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Bill 80

**An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001
and the Election Act with respect to ranked ballot by-laws for council elections**

Ms M. Hunter

Private Member's Bill

1st Reading December 9, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The *City of Toronto Act, 2006* and the *Municipal Act, 2001* are amended to allow municipal councils to pass a by-law adopting a ranked ballot election for the election of members of their councils. The Lieutenant Governor in Council may prescribe public consultation requirements that the councils must meet before voting on a ranked ballot by-law. The by-law only has force and effect if ratified by more than 50 per cent of the electors in the municipality. A procedure for the ratification vote is provided.

If ratified, the by-laws prevail over and may modify the application of the *Municipal Elections Act, 1996* and its regulations.

The *Election Act* is amended to provide that, for greater certainty, the Chief Electoral Officer's functions and responsibilities under the *Municipal Elections Act, 1996* apply with respect to anything necessary for the purposes of ranked ballot elections under the *City of Toronto Act, 2006* and the *Municipal Act, 2001*.

**An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001
and the Election Act with respect to ranked ballot by-laws for council elections**

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

City of Toronto Act, 2006

1 (1) Subsection 3 (1) of the *City of Toronto Act, 2006* is amended by adding the following definition:

“ranked ballot election” means an election conducted in accordance with the following rules:

1. Electors vote by ranking candidates for an office in order of the elector’s preference.
2. Votes are distributed to candidates based on the rankings marked on the ballots.
3. The counting of votes is carried out in one or more rounds, with at least one candidate being elected or eliminated in each round. (“scrutin préférentiel”)

(2) Section 8 of the Act is amended by adding the following subsections:

Ranked ballot by-law

(2.1) The City may pass a by-law that adopts a ranked ballot election for the election of members of city council and establishes the procedure for the ranked ballot election.

Ranked ballot by-law public consultation requirements

(2.2) Before city council votes on whether to pass, amend, revise or repeal a by-law made under subsection (2.1), the city council shall consult the public in accordance with any prescribed public consultation requirements.

Ranked ballot by-law requires ratification

(2.3) No by-law made under subsection (2.1), and no amendment to, revision of or repeal of such a by-law, has any force or effect until it is ratified under section 8.1.

(3) Subsection 8 (4) of the Act is repealed and the following substituted:

One power not affecting another

(4) The power to pass a by-law respecting a matter set out in a paragraph of subsection (2) or set out in subsection (2.1) is not limited or restricted by the power to pass a by-law respecting a matter set out in another paragraph of subsection (2) or set out in subsection (2.1).

(4) The Act is amended by adding the following section:

Ranked ballot by-laws

8.1 (1) City council may submit to a vote the ratification of a by-law made under subsection 8 (2.1) or an amendment to, revision of or repeal of such a by-law.

Voting day

(2) City council shall fix a day for the vote on a ratification described in subsection (1) and notify the city clerk.

Eligible voters

(3) The persons eligible to vote on a ratification described in subsection (1) are the persons who would be eligible to vote in an election held under the *Municipal Elections Act, 1996* on the day fixed for taking the vote on the question.

***Municipal Elections Act, 1996* applies**

(4) The provisions of the *Municipal Elections Act, 1996* apply to the taking of a vote under this section.

Return to city clerk

(5) The returning officer shall make a return to the city clerk showing the number of votes polled for the affirmative and negative on the ratification.

Same

(6) Upon receiving the return, the city clerk shall give notice of the return in *The Ontario Gazette*, showing the total number of votes polled in the municipality for the affirmative and negative on the ratification.

Ratification

(7) The by-law, or amendment to, revision of or repeal of a by-law, is ratified if more than 50 per cent of the electors voting on the ratification vote in favour of the ratification.

Prevails over *Municipal Elections Act, 1996*

(8) A by-law made under subsection 8 (2.1) and ratified under this section prevails over and may modify the application of any provision of the *Municipal Elections Act, 1996* or of any regulation made under that Act.

(5) Subsection 135 (2) of the Act is amended by adding “Subject to any by-law made under subsection 8 (2.1) and ratified under section 8.1,” at the beginning of the portion before paragraph 1.

(6) Subsection 152 (1) of the Act is amended by adding the following clause:

- (k) prescribing public consultation requirements for the purposes of subsection 8 (2.2).

Municipal Act, 2001

2 (1) Subsection 1 (1) of the *Municipal Act, 2001* is amended by adding the following definition:

“ranked ballot election” means an election conducted in accordance with the following rules:

1. Electors vote by ranking candidates for an office in order of the elector’s preference.
2. Votes are distributed to candidates based on the rankings marked on the ballots.
3. The counting of votes is carried out in one or more rounds, with at least one candidate being elected or eliminated in each round. (“scrutin préférentiel”)

(2) Section 10 of the Act is amended by adding the following subsections:

Ranked ballot by-law

(2.1) A single-tier municipality may pass a by-law that adopts a ranked ballot election for the election of members of its council and establishes the procedure for the ranked ballot election.

Ranked ballot by-law public consultation requirements

(2.2) Before a council votes on whether to pass, amend, revise or repeal a by-law made under subsection (2.1), the council shall consult the public in accordance with any prescribed public consultation requirements.

Ranked ballot by-law requires ratification

(2.3) No by-law made under subsection (2.1), and no amendment to, revision of or repeal of such a by-law, has any force or effect until it is ratified under section 11.0.1.

(3) Subsection 10 (3) of the Act is repealed and the following substituted:

One power not affecting another

(3) The power to pass a by-law respecting a matter set out in a paragraph of subsection (2) or set out in subsection (2.1) is not limited or restricted by the power to pass a by-law respecting a matter set out in another paragraph of subsection (2) or set out in subsection (2.1).

(4) Section 11 of the Act is amended by adding the following subsections:

Ranked ballot by-law

(4.1) A lower-tier or upper-tier municipality may pass a by-law that adopts a ranked ballot election for the election of members of the municipality’s council and establishes the procedure for the ranked ballot election.

Ranked ballot by-law public consultation requirements

(4.2) Before a council votes on whether to pass, amend, revise or repeal a by-law made under subsection (4.1), the council shall consult the public in accordance with any prescribed public consultation requirements.

Ranked ballot by-law requires ratification

(4.3) No by-law made under subsection (4.1), and no amendment to, revision of or repeal of such a by-law, has any force or effect until it is ratified under section 11.0.1.

(5) Subsection 11 (5) of the Act is repealed and the following substituted:

One power not affecting another

(5) The power to pass a by-law respecting a matter set out in a paragraph of subsection (2) or (3) or set out in subsection (4.1) is not limited or restricted by the power to pass a by-law respecting a matter set out in another paragraph of subsection (2) or (3) or set out in subsection (4.1).

(6) The Act is amended by adding the following section:

Ranked ballot by-laws

11.0.1 (1) The council of a municipality may submit to a vote the ratification of a by-law made under subsection 10 (2.1) or 11 (4.1) or an amendment to, revision of or repeal of such a by-law.

Voting day

(2) The council shall fix a day for the vote on a ratification described in subsection (1) and notify the clerk of the municipality.

Eligible voters

(3) The persons eligible to vote on a ratification described in subsection (1) are the persons who would be eligible to vote in an election held under the *Municipal Elections Act, 1996* on the day fixed for taking the vote on the question.

***Municipal Elections Act, 1996* applies**

(4) The provisions of the *Municipal Elections Act, 1996* apply to the taking of a vote under this section.

Return to clerk

(5) The returning officer shall make a return to the clerk of the municipality showing the number of votes polled for the affirmative and negative on the ratification.

Same

(6) Upon receiving the return, the clerk of the municipality shall give notice of the return in *The Ontario Gazette*, showing the total number of votes polled in the municipality for the affirmative and negative on the ratification.

Ratification

(7) The by-law, or amendment to, revision of or repeal of a by-law, is ratified if more than 50 per cent of the electors voting on the ratification vote in favour of the ratification.

Prevails over *Municipal Elections Act, 1996*

(8) A by-law made under subsection 10 (2.1) or 11 (4.1) and ratified under this section prevails over and may modify the application of any provision of the *Municipal Elections Act, 1996* or of any regulation made under that Act.

Regulations

(9) The Lieutenant Governor in Council may make regulations prescribing public consultation requirements for the purposes of subsections 10 (2.2) and 11 (4.2).

(7) Subsection 217 (1) of the Act is amended by striking out “Without limiting sections 9, 10 and 11” at the beginning of the portion before paragraph 1 and substituting “Without limiting sections 9, 10 and 11 and subject to any by-laws made under subsection 10 (2.1) or 11 (4.1) and ratified under section 11.0.1”.

(8) Subsection 218 (1) of the Act is amended by striking out “Without limiting sections 9, 10 and 11” at the beginning of the portion before paragraph 1 and substituting “Without limiting sections 9, 10 and 11 and subject to any by-laws made under subsection 11 (4.1) and ratified under section 11.0.1”.

Election Act

3 Section 3.2 of the *Election Act* is amended by adding the following subsection:

Same, ranked ballot elections

(3.1) For greater certainty, the Chief Electoral Officer’s functions and responsibilities under the *Municipal Elections Act, 1996* apply with respect to anything necessary for the purposes of ranked ballot elections under the *City of Toronto Act, 2006* and the *Municipal Act, 2001*.

Commencement

4 This Act comes into force on the day it receives Royal Assent.

Short title

5 The short title of this Act is the *Local Choice for Local Elections Act (Ranked Ballot By-Laws), 2021*.