they were somewhat comfortable with voting by phone

Residents were asked to rank in order of their preference, each of the voting methods identified. Of the 300 contributors, 295 answered the question and both internet voting (1.74) and paper ballots at a voting location with tabulator (1.99) received the highest ranking.

Residents were asked whether they had any security concerns with the voting methods identified and 296 contributions were received:

- Paper Ballots
 - 96% responded they had no concerns with the security of paper ballots, and
 - 4% responded they did
- Internet Voting
 - 64% responded they had no concerns with the security of internet voting, and
 - 36% responded they did
- Mail-in Ballots
 - 66% responded they had no concerns with the security of mail-in ballots, and
 - 34% responded they did
- Voting by Phone
 - 37% responded they had no concerns with the security of voting by phone, and
 - 63% responded they did

Staff are currently working with Procurement and expect to issue an RFP in the coming months. The direction is to continue with internet voting and paper ballots tabulators, however if aspects of the current pandemic extend into 2022 including physical distancing, staff is also considering how a mail-in ballot program may work, as was conducted successfully by many municipalities in 2020 for by-elections in Pelham, Ottawa and Windsor. Staff will also work with Communications and Engagement to provide additional information on alternative forms of voting (internet, or mail-in if utilized) to provide necessary background and education so that more residents are comfortable with these voting platforms.

Use of Corporate Resources during an Election Policy

The Act requires that municipalities establish rules and procedures for the use of municipal resources during the election period, and provides that the City cannot

contribute (including money, goods and services) to any candidate, registered third party advertiser during an election.

The City's current [Use of Corporate Resources during an Election Policy](#) was drafted by the Citizen Review on Council Compensation, Staffing and Expenses in consultation with clerks staff and adopted by Council in 2017. The current Policy was provided as a supporting document in the survey.

Residents were asked to rate their understanding of the City's Use of Corporate Resources during an Election Year Policy with 15% responding they had excellent understand of the Policy, and 36% responding they had a good understanding of the Policy.

Of the 296 contributors for the question, 277 responded as to their satisfaction, with 76% reporting they are satisfied with the Policy, and 24% reporting they are not satisfied, primarily due to a lack of awareness of the Policy. In addition, comments were received regarding complaints of non-compliance and investigation, restrictions placed on staff to participate in the candidate process and third-party advertising.

The results demonstrate the need to better communicate the Policy and its intent to ensure incumbents are not provided advantages that are not attainable for new candidates and amendments to the Policy to clarify the definition of corporate resource and consider enforcement and investigation provisions. This policy will be reviewed and is anticipated to return to CSSRA sometime this year.

Campaign Contribution Rebate Program

The Act provides, but does not mandate, municipalities to pass a by-law to provide rebates to individuals who contributed to a Council candidate's election campaign. Rebates are funded through the general revenues of a municipality, in other words rebates would be a tax supported expense. Municipal campaign contributions are not eligible for income tax rebates, as contributions to Provincial or Federal candidates. The principle purpose of the program is to encourage participation in municipal elections by reducing the financial burden placed on candidates and campaign donors. A rebate program requires candidates to issue receipts to donors who would then apply for a rebate from the City.

Rebates would only be processed after the election, and after a candidate files their financial statements in compliance with the Act. Participation in the contribution rebate program by candidates is voluntary. A contribution rebate program enables a municipality to reimburse contributions made by individuals to a campaign of a candidate seeking election for Mayor or Councillor. A number of municipalities have implemented a contribution rebate program including the Cities of Ottawa, Toronto, Mississauga, Markham, Vaughan, Whitby, Ajax and Oakville. The criteria for eligibility

and rebate formulas vary between municipalities. Likewise, the rebate payout amounts will vary greatly.

A municipal survey was conducted specifically to determine the collective scope and financial impact of contribution rebate programs across Ontario for the 2018 Municipal Election. The results are attached as Appendix B to this report.

Several factors should be considered prior to establishing a campaign contribution rebate program including:

- Eligibility criteria for candidates to participate in the program
 - Whether it only applies to Mayor and Councillor candidates
- Eligibility criteria for contributors
 - Whether the program should be limited to only residents of Burlington or open to all residents of Ontario
- Minimum contribution amounts
 - A minimum contribution amount is required to be eligible for the program
- Formula for rebate
 - Whether the formula should be consistent for all contributions or vary depending on the amount of the contribution
- Maximum rebate amounts
 - A maximum rebate amount should be set
- Administrative policies and procedures
 - Whether a candidate should be required to file an audited financial statement in order to be eligible for the program
 - Whether candidates must register in the program at the time of filing their nomination
 - Candidates requirement to keep meticulous records of all contributions received
 - The deadline to file all records and receipts with the City Clerk's Office
- Internal staffing resources required to support the program throughout the election period (before, during and after the election)
 - Administering a contribution rebate program will require staff resources for program administration, including analyzing financial statements, determining the eligibility of an application for rebate, and processing payment
- Financial impact on Election program and budget

Residents were asked to rate their understanding of how a campaign contribution rebate program works, with 9% responding they had an excellent understanding of the program, and 27% responding they had a good understanding of the program. The majority of the residents therefore indicated they did not have a good understanding of such a program.

Of the 287 contributors for the question, 276 responded whether or not they support for establishing a program.

- 61% reported they are not supportive of the program, and
- 39% reported they are supportive.

Reasons for not supporting the program cited include,

- A contribution is a contribution and should not be regarded as a way to get a rebate
- It's taxpayer subsidized
- It sounds very complicated and unnecessary.
- Responsibility should be up to the candidate to rally support. The municipalities have greater need for the funds.
- There are other ways for people to support candidates.
- Needs more transparency, major contributors (and the individuals most likely to benefit from this rebate) are corporate entities/developers/construction firms
- I don't like that it's funded through the general revenues of the municipality
- Added cost to administer
- The city should not be involved in the election campaign at all.
- We don't have enough money as it is.
- There are higher budget priorities.
- Contributes in favour of candidates supported by wealthy voters
- Tax dollars could be going to someone tax payers didn't vote for

Reasons for supporting the program cited include,

- It removes the financial barrier which definitely negatively affects individuals participating in the election process and increases participation
- A good idea to promote contributions
- Support but consider minimum and maximum values
- Many people think they already get a tax rebate for municipal, because they do for federal/provincial. This would allow consistency with other levels of government and help fundraising, especially for residents who can't fully fund their own campaigns

At this time staff is not recommending a campaign contribution rebate program as its administratively burdensome and has not definitely demonstrated that it has a greater impact on voter turnout or the number of candidates. Based on the jurisdictional scan, using Oakville as a direct comparator, the program could have a budget impact of approximately \$100,000 (just issuing rebates to Burlington residents) which equates to about 20% of the current election budget. If approved, the cost to administer this program and the rebate amounts would be applied to the tax base and result in a 2022 budget impact. In addition, it is recognized that school board elections are the avenue

where many may enter as first-time political candidates. Creating a by-law will benefit Council and Mayoral candidates, which may create inequities with the school board candidates. Should Council wish to explore the possibility of establishing a contribution rebate program for the City of Burlington, it may direct staff to report back with options related to the above considerations.

Election Sign By-law

In 2018 Council adopted a by-law to govern election signs ([By-law 18-2018](#)). The by-law was provided to survey respondents for reference.

Residents were asked to rate their understanding the by-law, with 12% responding they had excellent understand of the by-law, and 37% responding they had a good understanding of the by-law.

Of the 278 contributors for the question, 259 responded as to whether in their opinion the by-law is effective.

- 61% reported they felt it was effective, and
- 39% reported they felt it was ineffective.

Reasons provided for an effective by-law were that it is reasonable and enforceable, signage was generally handled well in the previous election and it's clear in location provisions (private vs. public property) and removal requirements. Concerns with the by-law related to communication, the volume of signs and sign pollution, a balanced approach to new sign abilities (i.e. magnetic decals and vehicle wraps).

Staff will consult with By-law Enforcement regarding any amendments to the by-law in advance of 2022.

Other election related matters not surveyed (Ward Boundary Review)

The election survey did not canvas residents regarding such election related topics as ward boundary changes and changes to council composition. Both processes are outlined in the *Municipal Act, 2001*, S.O. 2001, c. 25.

Legislation Pertaining to Ward Boundary Reviews:

Subsection 222(1) states that a municipality is authorized to “divide or re-divide the municipality into wards or to dissolve the existing wards.”

Subsection 222(3) provides that a municipality is required to give public notice that a ward boundary by-law has been passed within 15 days after the by-law is passed. The notice must specify the last date for filing a notice of appeal.

Subsection 222(4) of the Act states that within 45 days of the ward boundary by-law being passed, it may be appealed to the Local Planning Appeal Tribunal (LPAT) by “the Minister or any other person or agency”. The appeal is made by filing a notice of appeal

with the municipality setting out the objections to the by-law and the reasons in support of the objections.

The municipality is required to forward any notices of appeal to the LPAT within 15 days after the last day for filing the notice [**Subsection 222(5)**].

The process to amend ward boundaries or council composition would have been required to commence in 2019 or by Q1 2020 at the latest in order to complete the required components in time for the 2022 Municipal Election. A review would consist of the entire municipality, and no spot amendments to ward boundaries may occur.

Further, for ward boundary changes to be in effect for the 2022 Municipal Election, any bylaw establishing new ward boundaries must be in force before January 1, 2022. Further note, that a by-law establishing new ward boundaries may be appealed to LPAT, in order for the boundaries to be permanent, the notices of appeal must be withdrawn, or the Tribunal must have issued an order to affirm or amend the by-law, before January 1, 2022. Therefore, sufficient lead time is also required to be factored into any ward boundary review timeline.

Staff is intending to produce a post-election survey with respect to voter participation, engagement, and accessibility requirements and will include questions regarding ward boundaries and council composition in that survey. Results and recommendations will be presented to Council in 2023 and will help to inform election related policy decisions for the next term of Council. Should a review be completed during the next term of Council, it would be used during the 2026 election, and would officially come into effect with the term of the incoming Council.

Strategy/process

The election survey conducted earlier this year forms just one part of the Clerk's Office election preparedness activities. Other activities currently underway include:

- Development and publishing of an RFP for the Provision of Election Technology and Support Services: Internet Voting and Optical Scan Tabulators
- Review and amendment of the Election Officer job description in preparation for the contract position posting
- Convening of the Council Remuneration Review Working Group to submit a final report prior to the end of 2021
- Development of a Project Charter and Project Team

In addition, Clerks staff is reviewing and amending existing policies to address impacts of recent changes to the Act highlighted below.

In February 2021 [Bill 254: Protecting Ontario Elections Act](#) amended the Act to:

- Enable clerks to allow candidates and third-party advertisers to submit their nomination and registration forms electronically;
- Allow registered third-party advertisers to end their advertising campaigns before voting day; and,
- Clarify that if a third-party advertiser files a nomination to run for office, their advertising campaign automatically ends.

In November 2020, [Bill 218: Supporting Ontario's Recovery and Municipal Elections Act](#) was passed and amended the Act to:

- through Schedule 2 to change nomination day which will now move to the 3rd Friday in August from the original fourth Friday in July in an election year, and
- removes the ability of municipalities to choose to implement ranked ballot voting
- changes the timeline for passing a bylaw authorizing the use of voting and vote-counting equipment or alternative voting method from "May 1st the year before an election" to "May 1st the year of an election,"
- changes the timeline for clerks to establish procedures and forms for voting and vote-counting equipment and alternative voting methods from "December 31 in the year before the year of the election" to "before June 1 in the year of the election".

In October 2020, [Bill 204: Helping Tenants and Small Businesses Act](#) was passed and amended the Act to:

- create a single registry of electors for municipal and provincial elections.
- The changes take effect January 1, 2024, ahead of the scheduled municipal elections in 2026. We had nicknamed this effort the 'municipal voters' list' project.

Financial Matters:

There are no financial implications to the recommendation contained in this report.

Should Council wish to pursue a contribution rebate program for the City of Burlington, the budget will be impacted based on the eligibility criteria, rebate formulas, maximum rebate amounts and staff resources required to manage the program.

The election budget is funded from the Election Reserve and currently only includes enough funding to conduct the election through internet voting, paper ballots and tabulators. Any additional costs related to additional voting methods, or a contribution rebate program would require an increase to the Reserve.

Climate Implications

None.

Engagement Matters:

The Clerk's Office worked with staff in the Corporate Communication and Engagement office to help review the survey and to provide guidance on promotion of the survey and any associated community engagement initiatives.

The survey results include a heat map showing geographically where the contributors were represented in terms of ward is included as Appendix A to this report. The results were analyzed by Clerk's staff and demonstrate there is further need for engagement with voters in 2022.

Conclusion:

In summary, during the three-week engagement campaign approximately 300 contributors completed the survey. Should Council desire to establish a contribution rebate program for the City of Burlington, the by-law should be passed no later than the end of 2021, to allow staff enough time to develop administrative processes and procedures related to the program, and to communicate changes to stakeholders. Any corporate policy revisions necessitated from either the results and/or legislative amendments will be brought forward to Council later this year for consideration.

Respectfully submitted,

Kevin Arjoon

City Clerk

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Deputy City Clerk

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Appendices:

- A. Election Policies Survey Results including Heat Map
- B. 2018 Election Campaign Contribution Rebate Program Municipal Scan Results

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.

The Corporation of the City of Burlington

City of Burlington By-law 18-2018

A by-law to regulate election signs in the City of Burlington
File: 790-01 (PB-19-18)

Whereas, section 11 of the *Municipal Act, 2001* authorizes municipalities to pass by-laws respecting signs; and

Whereas Council deems it desirable to regulate signs which create a nuisance, affect public safety and detract from the character of the community during an election period.

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

PART 1: DEFINITIONS

1.1 DEFINITIONS

For the purposes of this by-law, the following definitions shall apply:

“Candidate” means a person who has been nominated under the *Canada Elections Act*, the *Elections Act (Ontario)* or the *Municipal Elections Act, 1996* as amended;

“City” as the context requires, means “The Corporation of the City of Burlington”;

“City Clerk” means the City Clerk of the City or a person delegated by them for the purpose of this by-law;

“Council” means the Council for the City of Burlington and includes its successor;

“Election” means any federal, provincial or municipal election and any question or by-law submitted to the electors and includes an election to a local board or commission;

“Election Sign” means a sign advertising or promoting the election of a political party or candidate for public office in a federal, provincial or municipal election and includes signs promoting the position of a person registered to campaign with respect to a question on a ballot and third-party election signs. An Election Sign does not include any election campaign literature.

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle or other public way;

“Owner” means any Person who is the registered owner of the land, a lessee or occupant of the land or any Person managing or receiving the rent of the land or premises;

“person” means an individual, partnership, corporation, business trust, limited liability company, limited liability partnership, joint stock company, trust, unincorporated association, joint venture, company or other entity;

“Vehicle Sign” means any form of Election Sign displayed in or on a vehicle or trailer;

“Voting Day” means any day on which voting takes place or on which voting by internet or telephone is permitted within the City;

“Voting Place” means any public building or property, including a parking lot, where voting takes place;

“Writ of Election” means the date as defined in the *Canada Elections Act* and the *Elections Act (Ontario)*.

PART 2: BY-LAW TITLE

2.1 This by-law shall be referred to as the “Election Sign By-law”.

PART 3: GENERAL PROVISIONS

3.1 No Person shall display an Election Sign within the City except in accordance with the provisions of this by-law and all applicable legislation.

3.2 This by-law shall not apply to signs displayed by the City to provide information concerning an Election or any part of an Election process.

3.3 No person shall display an Election Sign at any location other than entirely on private property, however a Vehicle Sign can be displayed by a Candidate on or in a vehicle owned by the Candidate while such vehicle is in use on any Highway in accordance with applicable laws and by-laws, and on city streets and parking lots, within exception of streets/lots visible from polling stations on advance poll days, and Election Day.

3.4 No person shall display an election vehicle sign without first registering the vehicle with the municipality. One vehicle sign per candidate is permitted.

3.5 No person shall display an Election Sign on private property without the permission or consent of the Owner of the property.

3.6 No person shall display an Election Sign that:

- a) is painted on, attached to or supported by a tree, stone or other natural object;
- b) incorporates flashing lights or rotating parts;
- c) is illuminated;
- d) simulates any traffic control device;
- e) is affixed to public utility poles;
- f) is displayed so as to obstruct, impede, hinder or prevent parking by vehicles on private or public lands or on a Highway; or
- g) is in contravention of the *Elections Act (Ontario)*, *Canada Elections Act* or the *Municipal Elections Act*, as applicable.

3.7 No person shall remove, deface or willfully cause damage to a lawfully displayed Election Sign.

3.8 No person shall, at any time on any Voting Day, display an Election Sign or Vehicle Sign on a property used as a Voting Place or where the administration of Election processes is conducted.

3.9 No person shall display a Vehicle Sign at a Voting Place on any day when there is voting.

3.10 No person shall display the City's logo or the City's municipal election logo in whole or in part, on any Election Sign.

PART 4: TIMING OF DISPLAY

4.1 No person shall erect, or otherwise display an Election Sign:

- a) in the case of a municipal Election, forty-five (45) days prior to Voting Day;
 - i. vehicle signs are exempted and are permitted to be displayed as of the date of a candidate's registration, and clause 4.1 c) applies.
- b) in the case of a federal or provincial Election, prior to the day the Writ of Election is issued; or
- c) in the case of any Election, for a period greater than three (3) days immediately following the day of the Election.

4.2 No person shall place or permit to be placed at a Voting Place, an Election Sign or Vehicle Sign on any day when there is voting.

PART 5: ENFORCEMENT

5.1 The City Clerk or a Municipal Law Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice.

5.2 Election Signs removed in accordance with this by-law may be destroyed or otherwise disposed of by the City without notice and without compensation to any party.

PART 6: OFFENCE

6.1 Any person who contravenes any provisions of this by-law is guilty of an offence and upon conviction pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 is liable to a fine.

6.2 Any costs payable or associated with an order of the court are in addition to, and not in substitution for, the payment of any penalty imposed by the court for the commission of an offence under this by-law or any other applicable legislation.

PART 7: SEVERABILITY

7.1 Should a court of competent jurisdiction declare a part or whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its remaining terms to the extent possible under law.

PART 8: EFFECTIVE DATE

8.1 This by-law shall come into force and take effect on enactment.

Enacted and passed this 26th day of April, 2018

Mayor Rick Goldring _____

City Clerk Angela Morgan _____

Council, Boards, Committees

Use of Corporate Resources during an Election

Approved by Council on:

Report Number: CL-17-17

Effective: January 1, 2018

Reviewed on: October 30, 2017

Next Review: October 2021

This policy provides guidance for the appropriate use of corporate resources and/or funding during a municipal election period.

Policy Statement:

The purpose of this policy is to clarify that all election candidates, including members of City Council are required to follow the provisions of the Municipal Elections Act, 1996 and that during *a campaign period*:

- 1) No candidate shall use the facilities, equipment, supplies, services, staff or other resources of the City for any election campaign or campaign related activities, this includes City registered trademarks or City branding such as the logo or crest.
- 2) No candidate shall undertake campaign related activities on city property.
- 3) No candidate shall use the services of persons during hours in which those persons receive any compensation from the city *for election related purposes*.

Scope:

This policy applies to all candidates in a municipal election.

Objectives:

Corporate Policy

The objective of this policy is to ensure that all candidates in a municipal election have equal access to resources during their election campaign.

Principles:

- Corporate resources, assets and funding shall not be used for any election-related purposes, this includes use of City registered trademarks or City branding such as the logo or crest.
- Staff shall not canvass or actively work in support of a municipal candidate or party during normal working hours unless they are on a leave of absence without pay, flex time or vacation.
- Candidates shall not use any municipally provided facilities for any election-related purposes. Neither campaign related signs nor any other election related material will be displayed in any municipally-provided facilities.
- The municipality's voice mail systems shall not be used to record election related messages or the computer network (including the City's e-mail system) to distribute election related correspondence.
- The municipality's logo, crest, coat of arms, slogan etc. shall not be printed or distributed on any election materials or included on any election campaign related website, except in the case of a link to the City's website to obtain information about the municipal election.
- Photographs produced for and owned by the City of Burlington shall not be used for any election purposes.
- Distribution lists or contact lists developed utilizing corporate resources or through contact in a Member of Council's role shall not be utilized for election purposes.
- Photos/images of external city facilities are permitted. Photos/images of internal city facilities are not permitted.
- Corporate facilities/properties *can only be* used for any election related purpose ***if there is a*** rental fee established corporately and the rental is available to all candidates and third parties. No facility/property shall be rented or used for any municipal election related purpose during any day that voting is taking place on the property including set-up, hosting or take-down activities.

Corporate Policy

- The budgets for Members of Council for the period of January 1 to election day in a municipal election year will be restricted to 11/12ths of the approved annual budget amount with the provision that subsequent to election day:
 - i. New members of council be allocated a budget equal to 1/12th of the approved budget amount for the month of December; and
 - ii. Re-elected members of council have available to them the balance of funds remaining as of Election Day.

From May 1 of a municipal election year until Election Day inclusive:

- Staff are expected to take extra care to ensure that they behave in a manner that residents, members of the existing City Council and potential candidates for election see as impartial, fair and unbiased.
- Staff are to consult with their Manager prior to agreeing to attend a ward meeting or similar function within any ward or combination of wards.
- Links to all social media, blogs and external websites will be removed from Council member pages.
- City Talk issues will not include information or messages from any member of council nor photographs of any member of council.
- Council communications expenditures will not be approved. Advertising of ward meetings and drop in sessions will be at the council member's/candidate's cost, not advertised in the City's update column within the Burlington Post. Printing and distribution of newsletters for members of council will be discontinued, unless approved by Council. Photographs of members of Burlington City Council will not appear in advertising placed by or paid for by the City of Burlington.
Communication expenditures will be permitted with the approval of the City Clerk in the case of emergency situations, as part of a pre-approved communications plan or an urgent neighbourhood issue that requires a timely response.
- Council's biographies, speeches by members of council, ward meetings, links and 'news from your ward councillor' will be removed from the Mayor and Council web pages of the city's web site, leaving only the name and photo of the elected representative, their contact information including staff support, their ward map, and a list of their current representation on local boards and citizen committees.

Corporate Policy

- If staff are hosting a public meeting of any kind, all municipal council members and candidates (who have submitted nomination forms for that municipal election) present at the meeting will be introduced. All candidates must advise the organizer/host of the event of their presence in order to ensure they are recognized.
- Assistants to Councillors will not attend ward advisory or ward open house meetings.
- Expenditures for gifts and donations from council members will be limited to those boards, projects and committees that the council member was appointed to by council.
- Ordering of office furniture and furnishings, except those of an emergency nature, will be discontinued for the Councillors Office and Mayor's Office.

Community Event Funding in Councillor's Budget

- ***Each year five thousand dollars is allocated per ward for support of community events, during an election year this funding will be administered by the Manager of Community Development in the Parks & Recreation Department. In non-election years, the funds will once again be administered by the Ward Councillors. In both election and non-election years the expenses will be reported on annually as part of the council expense reporting.***

Work of a Political Nature

To avoid any perceived conflict of interest, staff are discouraged from assisting with municipal election campaigns in Burlington, including posting election signs on their property, phone and e-mail solicitation, distribution of brochures and wearing candidate buttons.

Public Information

Election information will be available through the local media and on the City's web site at www.burlington.ca. The names of candidates will be posted as soon as possible following receipt in the Clerks office of the required fees and paperwork.

Corporate Policy

Special Events

Staff will continue to invite all members of Council to the City's special events throughout an election year. The City Clerk will ensure that the dates, locations and times of major public special events known to the City Clerk are also communicated to all candidates.

References:

Municipal Elections Act, 1996

Roles:

Accountable:

City Clerk

Responsible:

City Clerk