



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Ranked Ballot Election Staff Report

Report Number: 2019-54

Department(s): Legislative Services

Author(s): Kiran Saini, Deputy Town Clerk
Jaclyn Grossi, Legislative Coordinator

Meeting Date: May 14, 2019

Recommendations

1. That the report entitled Ranked Ballot Election dated May 14, 2019 be received; and,
2. That Council provide direction to staff on whether to proceed with public engagement and consultation on a Ranked Ballot Election for the 2022 Municipal Election; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

The Municipal Elections Act provides Ontario municipalities with the authority to implement a Ranked Ballot Election (RBE) for the elections of Members of Council. Newmarket Council directed staff to report back following the 2018 Municipal Election and provide information on RBE.

The City of London was the first municipality in Canada to conduct RBE for an election. This report summarizes London's experience and outlines considerations for Newmarket Council including resourcing, financial and voter impact, vendors' ability to support RBE, and legislated public consultation.

Purpose

This purpose of this report is to report back to Council following the 2018 Municipal Election regarding the 2022 election voting method, specifically addressing a Ranked Ballot Election.

Background

At its Special Committee of the Whole meeting on January 30, 2017, Council received a presentation on internet voting and a Ranked Ballot Election, along with staff report 2017-02 (**Attachment A**). At that time, Council directed staff to report back on a Ranked Ballot Election in 2019 immediately following the 2018 Municipal Election.

Bill 181, Municipal Elections Modernization Act, 2016 received Royal Assent on June 9, 2016, with the changes under this legislation including the provision for municipal Councils to adopt a RBE if they wish to.

In a RBE voters are given the opportunity to rank the candidates according to their preference (typically their first, second, and third choices are ranked), rather than choosing one candidate in the traditional first-past-the-post election. Votes are counted until one candidate receives 50% + 1 of the vote, and they are then declared the winner of that race. If there isn't a clear winner during the first round of counting, the candidate with the least number of votes is eliminated and the voters' second choices are used and the votes are counted again. This continues until one candidate achieves a 50% + 1 majority. First-past-the-post is the method used by Elections Canada and Elections Ontario for federal and provincial elections.

The ranked ballot system intends to improve the quality of elections and to better reflect the majority of the electorate. RBE proponents also suggest that this method reduces the need for strategic voting (because voters can select more than one candidate in a race), and it purports to reduce negative campaigning because candidates are vying for a voters' second or third choices as well, which requires candidates to engage voters broadly.

Discussion

The City of London, Ontario

In 2018, the City of London was the first municipality in Canada to utilize RBE to elect their Mayor and City Councillors. Vote tabulators were used by London Election Staff to count the paper ballots that were cast. There was a significant cost increase between their 2014 and 2018 elections, from approximately \$1.3M in 2014 to \$1.8M in 2018. The increase of almost \$500,000 was mainly attributed to the need to hire an external third-party vendor to (of approximately \$150,000) in the absence of provincial certification of Ranked Ballot Election equipment, increased number of vote tabulator machines to accommodate population growth, and more temporary support staff.

London hired some temporary staff in spring 2017, which is earlier than past election years, increased the temporary complement in the Elections Office by one person, for a total of 6, 2 of which were Managers. The additional staff were hired to assist with the management and selection of the vendor, assist in the development of policies and procedures for an RBE as well as assist in the overall administration of the 2018 Municipal Election.

London developed a communication and education strategy that included elections staff holding two candidate information sessions and attending over 160 community events over a 6 month period. They expanded their communication efforts to include an increased presence on social media, the City's website, billboards and bus advertisements which took a member of the Communications staff being solely dedicated to the election for a year.

Election Results

Of the 15 races in London, 8 unofficial winners were declared on election night based on first-choice vote totals (i.e., these 8 candidates received more than 50% + 1 of the votes in the first round of counting), while the remaining 7 races were tallied the following day due to no candidate receiving 50% + 1 of the first-choice votes. All unofficial results were released by 3:00 PM on October 23, 2019 (the day after Election Day).

All 15 candidates in the lead after the first round of counting, were the successful candidates after the final tally.

London provided analysis on the ranked ballot use in a report to their Council on March 26, 2019, specifically the Mayoral race as it provided the information from across all wards. Of the 96,483 ballots cast in the Mayoral race, 31% of voters only ranked one candidate, leaving their other two choices blank. 22% of voters ranked a first and second choice, and 47% ranked 3 candidates.¹

Although it is difficult to draw many conclusions after one election, London Election Administration has indicated that they are prepared to continue to execute a Ranked Ballot Election in the future.

Municipalities Considering Ranked Ballot Elections

Staff are aware of two Ontario municipalities (Cambridge and Kingston) that included a question on their ballot in 2018 as it related to RBEs. Under the Municipal Act, 2001, referendum results are binding on the municipality when at least 50% of all eligible voters vote on the question.

¹ [City of London Staff Report - 2018 Municipal Election](#)

With voter turnout at less than 50% of eligible voters, the results of the referendum are not binding on the municipality and Council may take the results under advisement and proceed on the matter as it chooses.

The results of Cambridge and Kingston's referendum questions are presented below:

Cambridge

"Are you in favour of the City of Cambridge using a ranked ballot voting system for the 2022 municipal election?"

- Yes: 13,488 (56.35%)
- No: 10,449 (43.65%)
- Overall voter turnout was 32.24% with 27.27% of eligible voters providing an answer to the referendum question.

Cambridge Council has asked staff to report back in the spring of 2020 regarding the feasibility of a Ranked Ballot Election, timelines and recommendations from their staff following the referendum results of the 2018 Municipal Election.

Kingston

"Are you in favour of using Ranked Ballot Voting to elect the Mayor and District Councillors in the City of Kingston?"

- Yes: 20,642 (62.93%)
- No: 12,161 (37.07%)
- Overall voter turnout was 41.3% with 39.23% of eligible voters providing an answer to the referendum question

Kingston staff have not reported back to their Council on this topic but Newmarket staff will continue to monitor the progress.

Considerations for the Town of Newmarket

Public Consultation

RBE requires vast public consultation and education, which has not been done in Newmarket yet. The legislation requires Council to hold at least one Open House and one Public Meeting to give the public an opportunity to review and ask questions about RBE. Should Council wish to proceed with **evaluating** how the electorate in Newmarket feels towards RBE, staff suggest multiple public information sessions would be necessary to survey residents, demonstrate the potential process to voters, and answer questions. Staff would then report to Council with the information gathered from the survey and with next steps for Council's consideration.

As required by Ontario Regulation 310/16, prior to adopting a Ranked Ballot Election By-law a detailed description of how votes would be counted, an estimate of the costs of

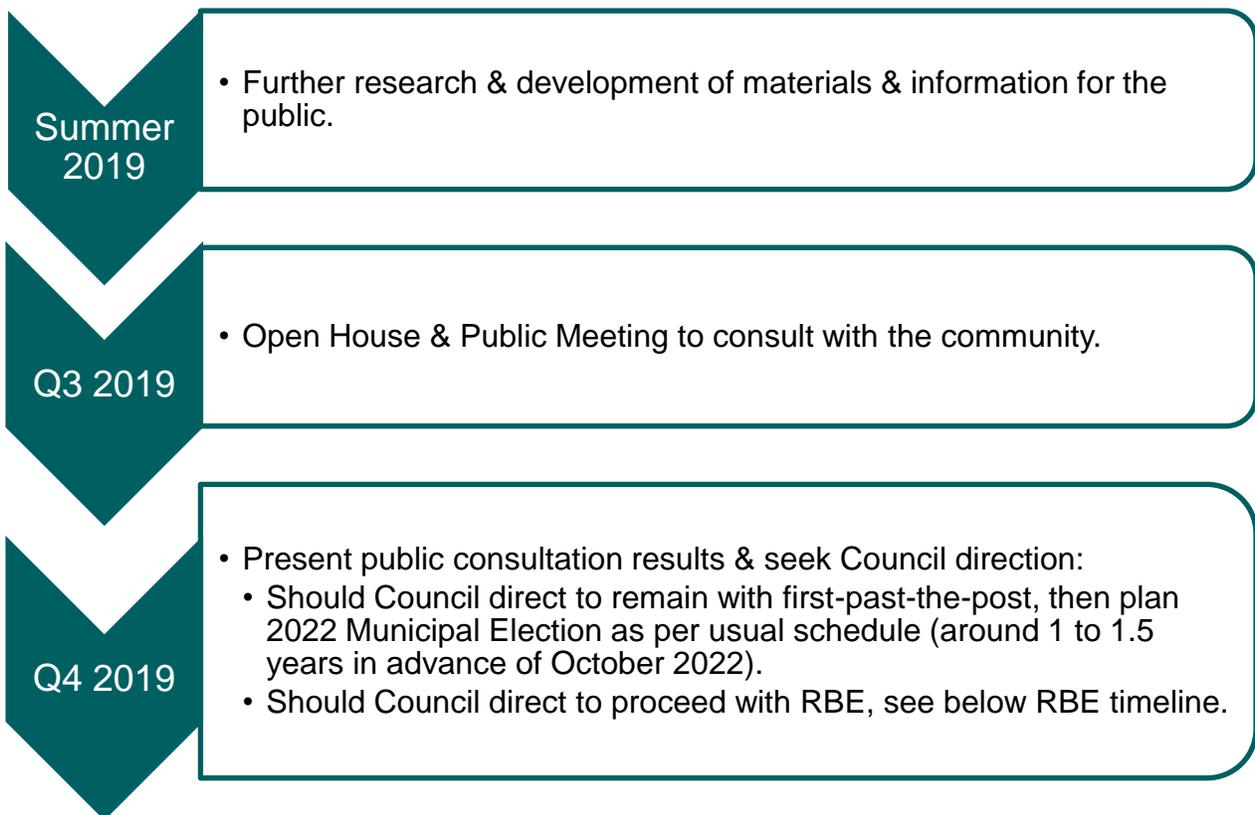
conducting the election, and a description of the vote counting equipment or alternative voting method must be provided to the public.

Should Council proceed with directing staff to implement RBE for the 2022 Municipal Election, staff would need to invest significant resources in a large public education and communication plan to ensure that the voters are confident with the new method in which electors would select their candidates. This would need to go above and beyond the education and communication that was used for the 2018 Municipal Election.

Prior to the 2018 Municipal Election, staff conducted a high-level survey regarding internet voting and a Ranked Ballot Election. The results stated that 60% of respondents knew what a Ranked Ballot Election was but 48% wanted more information regarding a Ranked Ballot Election. While 71% of respondents indicated that Ranked Ballot Election being in place would not change their likelihood to vote.

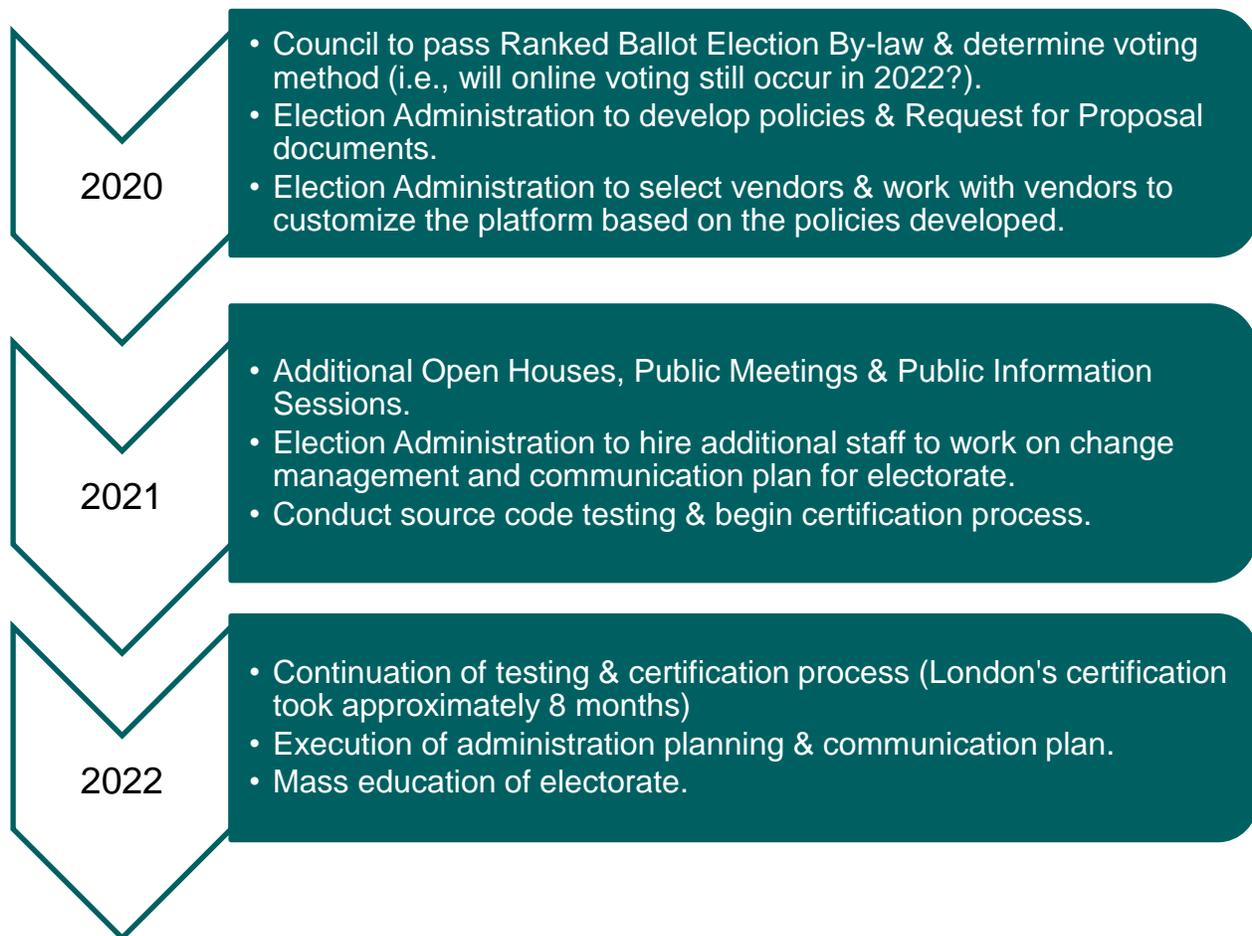
Timelines

Following consideration of this information within this report, and should Council direct staff to move forward with engaging the public on a Ranked Ballot Election, the following timeline would apply:



Preliminary Timeline for Ranked Ballot Election

In preliminary discussions with the vendor used in 2018, a new computer code will need to be developed by the company to support a Ranked Ballot Election regulations of the Municipal Elections Act and to support the policy decisions made by the Town of Newmarket Election Staff. This vendor has worked with other countries to facilitate RBEs but there are no standards for electronic vote counting methods for a Ranked Ballot Election in Ontario or Canada that have been developed. Accordingly, the Town's Election Administration would need to make decisions fairly early on as it relates to matters such as tied candidates, error messaging, spoiled ballots (recognizing the method of voting contributes to whether these would be permitted online vs. paper ballots), etc.



The preliminary timeline for RBE is significantly longer than a first-past-the-post election due to the novelty of the system (for both election staff and voters). As such, staff time and resources beyond what is normally dedicated towards election planning would be required should Council provides direction to proceed with RBE.

With the 2018 Municipal Election being the first time Newmarket voters voted online or by telephone, staff began preliminary planning in April 2017 and executed the Request for Proposal in July 2017. Two dedicated staff members (Elections Coordinator and Elections Communications Advisor) were hired in October 2017 to begin dedicated election planning and administration.

Voter Impact

Ballots in RBE are visually different and can appear to be more complex than traditional ballots. This would potentially increase the amount of time that it takes for voters to complete their ballot and may create confusion. It is unclear as to how this shift will affect the voter's experience and whether it will impact turnout. Staff would mitigate these considerations through extensive communication, education and by providing assistance to voters at Voter Assistance Centres.

London saw a decrease in voter turnout from 43% in 2014 to 39% in 2018, but it should be noted that it is difficult to draw conclusions regarding the impact RBE had on voter turnout after one election as there are many other factors that could attribute to the overall voter turnout percentage. In the Association of Municipalities Ontario (AMO) 2018 Municipal Election survey, they concluded that voter turnout decreased from 43% in 2014 to 38% in 2018. This means that municipalities across Ontario saw a decreased in their overall voter turnout.²

Additionally, the Municipal Elections Act only permits RBE for the election of Members of Council and **not** for School Board Trustee races. This means that ballots used in a RBE will be required to incorporate both systems and could add to the complexity that the voter is faced with.

Alternative Voting Methods

In the 2018 Municipal Election, the Town of Newmarket went fully electronic with internet and telephone voting for the first time. This was a huge shift in the election process for the voters of Newmarket and although it was received quite well, there were challenges with voters "not knowing" that Newmarket was voting online and by telephone. Many voters came to Voter Assistance Centres expecting to receive a paper ballot and they were often educated on the spot that paper ballots were not available for that election.

Accordingly, changing the ballot to a ranked ballot method is a consideration for Council to review when making decisions regarding the 2022 Municipal Election. Staff have been in consultation with the vendor used by the Town in 2018, and with the certification vendor used by the City of London to determine whether internet and telephone voting can be used for an RBE.

² [AMO's 2018 Municipal Election Results Website](#)

With the introduction of RBE, Council would need to consider the method in which voters cast their ballots as well. Although staff have been advised that it is possible to complete a ranked ballot through telephone voting, it is not recommended as the length of the phone call would be fairly long. In preliminary discussions with the vendor used in 2018, a telephone ballot using RBE would average about 30 seconds per candidate (logging in, listening to and accepting the declaration of qualifications would all be additional time not accounted for).

During the 2018 Municipal Election, the Town of Newmarket received 34 complaints regarding the telephone voting process. Specifically related to navigating the system, volume, length of declaration, getting disconnected and/or accidentally declining the ballot by user error. It is expected that RBE facilitated through a telephone ballot would be considerably more complex and would take longer to complete.

Financial Impact

Based on initial discussions with the vendor used in 2018, it is not clear whether there will be a cost impact for implementing RBE. It is possible that this option will be included in the base package that is offered for all customers; however, it is not clear how customization for municipal policy decisions will be factored into the base cost. As such, should Council wish to proceed with RBE, staff anticipate that there would be additional costs from the vendor due to the customization and the associated staff time it will require on their end to execute these matters for the Town.

It is also expected that there will be an increase to the cost of communication and public education because additional resources will be required to attend events and educate the public. The communication materials that were branded for the 2018 Municipal Election would likely not be re-used because they were developed specially for internet and telephone voting. Marketing material will need to be catered to include specific messaging to educate the public on RBE for Members of Council and first-past-the-post for School Board Trustees.

Staff contacted the firm that London used to certify their algorithm for the 2018 Municipal Election and discussed potential costs. It is estimated that additional \$300,000 would be required in addition to the election budget to support the source code review (as the online voting vendor would have to customize their solution for Newmarket), certification process and travel expenses. The vendor used by London has never certified an online election before, so costs are subject to change.

More in depth costing and consultation will be conducted if staff are directed to look into conduct public consultation on RBE.

Conclusion

If Council chooses to direct Staff to consider using a Ranked Ballot Election for the 2022 Municipal Election, extensive public consultation would be held in Q3 of 2019. Staff

would follow up with a report to Council following the public consultation prior to the end of the year.

Business Plan and Strategic Plan Linkages

This report aligns with Council's vision of being a community that is **well** beyond the ordinary.

Consultation

Staff consulted other Ontario Municipalities and external vendors on this report.

Human Resource Considerations

While this report does not have any human resource considerations, subject to Council direction, there may be additional staffing considerations should Council proceed with RBE in the 2022 Municipal Election.

Budget Impact

See Financial Impact section above.

Attachments

Attachment A - Staff Report 2017-02

Approval

Lisa Lyons

Director of Legislative Services/Town Clerk

Contact

For more information please contact Kiran Saini at ksaini@newmarket.ca.