

# Issue at a Glance



## Modernizing the *Municipal Elections Act* for the 21<sup>st</sup> Century

April 2024

### Key Takeaways

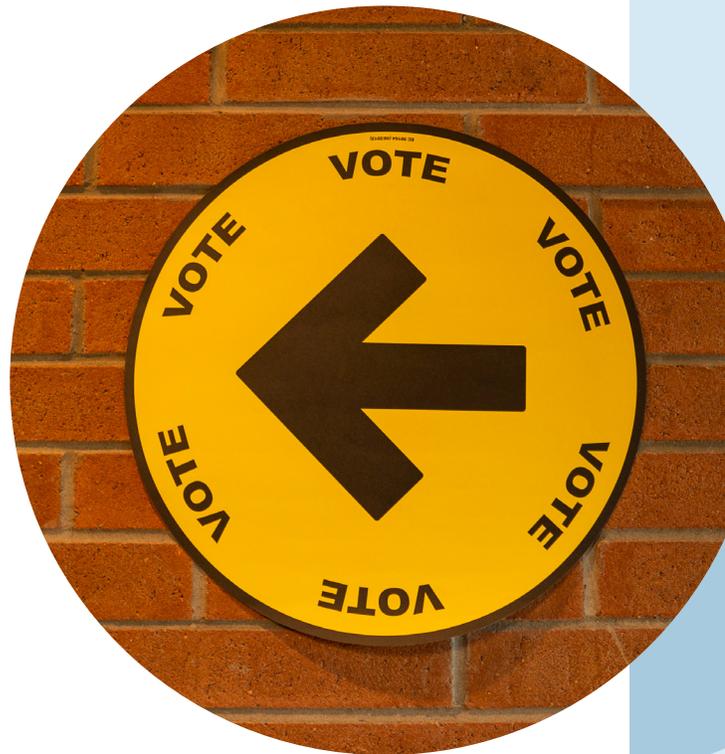
- To continuously improve public trust, a comprehensive review of the MEA is needed in consultation with the sector.
- Legislative rules and guidelines for elections must address increased public expectations, reflect promising practices, and address current technology and trends.
- There are opportunities to modernize, harmonize, streamline, and simplify the legislation to better support election administrators, candidates, and voters.

### Issue

Ontario's framework for local elections is set out in the *Municipal Elections Act (MEA)* which will be 30 years old by the next election cycle in 2026. For local elections to be run more efficiently and to ensure improved compliance, the Act should be streamlined, modernized, and re-designed to assist voters, candidates, contributors, and advertisers with understanding their responsibilities while reducing operational and administrative burden for election administrators.

### The Need for Reform

Elections are much more than counting ballots and declaring a winner. In the case of municipal and school board elections, where 2,842 municipal offices and 676 representatives are elected, it is often a 2.5-plus year planning and implementation journey that continues up to a year or more past election day making election administration a complex endeavour that municipal staff lead and oversee.



## What is the MEA?

While the *Municipal Elections Act, 1996 (MEA)* sets out the rules for local elections, the *Assessment Act, 1990* and the *Education Act, 1990* also contain provisions impacting local elections adding more places for voters, candidates, and administrators to look for the rules that bind the local democratic process in Ontario. With rules across three pieces of legislation, and the MEA containing a patchwork of clauses in its current form, there are interpretation challenges and inconsistencies that need to be addressed and clarified to ensure accountability, transparency and to address technological changes.

There are benefits to making continuous improvements to the rules and framework that support local democracy ensuring the MEA is modernized and future-proof. The Act should be reviewed and updated regularly (every four years) to keep pace with changing voter expectations, technology, and trends.

## Harmonized Rules

Another significant issue is the lack of harmonization of local election rules across three Acts. School board trustee candidates and voters must interpret three pieces of legislation to understand their qualifications. Moreover, because school support has two purposes under legislation – election and assessment – outdated business rules make it difficult to match school support to voters which can mean delays at the polling station<sup>1</sup>.

Rules on campaign finance and third-party advertising are complex and difficult to oversee and enforce<sup>2</sup>. There needs to be a thorough review of both frameworks to streamline mechanisms to make enforcement more efficient. This must include reviewing enforcement mechanisms such as the compliance audit process, offences, and penalties.

## Modern Legislation

While there have been updates and amendments made to the Act, the current mix of political, environmental, social, technological, and legal factors means this is an opportune moment to modernize the Act ahead of the 2026 municipal and school board elections.

There should be a complete overhaul and re-write of the Act to bring it into the 21<sup>st</sup> century. It should consider impacts of digital transformation and digital government including standards for online voting, updating language to reflect the move from paper and manual processes to more electronic methods and changes to technology which may impact the democratic process.





## Streamline and Simplify Administration

Election administration will always be complex, but there are ways to streamline and simplify processes by providing more clarity, aligning timelines, and permitting clerks to do what is needed to administer an election in a timely way.

For instance, updating language and definitions will help to provide clarity to administrators, voters, and candidates<sup>3</sup>. Providing better definitions of "tenancy", "non-residency", and other similar terms especially for secondary residents in cottage communities, will provide clearer rules on who is qualified to vote.

The length of the nomination period should also be shortened. By moving nomination day back to July to align campaign periods with provincial and federal elections, municipalities and local election administrators have more time to prepare ahead of voting days.

Further, mandating that school boards schedule one of the provincially-required Professional Activity (PA) Days on municipal and school board election day would simplify polling location selection and give voters consistent, centrally-accessible facilities to cast their ballots.

## Conclusion

These are some of the more pressing recommendations for election administrators. For our full list of recommendations, please see our submission, *Modernizing the Municipal Elections Act for the 21<sup>st</sup> Century*, which provides further details that should be considered both in the long- and short-term, as well as a line-by-line review of proposed amendments to modernize the Act.

AMCTO supports legislative provisions that require Acts to be reviewed regularly, at least at four-year intervals. This allows legislation to be updated to ensure that the rules and guidelines are working and are continuously improved to address increased public expectations, best and promising practices, current technologies and trends.



## Ideal Solution

AMCTO has proposed several recommendations within our submission, *Modernizing the Municipal Elections Act for the 21<sup>st</sup> Century*, for the short, medium, and long-term to address some of the challenges and opportunities in local elections. Our recommendations focus on outcomes-based solutions<sup>5</sup> that seek to strengthen public trust and electoral integrity; enhance accountability and transparency while making compliance and enforcement easier; and providing permissive legislation that reduces administrative complexity.

Our members would like to see the Province:

1. Implement priority and secondary recommendations well ahead of the next election.
2. Amend the *Act* to include a legislative mandate to review the *Act* every four years.
3. Strike a working group with AMCTO and other stakeholders to look at:
  - a. Developing a regulation that defines "tenancy", "spouse of a non-resident" and "occupancy" for electoral purposes;
  - b. Reviewing and updating the campaign finance framework; and
  - c. Reviewing and updating the third-party advertising framework.
4. Commit to a comprehensive review and re-write of the *MEA* in consultation with AMCTO and other municipal stakeholders ahead of the 2030 elections.



<sup>1</sup> Ontario Ombudsman. 2022, *Annual Report 2021-2022*, <https://www.ombudsman.on.ca/resources/reports,-cases-and-submissions/annual-reports/2021-2022-annual-report> p 43

<sup>2</sup> AMCTO. 2024, *Modernizing the Municipal Elections Act for the 21<sup>st</sup> Century*, p 13-19

<sup>3</sup> AMCTO. p 12

<sup>4</sup> See <https://www.amcto.com/network-community/blog/advocacy-update-bill-218>

<sup>5</sup> AMCTO. p 5

