

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
68 ELIZABETH II, 2019

Bill 96

An Act to amend various Acts in respect of democratic participation

Mrs. M.-F. Lalonde

Private Member's Bill

1st Reading April 3, 2019

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Education Act*, the *Election Act*, the *Municipal Elections Act, 1996* and the *Taxation Act, 2007*.

Education Act

It becomes a purpose of the *Education Act* to provide students with non-partisan education about democracy and the importance of democratic participation. The Bill provides for specific curriculum requirements.

Election Act

A number of requirements in the *Election Act* to use paper forms of public communication are replaced with requirements to use appropriate forms of public communication. The voting age is amended to age 16, effective January 1, 2022. Provision is made to establish the Chief Electoral Officer as a single address authority for Ontario. The Chief Electoral Officer is required to study and make a public report on the feasibility and impact of making election day a provincial holiday, of conducting voting by mail, of limiting the publication of polls in certain ways, and of mandatory voting. A pilot project is established to use ranked ballots in certain by-elections and electoral districts.

Municipal Elections Act, 1996

The *Municipal Elections Act, 1996* is amended to permit municipalities to amend the voting age in the municipality to 16, effective January 1, 2022.

Taxation Act, 2007

The *Taxation Act, 2007* is amended to require the Minister of Finance to provide taxpayers with a fair and non-partisan outline of how public money was spent and of what benefits they received. The accuracy of these statements are to be certified by the Deputy Minister of Finance, the Financial Accountability Officer and the Chief Justice of Ontario.

An Act to amend various Acts in respect of democratic participation**Preamble**

Strong democratic institutions and robust and informed democratic participation are hallmarks of successful societies. Democracy is one of Ontario's core and defining values.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

EDUCATION ACT

1 Section 0.1 of the *Education Act* is amended by adding the following subsection:

Education about democracy and democratic participation

(4) It is a purpose of this Act to provide students with non-partisan education about democracy and the importance of democratic participation.

2 Section 8 of the Act is amended by adding the following subsection:

Preparing students to exercise their right to vote

(2) The curriculum guidelines and courses of study issued and required by the Minister shall require educating students to be prepared to exercise their right to vote by the time they are 16, including by requiring,

- (a) mock elections at an appropriate age whenever there is a general federal or provincial election, including the use of non-partisan materials jointly prepared by the Chief Electoral Officer and the Minister with respect to the platforms of all parties that achieved at least 10 per cent of the vote in the previous election; and
- (b) education on democratic citizenship in each grade.

ELECTION ACT

3 (1) Subsection 11 (2) of the *Election Act* is repealed.

(2) Section 11 of the Act is amended by adding the following subsection:

Communication to the public

(4) The Chief Electoral Officer shall take such steps as the Chief Electoral Officer considers appropriate to communicate the information in the notice to the residents of the electoral district.

4 Clause 15 (1) (a) of the Act is amended by striking out “eighteen” and substituting “sixteen”.

5 The Act is amended by adding the following section:

SINGLE ADDRESS AUTHORITY**Single address authority**

16 (1) The Chief Electoral Officer shall be the single address authority for Ontario.

Co-operation of municipalities

(2) A municipality shall co-operate with the Chief Electoral Officer to establish and maintain the single address authority system in accordance with the regulations made under subsection (3).

Regulations

(3) Subject to the approval of the Lieutenant Governor in Council, the Chief Electoral Officer may make regulations governing the single address authority system.

6 (1) Subsection 29 (2) of the Act is amended by striking out “and the notice shall be posted in conspicuous public places in the electoral district”.

(2) Section 29 of the Act is amended by adding the following subsection:

Communication to the public

(3) The Chief Electoral Officer shall take such steps as the Chief Electoral Officer considers appropriate to communicate the information in the notice to the residents of the electoral district.

7 Subsection 44 (7) of the Act is repealed and the following substituted:

Notice of polls

(7) At least three days before the first advance poll day, the Chief Electoral Officer or the returning officer shall,

- (a) cause one or more notices of the days, times and locations of the advance polls to be published on a website on the Internet; and
- (b) take such steps as the Chief Electoral Officer or the returning officer, as the case may be, considers appropriate to communicate the information in the notices to the residents of the electoral district.

8 The Act is amended by adding the following section:

Report on certain democratic reforms

114.2.1 (1) The Chief Electoral Officer shall study and make a public report on the following matters:

1. The feasibility, likely impact and potential costs to business and savings to the electoral system of making election day a provincial holiday.
2. The feasibility and likely impact of shifting Ontario voting to be conducted solely by mail.
3. The feasibility and likely impact of the following:
 - i. Limiting the publication of polls during the writ period to only pollsters accredited by Elections Ontario, based on criteria developed by the Chief Electoral Officer.
 - ii. Limiting the publication of polls during the writ period to polls with respect to issues rather than with respect to voting intentions.
4. The feasibility and likely impact of putting in place mandatory voting.

Request for feedback

(2) For the purpose of carrying out the duties under subsection (1), with respect to the first two general elections that commence following the day this subsection came into force, the Chief Electoral Officer shall make best efforts to provide to each voter who did not vote a notice,

- (a) informing the voter that the records of Elections Ontario indicate that the voter did not vote;
- (b) informing the voter that the Chief Electoral Officer is studying the issue of mandatory voting; and
- (c) requesting that the voter provide feedback, in a manner determined by the Chief Electoral Officer, regarding a shift to mandatory voting and regarding the reasons they did not participate in the vote.

Repeal

(3) This section is repealed 12 years after the day section 8 of the *Democratic Participation Act, 2019* comes into force.

9 The Act is amended by adding the following section:

RANKED BALLOT PILOT PROJECT

Ranked ballot pilot project

Application

119 (1) This section applies to,

- (a) by-elections that commence during the period that begins on the day this section comes into force and ends on the day of the first general election after the day this section came into force; and
- (b) the election in the ten electoral districts in which, in the general election immediately preceding the day this section came into force, the candidates elected were elected with the lowest percentages of votes cast of all the candidates elected in that election.

Ranked ballot elections

(2) The elections that this section applies to shall be conducted as ranked ballot elections in accordance with section 41.1 of the *Municipal Elections Act, 1996* and the regulations made under that section, with the returning officer performing the functions of the clerk and with necessary modifications and any prescribed modifications.

Repeal

(3) This section is repealed five years after the day section 9 of the *Democratic Participation Act, 2019* comes into force.

MUNICIPAL ELECTIONS ACT, 1996

10 (1) Clause 17 (2) (c) of the *Municipal Elections Act, 1996* is revoked and the following substituted:

(c) is at least the voting age in that municipality under subsection (2.1);

(2) Section 17 of the Act is amended by adding the following subsections:

Voting age in municipality

(2.1) The voting age in a municipality is 18 unless the municipality, by by-law, provides that the voting age in the municipality is 16.

Transition

(2.2) A by-law made under subsection (2.1) shall not come into force earlier than January 1, 2022.

TAXATION ACT, 2007

11 The *Taxation Act, 2007* is amended by adding the following section:

STATEMENT OF SPENDING AND BENEFITS**Statement of spending and benefits**

114.1 (1) The Minister of Finance shall provide to each individual who filed a taxpayer's return a statement that includes,

- (a) a fair and non-partisan outline of where public money was spent, including debt maintenance, in each of the previous four fiscal years; and
- (b) an outline of provincial tax benefits, rebates or other benefits which the individual received in the taxation year to which the return relates.

Oversight

(2) The Deputy Minister of Finance, the Financial Accountability Officer and the Chief Justice of Ontario shall certify on the statement or in a document accompanying the statement,

- (a) the compliance of the statement with clauses (1) (a) and (b); and
- (b) the accuracy of the statement.

COMMENCEMENT AND SHORT TITLE**Commencement**

12 (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

(2) Section 4 comes into force on January 1, 2022.

Short title

13 The short title of this Act is the *Democratic Participation Act, 2019*.