



Municipal Legislation Overview

Ontario East Municipal Conference
September 15, 2016

Municipal Legislative Review

What is the MLR?

- The Municipal Legislative Review is a concurrent review of the Municipal Act, City of Toronto Act, and Municipal Conflict of Interest Act.
- While these pieces of legislation are generally working well, the government regularly receives suggestions for improvement from municipalities, stakeholders, and the public.
- This review provides an opportunity to ensure the current municipal legislative framework accurately reflects the needs of municipalities.

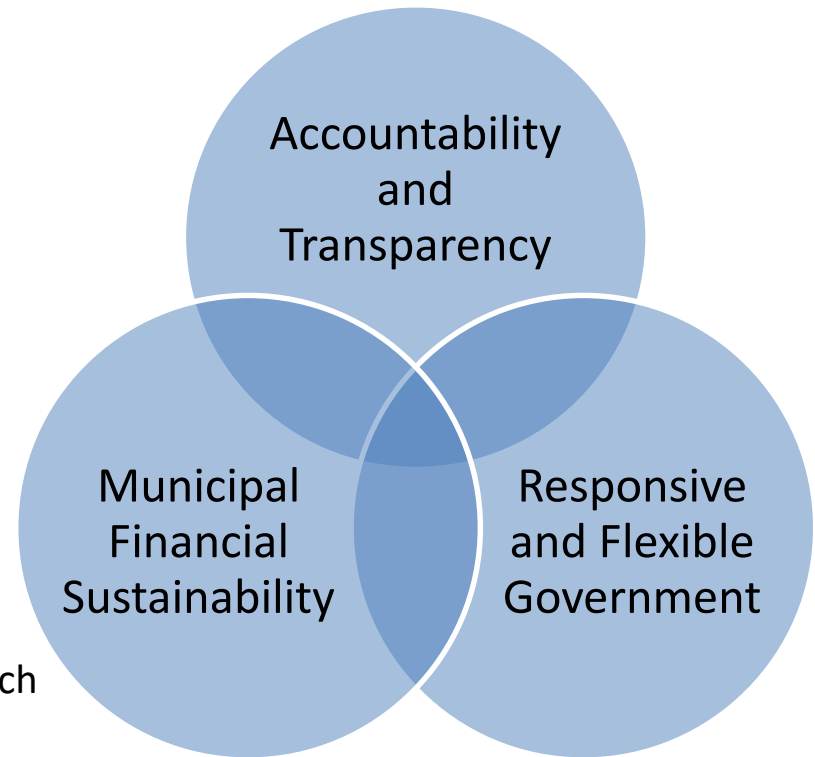
Municipal Legislation

- **Municipal Act, 2001:**
 - Came into force on January 1, 2003.
 - Legislative requirement to review every five years. Was last significantly updated in 2006.
 - Ministry receives suggestions for changes from stakeholders and the public given the Act's broad application.
- **City of Toronto Act, 2006:**
 - Came into force on January 1, 2007.
 - Legislative requirement to review every five years. Was last updated in 2009.
- **Municipal Conflict of Interest Act:**
 - Was passed in 1972. Last substantial amendments were made in 1983.

Consultation

What did we do?

- Public (online) and in-person stakeholder consultation occurred from June 5 to October 31, 2015 and generated approximately 360 submissions, mostly from the public.
- As part of the consultation, the ministry held a number of meetings with our municipal partners, municipal staff, and provincial and local accountability officers. We also met with business stakeholders that expressed an interest in the review.
- The review has been guided by three themes, which were determined by feedback the Ministry has heard from municipalities, the public and other stakeholders since the last reviews.



Feedback

What did we hear?

- The ministry received 88 submissions from 75 municipalities. Municipal submissions varied in the priorities identified and recommendations provided.
- Submissions from the municipal sector included council resolutions as well as comments by individual members of council and municipal staff.
- Overall, feedback supported the objectives of the review to continue to promote strong, financially sustainable, open and accountable local governments that are flexible and responsive to the people they serve. As well as ensuring that municipalities have the powers and flexibility needed to effectively and creatively serve their communities and respond to changing circumstances.

Next Steps

Status of the MLR:

- MMA is reviewing feedback and will put forward recommendations.
- Minister stated at AMO that the legislative framework for municipal governments is working quite well, but there's always room for improvement. He has publicly expressed an interest in how the province can further help municipalities work toward our shared priorities, to better serve the people of Ontario.

Municipal Elections Act

Status of Legislation and Regulations

- Bill 181, the Municipal Elections Modernization Act, 2016, received Royal Assent on June 9th
- Transition regulation for by-elections in progress was put in place on June 9th
- Amendments to O. Reg. 101/97 to reflect changes to MEA and updated forms coming soon
- Proposed LGiC regulation for ranked ballot elections

Election Calendar

- Opening of nominations moved to May 1
- Nomination day moved to fourth Friday in July
- Deadlines related to voters' list have become fixed dates in September
- Deadlines for questions on the ballot are earlier:
 - March 1 for by-laws
 - May 1 for Minister, school board, upper-tier municipality etc.
- Deadlines related to alternative voting and equipment are significantly earlier:
 - For councils to pass by-laws, May 1 in the year before year of the election
 - For the clerk to establish procedures, December 31 in the year before year of the election

Campaign Finance

- Corporations and trade unions are prohibited from making contributions to candidates (council and school trustee)
- Corporations and unions are permitted to:
 - make contributions to third party advertisers
 - register to be third party advertisers
- New spending limit for expenses related to parties and expressions of appreciation
- Refund of nomination fee only upon filing of financial statement
- The nomination fee is not a campaign expense

Campaign Finance

- A candidate does not have to open a bank account if they do not raise or spend money
- Anonymous and cash contributions cannot exceed \$25
- Contributions over \$25 would have to be made in a way that links the contributor's name and account with the payment
- If goods sold to raise funds are sold for \$25 or less, that amount is considered campaign income, not a contribution
- Municipalities or local boards providing information to the public on a website or other electronic means is not a contribution

Third Party Advertising

- Advertisements that support, promote or oppose:
 - a candidate
 - a “yes” or “no” answer to a question on the ballot
- Advertising about “issues” is not regulated
- Individuals, corporations and unions are eligible to register
- Generally, the finance rules that apply to candidates apply to third party advertisers
- A third party that registers in the local municipality is able to advertise in relation to any candidate or question being voted on by voters in that municipality
- Third party advertisers and candidates will be required to identify themselves on signs and advertisements

Compliance and Enforcement

- The nomination fee is only refundable if the financial statement is filed on time
- A candidate who misses the filing deadline may file within a 30-day grace period, provided a \$500 late filing fee is paid to the municipality
- A candidate may resubmit a financial statement to correct an error up until the filing deadline
- The clerk is required to make public a report of which candidates filed financial statements and which did not
- It is an offence to offer a person money or other valuables in order to convince them to run for office or refrain from running for office
- Clerk must review contributions reported on financial statements to determine if any contributor has exceeded the contribution limits

Nomination Requirements

- Candidates for council office will be required to submit 25 endorsement signatures with their nomination form
- Those who sign will also have to sign a declaration that they were eligible to vote when they provided the endorsement
- If a municipality is divided into wards, a person is eligible to be nominated for an office in an election in any ward of the municipality
 - This provision applies despite any order of the Ontario Municipal Board, order of the Minister under section 173 of the *Municipal Act, 2001*, or section 149 of the *City of Toronto Act, 2006* or order of a commission under section 175 of the *Municipal Act, 2001*.

Election Administration

- Municipalities and school boards will be required to establish policies regarding the use of municipal or board resources during a campaign
- Councils and boards may establish policies prior to the election setting out additional conditions for an automatic recount
- Clerks, rather than councils, would determine dates and times for advance voting, reduced voting hours in certain institutions, and early opening on voting day
- Advance voting could not begin more than 30 days before voting day
- Clerks are given the authority to provide for electronic filing of the candidate's financial statements

Ranked Ballots – Proposed

- Ranked ballots must be used for all offices on council
- Consultation requirements:
 - Open house
 - Public meeting
- Deadline to pass by-law May 1 in the year before the year of the election
- Upper tier can authorize only if all constituent lower tiers are using (deadline July 1)
- By-law can set out the maximum number of rankings for each office, with default of three

Ranked Ballots – Proposed

Regulation would set out:

- Rules for how to count the votes
- Rules for breaking a tie
- Rules for interpreting rankings and “errors”
 - When votes are to be rejected
 - When a ballot becomes exhausted
- Reporting requirements for official results
- Rules for how to conduct recounts
- Timing for counting votes for non-ranked ballot offices and ranked ballot offices

Questions