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**Official Report
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(Hansard)**

Thursday 12 May 2016

**Journal
des débats
(Hansard)**

Jeudi 12 mai 2016

**Standing Committee on
Finance and Economic Affairs**

Municipal Elections
Modernization Act, 2016

**Comité permanent des finances
et des affaires économiques**

Loi de 2016 sur la modernisation
des élections municipales

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Thursday 12 May 2016

Jeudi 12 mai 2016

The committee met at 0902 in committee room 151.

**MUNICIPAL ELECTIONS
MODERNIZATION ACT, 2016
LOI DE 2016 SUR LA MODERNISATION
DES ÉLECTIONS MUNICIPALES**

Consideration of the following bill:

Bill 181, An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts / Projet de loi 181, Loi modifiant la Loi de 1996 sur les élections municipales et apportant des modifications complémentaires à d'autres lois.

The Chair (Mr. Peter Z. Milczyn): Good morning. I'll call the meeting to order. I'm calling this meeting to order to consider Bill 181, An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts.

Each witness will receive up to 10 minutes for their presentation, followed by nine minutes of questioning from the committee, or three minutes from each caucus. I ask committee members to ensure that the questions are relevant to Bill 181 and to keep them brief in order to allow maximum time for the witnesses to respond.

Are there any questions? No?

**ONTARIO PUBLIC SERVICE
EMPLOYEES UNION**

The Chair (Mr. Peter Z. Milczyn): Our first witness this morning is Mr. Warren Thomas. I don't know if you're usually called Mr. Warren Thomas.

Mr. Smokey Thomas: I'm called many things, usually just Smokey, but some people call me other stuff.

The Chair (Mr. Peter Z. Milczyn): We're being formal this morning.

Mr. Smokey Thomas: All right.

The Chair (Mr. Peter Z. Milczyn): You have 10 minutes, sir. For the record, if you could just state your name as you begin.

Mr. Smokey Thomas: My name is Warren Thomas. I'm president of the Ontario Public Service Employees Union. With me, I have Clarke Eaton, better known as Clarkie. He's the direct assistant to my office; he's my Queen's Park person.

Good morning. I'm Smokey Thomas, president of OPSEU. We're pleased to be here today to comment on

Bill 181, the Municipal Elections Modernization Act. OPSEU represents about 130,000 Ontarians of voting age. Our members live in every municipality in this province, and a good number of them work directly for municipalities and school boards.

Based on my experience, our members are more interested in politics and are more active in politics at every level than the average Ontarian. As a union, we are extremely vocal about issues that affect our members, and we make no apologies for that.

People join unions because they want a voice in workplace issues. For public sector unions like ours, every workplace issue is a public issue as well. Issues related to funding and service levels for our communities are directly linked to the wages and working conditions of our members, and vice versa.

Our legitimacy as a voice speaking out on public issues arises from our democratic structure. Our union, like most unions in this province, is vigorously democratic. To run our union, we elect thousands of stewards and other leaders from the shop floor. I and my fellow executive board members are elected by delegates, who are themselves elected in their locals. I can state with considerable confidence that I have been elected to more positions on more occasions than anyone else in this room—every two years, for the last 24.

Why I say this is because I want to give some context to the issue of banning corporate and union donations in municipal election campaigns.

We often hear the phrase “corporate and union donations,” as if corporations and unions are somehow equivalent, as if they are equally legitimate players in democratic debates, and as if they both spend about the same amount of money trying to influence the outcomes of elections. This is not the case.

Let me say at the outset that we wholeheartedly support eliminating the influence of big money on municipal elections. If there's any organization in this province that has done and said more than OPSEU on the way big money corrupts government decisions, I haven't heard of it.

But corporations and unions are not the same, for two reasons. First of all, as I've said, unions are democratic; corporations are not. Their structure is authoritarian. The relative loudness of their voice comes from the money they represent. As a union, the loudness of our voice comes from the people we represent.

The second point I want to make about corporate and union donations is that corporations as a group donate far more to political candidates than unions ever do.

At the municipal level, as I think we all know, the big issue is not campaign donations from working people and their unions; it's donations from developers. There is no equivalence between the two. That is why we support allowing municipalities to ban corporate and union donations to municipal candidates, as outlined in Bill 181.

The positive effect of banning corporate donations will, we believe, be much greater than the negative effect of banning donations from democratic organizations like ours. On balance, it will lessen the impact of big money on elections, and that's a deal I'll take any day of the week.

One measure included in Bill 181 needs a lot more work, however, and that is what the bill says about third-party advertising. Under Bill 181, any municipality can ban third-party advertising by corporations and unions. This is more complicated than it might appear, for a few reasons.

First, neither the old Municipal Elections Act, nor Bill 181, contain any definition of advertising, maybe because it's thought to be obvious that advertising means political communication that people pay someone else to deliver.

But what about political communication through outlets that the communicator owns? I don't need to tell you that the most influential corporations in any election are the news media themselves. Yet Bill 181, which is supposed to modernize municipal elections, makes no mention of the news media at all.

I don't think anyone here would suggest that any news outlet should be barred from taking an editorial stance on any issue at any time or advocating for any candidate at any time, whether it's during an election campaign or not, yet let's not forget that corporations like Postmedia and Torstar are corporations, just as much as RBC and Imperial Oil are. So why should political messaging by news outlets, which they pay for by selling advertising, be exempt?

If my union wants to talk about more funding for public services during an election campaign, it is entirely possible that there will be candidates who want less funding for public services, but that doesn't mean we're campaigning against them. And even if we are, who is to say?

As far as third-party advertising, the government needs to go back to the drawing board with Bill 181. This is a mess on that score.

With respect to contribution limits, a couple of points, we believe, need to be made. First of all, allowing people to donate a maximum of \$750 to a candidate is setting the limit too high. Very few of my members could afford to donate anywhere near that amount. I would advise knocking it down to \$200.

In the United States, Bernie Sanders has demonstrated that it is possible to be competitive in any election if your appeal is broad enough to attract a large number of small

donations. I think we want to encourage that kind of broad participation in our municipal elections.

I don't agree with allowing the candidate and his or her spouse to be exempt from contribution limits. I wouldn't mind if there were a different, higher contribution limit for candidates and their spouses. As I said earlier, I've been a candidate. You're constantly paying for gas, picking up incidental expenses and stuff for the campaign. That being said, I don't think the contribution limit for candidates and spouses should be too high. We would suggest about \$5,000 would be adequate. Without a limit, you could get the Donald Trump scenario where any campaign platform can be put forward, no matter how absurd it is, if the candidate is rich enough to pay for it.

With respect to ranked-ballot elections, we're in favour of allowing municipalities to decide whether they go that route. We have a couple of reasons for this. The first is that ranked-ballot elections are suitable for elections where people are voting for individuals, not parties. In OPSEU, we use ranked-ballot voting all the time, and it works just fine.

The second reason to support ranked-ballot voting is that we need to shake up our electoral systems at the provincial and federal levels. I believe that if people have more experience with a different system at the local level, then they are likely to be more open to change at the other two levels.

0910

Having said that, I think it is blatantly obvious that ranked-ballot voting is not appropriate in a system based on political parties. In a party system, what we really need is proportional representation. Ranked balloting does nothing to ensure proportionality. In some cases, it may even distort voter intentions worse than our current first-past-the-post system does.

One problem I see with Bill 181 is that there are too many grey areas with respect to how ranked-ballot elections would work. Bill 181 proposes that the details of how ranked balloting will work will be set out in regulation. I don't see why those regulations, which will receive no public attention or scrutiny, cannot be included in the bill, and I would encourage the committee to recommend that. Given the vagueness in the current bill, I would definitely recommend a change to require that any municipality that opts to change its voting system must hold a referendum of citizens prior to making that change.

As my final point today, I would like to acknowledge the government's efforts in this bill to make it easier for Ontarians with disabilities to participate in municipal elections, whether as voters or as candidates. I think that's a really important move, and I congratulate the government on including it.

Thank you very much. I'd be pleased to take any questions.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Thomas. This round will start with the official opposition: Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. President, for your presentation. On the ranked ballot, which I usually talk about, I think your position is exactly the same as mine, which is that the people in the municipality should get to decide whether they want the change or not.

I just quickly wanted your view on self-financing campaigns and contributions that the candidate or candidate's family can make to the campaign, and your suggestions on how you would limit it, recognizing that in a large part of the province—in fact, municipalities—a lot of candidates never raise money at all. They just go out and pay for the campaign themselves. You suggested a \$5,000 limit on it. Could you talk to me a little bit about how you decided that or address some of the concerns that I expressed?

Mr. Smokey Thomas: Well, our view is that if you're running for office—I can tell you that I ran many times, and it takes quite a bit to get you elected in a union. I racked up substantial personal debt—usually about \$8,000 or \$10,000 in the election—and only raised about \$2,000 from locals. So I spent the next two years getting even and paying it off.

If you have the money, I think that people should be allowed to put some money into their own election campaigns. I just don't know that \$50,000 or \$100,000 would be appropriate. I mean, you could outbuy an election, almost. You could buy big billboards; you could do all kinds of things.

Anyway, we kicked it around internally in our group and thought that \$5,000 might be a reasonable amount. Somebody else might think differently, but we wanted to pick a number, so we picked \$5,000. Again, it'd just allow you to put some money in, but not have the perception that you bought the election by spending \$200,000 or \$300,000.

Mr. Ernie Hardeman: I think my challenge is trying to figure out how, if you set a finite figure of how much they're allowed to do—for somebody running a \$100,000 campaign, \$5,000 may be the right amount that they can put in themselves, but for somebody that's going to spend \$4,900, that means they can, in certain municipalities, self-finance the campaign. Do you not see that as a problem?

Mr. Smokey Thomas: I do, but we needed to have a position, so that's the one we—this is a complicated issue all the way around, I think. I liked the hearings and I'm hoping that, if there is change, then it will be thoughtful and it will be as fair as possible to everybody. I'm not suggesting that our solution is the only solution by any means.

Mr. Ernie Hardeman: Your suggestion of \$200, the maximum donation from any single donor: Again, it may be that in some areas, it'd work fine, but running in the city of Toronto with the maximum that you can collect per donor—that takes a lot of donors, then, to pay for the size of campaigns that they can run.

The Chair (Mr. Peter Z. Milczyn): I'm sorry, but that is your time, Mr. Hardeman.

Next question, from Mr. Hatfield.

Mr. Percy Hatfield: Good morning, Mr. Thomas and Clarkie. I'm interested in your views on third-party advertising. I know you just blushed over it. You mentioned, especially within the media, how they take positions and they're no different from anybody else.

Mr. Smokey Thomas: Well, here's my view on this. The amount of money and influence by large newspapers, large media outlets—even the CBC, paid for by public dollars—they can have a tremendous amount of influence, and that's a corporate interest. There are shareholders, they're on the stock exchanges, and everything else. They're a corporation just like anybody else. I've long believed that somebody needs to wrestle with that question and put some kind of guidelines, or a box, if you will, around just exactly what they can do.

I'm really in favour of getting rid of third-party advertising too, because I see all the money that's spent on advertising in the run-up.

But newspapers, particularly all media outlets owned by big media—they are large corporations with an interest of their own, which, in my humble opinion, many, many times runs counter to what I believe are the interests and the public good of the average, ordinary Ontarian who either chooses not to go vote or might choose to go vote. They have an inordinate amount of influence. When an editorial board says, "We're going to endorse candidate A over the other two candidates," I think that sways a lot of votes. If you watch the track records of some media outlets—well, I don't know any that are an NDP paper—you can say that about some other newspapers.

I just think there needs to be some thought given—and I intend to raise this if they talk about change in provincial elections as well—as to that how that can be harnessed, if you will, or how that kind of money is not given an undue amount of influence over the general population. There need to be some checks and balances, is what I'm trying to say.

Mr. Percy Hatfield: I know that in the last federal election, Postmedia endorsed Conservative candidates in every paper that they had right across the country. I'm not sure it did them a lot of good. I know that down our way, it didn't do them any good at all.

Mr. Smokey Thomas: I take your point, Percy. But I just think that what I have seen—I've been at this for a long time, and I have seen how newspapers—some of them—have very close relationships with Queen's Park, the Premier's office or whatever, and maybe the mayor's office. If you could find some way to at least recognize that as a problem—I intend to make our views on it very public. The people might take it as, "Well, I'll take that with a grain of salt, and maybe I'll go listen to what the candidates have to say," rather than reading editorials trashing two and supporting one, right?

Mr. Percy Hatfield: Off the top of—

The Chair (Mr. Peter Z. Milczyn): That's your three minutes, Mr. Hatfield. We'll go to the government side. Mr. Rinaldi.

Mr. Lou Rinaldi: Good morning, Smokey. It's good to have you here. I'm going to refer to you as "Smokey," since that's what I know you by.

A couple of things that maybe you can clarify: One is that you spoke about and you made a real good distinction between corporate and union donations, and it's valid. I agree with a lot of that. I'm not sure I got a clear answer on whether you support the banning of both or just one. Do you support banning both corporate and union, or just one?

Mr. Smokey Thomas: Ban them both, yes.

Mr. Lou Rinaldi: Okay, I just wanted to clarify that. The other piece: I wanted to follow up on Percy's comment about third-party advertising. I think it was a one-liner in your statement. That's part of this bill, and that's why we're doing this. Can you be a bit more specific—if not today, maybe send something in writing, because we have limited time—on how you would deal with third-party advertising? What are your views? Because if we're going to look at amendments—I'm not suggesting there's going to be an amendment. It's fine to say, "Well, that's not good," but can you help us with some good suggestions?

Mr. Smokey Thomas: Yes, I will, absolutely. We weren't quite sure—we have rigorous debate internally in our union. I will commit: We'll send a follow-up with our thoughts.

I guess our biggest point is that somehow, we believe, it needs be wrestled with, acknowledged as an issue, and then maybe—well, I'm not going to say "shame" the media, but maybe put a little pressure on them to be a little more balanced and give space to all voices in what I would believe to be a more equitable manner.

Again, let's think about it as the people of Ontario, right? Let's just think about if there is some way we could address it. Maybe there's not—I don't know—but I think it bears looking at.

Mr. Lou Rinaldi: I wasn't just referring to the media piece; I get that piece. But I'm also referring to other third-party advertising—

Mr. Smokey Thomas: Oh. Well, I'm not a fan of the Working Families coalition. I'm not a fan of that stuff. We didn't give and won't give. My union won't give.

I just believe that if you're going to outlaw, say—I don't know. If Imperial Oil or RBC can't give any more money, then unions shouldn't be able to put into that kind of advertising. There need to be limits and rules set in the run-up and during. I think there needs to be some pretty strict rules around that.

0920

If you look at the last provincial election and the last federal election, the amount of money spent in the run-up in third-party advertising was a substantial amount. Anyway, I'd rather just see organizations—my organization spends a substantial amount of money, but it's mostly encouraging our members to go vote, listen to the candidates and vote in their own interest, vote the way they think they want to vote. My members, believe me, probably vote proportionally just the same as the rest of

society, and I'm not about to try to influence them. I have supported particular positions over another, being the lesser of three evils, if you will.

I just think if we're going to have a look at it and we're going to have discussions about it, they should be fulsome. Let's take what I would call the elephants in the province, put them out there and talk about them—and maybe there is a consensus. It would be awesome to see a consensus of three parties to come out and enhance, if you will, and enshrine democracy in Ontario. I think this is a fantastic exercise. I applaud all of you, actually, and I don't do that very often, but I do.

The Chair (Mr. Peter Z. Milczyn): On that note, Mr. Thomas, thank you very much. If you wish to make a written submission as well—

Mr. Smokey Thomas: We will.

The Chair (Mr. Peter Z. Milczyn):—you have until 6 p.m. today.

Mr. Smokey Thomas: Oh, 6? I'll talk to Randy. I don't actually write the stuff.

Laughter.

The Chair (Mr. Peter Z. Milczyn): We thought you did.

CITY OF BARRIE

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mayor Jeff Lehman. Good morning, Your Worship.

Mr. Jeff Lehman: Good morning, Mr. Chair.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes. If you could please state your name for the official record as you begin.

Mr. Jeff Lehman: Thanks for the opportunity. I'm Jeff Lehman. I'm mayor of the city of Barrie, and I'm here as well in my capacity as the chair of Ontario's big city mayors' caucus. We're the 27 municipalities in Ontario with 100,000 population or more.

I wanted to start by commending the government on both the municipal legislation review in general and specifically the changes to the Municipal Elections Act. There's a lot of good things here.

I'll start with a simple matter. We really appreciate you shortening the campaign period. LUMCO, my caucus, has been calling for this change. May 1 is probably a reasonable compromise. We had lots of different views on this, but there's a big problem. You essentially lose a year to the election cycle. Your elections, the federal elections—well, they're supposed to be about 36 days long. I know that a recent federal one was a bit longer—but for some reason, we go through a year of electoral politics, and it's not necessary. We do need longer, because individuals need time to raise money and frankly with the new rules will face, perhaps, additional challenges in that, but the current system doesn't work at all and it frankly advantages us as incumbents. So we're pleased to see the change to moving to a later nomination date.

On campaign finance, there have certainly been a lot of calls for change from grassroots organizations like

Campaign Fairness and from academics like Robert MacDermid at York University. Quebec, Manitoba, Nova Scotia and recently Alberta have moved to legislation that bans corporate and union donations.

I'm very pleased with the change to propose that local councils could make this decision. Actually, as soon as this was announced, we put an item on our agenda—so I had a motion at council on April 18 that was resolved as follows: that staff in our legislative and court services division review the reforms and, if the legislation is passed, report back on changes for 2018; and if the reforms allowing municipalities to ban corporate and union donations are passed, that necessary actions be undertaken to ban donations from corporations or unions in Barrie for the 2018 and subsequent elections. That was passed unanimously by Barrie city council, so if you pass the legislation, that's a done deal. We're going to proceed with that.

I will tell you that I agree with the change. It simplifies things to a very simple principle, and the principle is: If you can vote, you can donate; if you can't vote, you can't donate. I think it will help level the playing field. I will tell you from my personal experience that as a candidate in three municipal elections, I turned down some donations because I felt they were coming from a party that had a clear interest in the decision that would be made by the council potentially right after the election. But it was very difficult to do that. I set my own ground rules, I tried to set my own standard of who I could accept a cheque from and not, but there were a lot of slippery slopes there. This is a simple approach, a universal approach, and I think it is a very good one. I should emphasize that is not the position of the Ontario big city mayors' caucus; that is the position of my council and myself as the mayor of the city of Barrie. The Ontario big city mayors' caucus has not taken a position on this issue yet simply because we have not debated it or passed a resolution.

On the ranked ballots, I really agree with AMO's position that, if you were going to set the ground rules by regulation, it is very important that the framework is actually a broad one. The reason for that is that there are a lot of devilish details in implementing change to the electoral system. I am actually a supporter of the ranked-ballot approach and having the option to do it. I don't know whether the city of Barrie will actually even consider it for 2018. That will be a discussion we'll have at the local level, if you give us the authority to do so.

But I can tell you that there are a lot of advantages to the system. It does work well in a system based on individuals. However, you can get to some real challenges and confusion for the voter, especially in municipal elections where you've got dozens and dozens of candidates. That can create a real problem. For example, in a system where you literally have to rank all the candidates—imagine in the Toronto mayoral race where there were 45 or a very high number of candidates. So details like that are very important.

Some of the conversation that we've had with municipal officials and clerks would suggest that if the

regulation allows the freedom for municipalities to select which office, for example, might be elected using ranked ballots—we administer elections for a large part of central Ontario. It may not be appropriate for school trustee elections, for example. We will want to talk to our residents in our area about what's appropriate. I do want to say to you that, if you're going to do this—and I commend you for taking on the issue and taking this step—by regulation rather than in legislation, or even frankly in legislation, please establish a broad framework that allows as much local discretion on this particular issue as possible.

A couple of specific areas on municipal elections: The limit on parties and expressions of appreciation after voting day is a very good idea. That is an area that's open to potential abuse. A candidate who doesn't accept contributions of money and wouldn't therefore have to open a bank account—that's actually a good thing too. It's a small thing, but these small things can be barriers, especially for individuals of limited resources. In one change you're changing, that if a candidate sells items for \$25 or less in order to raise funds it's campaign income rather than a contribution, will make a very big difference, and that's just good practice in elections and in managing those donations. I think the rules on whether two corporations should be considered a single corporation—that is also a welcome change. So some of these details that you're addressing, clearly, I think have come up through candidates or up through clerks, and they are very positive ones.

The third-party advertising issue is a difficult one and, like your previous witness, I don't have in my remarks today a proposed solution for you. It is a thorny one because, again, how do you start to recognize where third parties are affiliated? How separate from each other or different do they need to be so that we don't end up with 10 similar organizations all claiming a spending limit, for example? Our general position is that, as much as possible, the rules should align with those at the provincial and federal levels. I would suggest to you, as an elected official, that there are additional reforms needed at all three levels of government with regard to third-party advertising.

There are only a few changes in the bill with regard to the voters lists. This is hugely problematic. I'm sure you have heard this and will hear this through the process of the hearings. It's not an easy job, and MPAC has made major improvements and advances. But it is a big frustration, election after election. My clerk would shoot me if I didn't tell you, on her behalf: Please, put some emphasis on this. Put perhaps greater effort into what would improve the accuracy of the voters lists. I understand enumeration is expensive and difficult, but it can frustrate our voters, it can really frustrate our staff, and, frankly, this is a basic element of democracy that Canadians pride themselves on. We should be able to get this right.

0930

The last thing I wanted to mention actually comes out of a little bit of personal experience, and is one that I hear

often from candidates. The financial form, form schedule 4, which candidates use to file their financial returns after an election, is actually surprisingly difficult to fill out. The difficulty is actually in some of the grey areas.

The problem I want to highlight here is not so much the form, but that there are no resources to get answers. When you call the ministry, the ministry unfortunately cannot provide answers to candidates on many occasions. I don't know quite why that is, but my representatives have had that experience, and I've heard this complaint from other candidates in my city of Barrie. You want to do things right, especially as a mayoral candidate, knowing that there will be a lot of scrutiny on every word that you put on those forms. But if you call and say, "Can I get some help with this?", sometimes the answer is that you need to contact independent legal counsel. That's not a great answer because it's expensive, especially for a first-time candidate or candidates that aren't raising a lot of money.

My suggestion to you is this: either if the ministry could establish a function where it can provide answers to candidates or allow an officer of the Legislature to be a resource, or even the court system, or even a municipal association. That would be a very welcome information resource to candidates that would help all the reforms be more effective.

Thanks for your time today, Mr. Chair.

The Chair (Mr. Peter Z. Milczyn): You're almost right to the second.

Mr. Jeff Lehman: Cool.

The Chair (Mr. Peter Z. Milczyn): This round of questions starts with Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. Good morning, Jeff; good to see you.

Mr. Jeff Lehman: Good morning, Percy.

Mr. Percy Hatfield: One thing some of us are wrestling with is giving non-residents in our municipalities the right to vote. They pay municipal taxes. They send their kids to our schools. They co-chair soccer teams or whatever. Yet because they're not Canadian citizens, they don't have the right to vote at the municipal level. I'm not talking about allowing the vote provincially or federally, but at the municipal level. What is your opinion on non-residents having the right to vote since they pay the taxes?

Mr. Jeff Lehman: That's a great question. Thanks for it. We do not have a position as a caucus. I'll give you my opinion as an individual. I think it's a laudable goal. It creates a consistency across who gets to vote. I think it would be probably problematic in terms of verification and the details of generating a voters list. If the details could be worked out, I think I would be in favour of that.

Mr. Percy Hatfield: I know when I went door-to-door I would have a non-resident go up to the thing and it would say "non-resident." Whether that was at the provincial or municipal level I can't recall, but it's pretty well the same voters list. So you would know who they are as you go to the door.

Mr. Jeff Lehman: So you're talking about somebody who is on the Canadian or Ontario list?

Mr. Percy Hatfield: Well, when you get the list, we're getting the same information, be it federal, provincial or municipal when you get on the street. You know who lives there, or who should—not that the list is updated; don't get me wrong. It's terrible in that regard, but it does say if you're a Catholic supporter or a public supporter, resident or non-resident, owner or tenant, or whatever.

Mr. Jeff Lehman: Yeah, it would seem consistent to me that if we continue the principle in Ontario that property ownership confers voting rights, that would make sense.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): All right. Ms. Vernile?

Ms. Daiene Vernile: Thank you very much, Chair. Good morning, Mr. Lehman.

Mr. Jeff Lehman: Morning.

Ms. Daiene Vernile: Thank you very much for coming all the way from Barrie to be here with us today before this committee. I hope your drive wasn't too bad.

Mr. Jeff Lehman: It was not bad today. I know a back road.

Ms. Daiene Vernile: I really appreciate your directness and your clarity on this matter and the ideas you put forward. You know that when it comes to the issue of ranked balloting, this was a campaign promise that we made in the 2014 election and it is an item that appears in the minister's mandate letter. You mentioned whether it's going to be a bill or a regulation. Having it as a regulation does allow us to make adjustments along the way if we need to.

I want to touch, though, on the issue of campaign finance that you talked about. I'm from Kitchener Centre, and in my region, Waterloo region, in the last municipal election we had this one candidate who was a one-issue candidate. He was against the LRT, and he spent over \$200,000—you're nodding your head. You know about this guy.

Mr. Jeff Lehman: I know him well.

Ms. Daiene Vernile: It was quite a headache for all the candidates. I'd like to ask you if you have any ideas about limitations on what you can spend during a campaign.

Mr. Jeff Lehman: It's funny. I was thinking about that as the previous witness was giving his remarks. I would not support a contribution limit from the individual as low as Mr. Thomas had suggested, only because of this: There are spending limits, and the spending limits, frankly, are fairly reasonable, in my opinion.

I know there was a lot of debate about the actual spending in that particular election in Waterloo, and there is the risk that individuals running for office may spend all of their money on a particular issue. Some of that is democracy.

I guess my question around the individual limits would be—I think the larger the spending limit, the

greater the problem of allowing an individual to contribute all of that money, because the higher the barrier, for those who don't have that money, to compete effectively in the election.

I could see the logic around a cap on self-contributions, but I think you would want to do it in such a way that it was a little more substantial than what Mr. Thomas talked about, and I'll tell you why. I have two councillors who self-fund their campaigns. That is their basic principle. They don't want to ask people for money. They want to fund it themselves, for whatever reason—whether they don't want to have any sense that they owe someone, or they just don't like asking people for money. They spend a bit more than \$5,000, but not a lot more, and they've been successful in the elections, and they're not rich people. It is not the case that these are wealthy individuals buying an election. They're principled people who have chosen to self-finance their campaigns, and I don't think that's wrong.

Ms. Daiene Vernile: We've got 10 seconds left?

The Chair (Mr. Peter Z. Milczyn): Just about.

Ms. Daiene Vernile: I will say thank you very much for coming again.

Mr. Jeff Lehman: Okay. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you, Your Worship—oh.

Mr. Ernie Hardeman: It's my turn.

The Chair (Mr. Peter Z. Milczyn): We have one more round. I apologize. That was a mistake. That was not deliberate. Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. Mayor, for your presentation. Just two items I wanted to talk about, just for a minute. The first one is, you mentioned that if we're going to go to the ranked-ballot business, we should make the regulations broad or put it in the bill. You then mentioned some of the good things in the bill, and you believe it's important that the government control whether the victory party is an election expense. Don't you think that councillors who raise the money should be allowed to decide whether it is or isn't an election expense?

Mr. Jeff Lehman: No. Sorry, Mr. Hardeman. On that one, I just feel it's an area that's open to abuse, and we have seen some examples of it—

Mr. Ernie Hardeman: I say that somewhat with tongue in cheek.

Mr. Jeff Lehman: Yes, okay.

Mr. Ernie Hardeman: The one I did want to talk a little bit about was the timing, the writ period, and changing the registration date from January 1 to May 1, but then also moving closing of nominations up two months. So in fact, we actually have a longer writ period, because the writ period is from when nominations close to the election day. Of course, it shortens the time when new candidates can raise money.

The sitting members of city council can make their views known, and people know—they told the press they're running again, so they can be working towards—they get called to the events and they can work towards

re-election. But a new candidate can't do anything until they actually register. Don't you think it's actually going to hurt new people? Why would we not just move that forward but make a clearer definition of when the writ period starts, as opposed to—it's a choice that people make, that they want to start campaigning January 1. It's not a choice that they have to register if they want to raise money.

Mr. Jeff Lehman: There are a couple of issues in there. I would say to you that the practice already is that in the year before the municipal election, you see people who want to run for municipal office start showing up at events, start showing up at city council meetings. They have an unerring ability to be closer to cameras. Probably the incumbents do the same thing. What you can't do is raise money, so you're right to ask: Is that a threat to new candidates? With respect, I think May 1 until late October is still a long time to raise money. I think that because municipal spending limits are generally quite low, except in the largest of cities, the amount of money can be raised with a decent campaign.

I don't think it's a bad thing at all for our democracy to allow us to work for four more months before we enter an electoral cycle. We have two levels of government that have a relatively short election period in which government activity is significantly curtailed, but at the municipal level, you've got a lot of that—

Mr. Ernie Hardeman: In this case, you do know that the writ period has actually been extended.

Mr. Jeff Lehman: Yes, I do.

Mr. Ernie Hardeman: It's longer.

The Chair (Mr. Peter Z. Milczyn): And that is your time, Mr. Hardeman.

Thank you, Your Worship. If you do wish to send something in writing, you have until 6 p.m.

Mr. Jeff Lehman: Okay. Thank you, Mr. Chair.

The Chair (Mr. Peter Z. Milczyn): Thank you very much.

Our next witness is Councillor Karygiannis. He did notify the Clerk that he will be a few minutes late, so I would suggest we recess for five minutes while we wait for him to arrive.

Mr. Lou Rinaldi: Is the next presenter here?

The Chair (Mr. Peter Z. Milczyn): Those are the only three presenters this morning.

Mr. Percy Hatfield: So a five-minute break?

The Chair (Mr. Peter Z. Milczyn): A five-minute break.

The committee recessed from 0940 to 0945.

MR. JIM KARYGIANNIS

The Chair (Mr. Peter Z. Milczyn): I call the meeting back to order. We left off with our next witness, Councillor Jim Karygiannis.

Councillor Karygiannis, thank you for coming this morning. You have up to 10 minutes for your presentation, followed by nine minutes of questions, three

minutes from each caucus. As you begin to speak, if you could please state your name for the official record.

Mr. Jim Karygiannis: Chair, Mr. Milczyn, my name is Jim Karygiannis. I'm councillor in ward 39. I want to thank you for having me.

You might be aware yourself, sir, because you were a municipal councillor before, of the difficulties that we have, but some of your colleagues might not. So I'm going to start by reading an email between me and the city to get clearance as to how we proceed, and I've sent it to staff for distribution. The email goes:

"Dear Councillor Karygiannis,

"This email is a follow-up to our conversation from earlier today. It is my understanding that in November and December, 2014 you contacted Gail Baker of my office through various emails and phone conversations inquiring about campaign finance matters, including how to report 'salaries, benefits, honoraria and professional fees incurred after voting day.'

"I understand that she advised you that the form 4—financial statement—auditor's report lists salaries, benefits, honoraria and professional fees incurred until voting day as an expense subject to the limit, and salaries, benefits....

"She also advised you that although we can provide general information, we cannot provide legal advice or interpretations of the legislation. She suggested that you call the Ministry of Municipal Affairs and Housing or seek your own legal advice for clarification whether services provided before voting day, but"—and it continues, sir.

This is what we've been getting. We've got no clear direction. If we were to call our elections office, the city clerk, and say, "What do we do?" it's absolutely vague, absolutely, "Call the province." When we call the province, the province says, "Well, we really don't know. This is up to the clerk," and it bounces back and forth.

Federally, being a federal member of Parliament, and provincially, as you are, if you've got any questions about election finances, you either call Elections Ontario, or we call Elections Canada. They're there to provide you clarity and to tell you what you can and cannot do. At the end of the day, when that's all said and done, you file your return, provincially or federally, with Elections Ontario or Elections Canada. They're the ones that have oversight. They're the ones that look at it. If there's any investigation to be done, I understand that federally, it's done by Elections Canada; I'm not sure about Elections Ontario, but I presume it's the same. But in the city of Toronto or other municipalities, you file your return; they receive it. You've got an auditor; they receive that too—and then it goes out in a black hole. Anybody in the public that wishes can challenge that, and then start the legal bills.

There's no direction or clarity that we have. What I'm asking of you, when you go through this bill, is very simple: Give the city the authority to go through our returns, to give us legal advice on what we can charge and cannot charge, and give us clarification on how we put our return through. We don't have that.

I hope in Bill 181, you address that, and that you do a mirror image of what you do provincially and federally. Either have the city clerk's oversight or have a committee or some sort of an oversight from your side so that when we call in, we get clarity. This clarity does not exist today.

Having run federally eight times and once municipally—and trying to get clarification and sending emails—"Go to your lawyer"—I had to incur a bill of \$850. Once my lawyer started piping up, the city of Toronto said, "Oh, yes, that's okay. You can do it this way." So the city clerk of the largest municipality in our province looks to you for advice; I come to you for advice. I can't get it. When I challenged it, because I'd written to a lawyer, then I got some clarification. So I'm asking you to create a body, as you had done back in 1996, that justifies and tells us what we do.

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Now I'm going to tell you another little horror story. If I was to have a fundraiser and I hired someone to do that fundraiser, all the costs of me hiring that individual—him or her—do not count toward my election expense. I can send out a mailer to my community and say, "Give me money," with my name in bold. That does not count as my election expense. So all the money that I use in order to do that—if I have an event and they give me cheques—does not count.

If, however, I do what we do today and have a webinar on the Internet and send people an email and say, "I'm going to be on the Internet. Watch what I do and if you like what I'm doing, send out a political donation through my campaign" and I capture this electronically, all the costs of capturing that electronically count toward my election expense.

So what you've got on one side is if you hire somebody, it does not count, and that person can charge you up to \$10,000; and on the other side, if you do a webinar and capture this electronically, the cost of fundraising, the cost of what the bank charges you—the 3% on your Visa, MasterCard or Amex—counts toward your election expense. That's ludicrous.

Speaking to a former chair who was looking after this back in 1996, George Manios, he advised me that the intent was that anything that we use in order to raise money, any fees that are done, do not count towards your election expense. So you need to provide clarity to us and you need to make sure that what we do does not get challenged and goes to court, but that there's a body that actually looks at, delegates and has the authority to charge us if we do something wrong or has the authority to give us advice.

Right now, we have absolutely no advice but to go to our lawyer or to go to our finance officer and say, "What are we doing?" Those are not the experts. The experts should be somewhere within your ministry; or empower the cities to have that expertise and have staff in order to give us clarity and advice.

Thank you, Mr. Chair.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Karygiannis. This round of questions starts with the government: Mr. Dong.

Mr. Han Dong: First of all, thank you, Mr. Karygiannis, for coming here and giving us this great presentation. I don't think that I've ever congratulated on your win in the municipal election.

Mr. Jim Karygiannis: I thank you.

Mr. Han Dong: Again, having worked with you, I know how hard you work in your riding previously—

Mr. Jim Karygiannis: I'll quote you on that in my next newsletter.

Mr. Han Dong: I just want to ask your view on the shorter writ period. The bill proposes to move it from January to May. The end of registration is proposed to be moved up from September to July. The registration window is between May to the fourth Friday, I believe, of January. What's your view on that?

Mr. Jim Karygiannis: Six months is plenty enough. However, federally and provincially, you can knock on doors during your nomination period and you can knock on doors as a candidate. Six months is fine by me, but we cannot knock on doors as a candidate unless we're registered and/or have flyers that say "I'm running for."

If it could be somehow looked into, the possibility that we can knock on doors, fine. If not, six months is plenty enough. It would also provide a shorter time period that we can have all the mayoralty debates, because they run into a gong show.

Mr. Han Dong: But I know that you stay connected with your constituents all the time, so it would be the same for you.

The other thing that you mentioned: You talked about fundraisers. We also heard there are some comments from stakeholders saying that we should address the concerns about inappropriate spending on gifts and parties. What's your view on that?

Mr. Jim Karygiannis: Sorry, there are no parties municipally, so I might not be understanding the question.

Mr. Han Dong: Like celebration parties.

Mr. Jim Karygiannis: Ah, you're talking about celebration parties.

Mr. Han Dong: And gifts.

Mr. Jim Karygiannis: I think there has got to be a guideline: "These are honorariums, gifts for people." The way that they help you, there has got to be a guideline. This is something that means, once you provide clarity—because I was asking for clarity. I was asking, "What can I do on honorariums?"

A party: I've heard of some people holding parties. I'm not going to say what city—but somebody celebrating their wife's birthday while having a victory party. I'm coming up to 30 years. If these things don't change, I'm going to have a massive party on 30 years and invite everybody that I've known for the last 30 years in politics to come and celebrate with me, if you leave it open like this. You're going to have to give us guidelines as to what is acceptable and what is not acceptable. Now, mind you, for a victory party, provincially and federally,

you can spend as much as you want, because it does not count towards your electoral thing. That's the night of.

So some clarity and some guidelines have to be given by you, and that's why I'm saying that you've got to bring that into the fold, where we're given advice.

Mr. Han Dong: Thank you.

The Chair (Mr. Peter Z. Milczyn): That's the time for this round. The next question: Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. I was intrigued by your comments about having a chief electoral officer for municipal elections.

Mr. Jim Karygiannis: It could be somebody locally in every city, or it could be something for the province, and they give us guidelines.

Mr. Ernie Hardeman: I think it's interesting that in fact, in your municipal election, the clerk of the municipality is the chief returning officer. But you're right—

Mr. Jim Karygiannis: You've seen the email that I read you—

Mr. Ernie Hardeman: If you look at the bill, there's no ability for the clerk to actually do what you're asking to do. So I can see your suggestion of giving more authority and more responsibility for actually overseeing it. You have to turn your finances in. In the bill, you have to turn your spending in to the clerk, but the clerk does not have the authority to ask for more information if it isn't up to date.

I think you're right that we need to somehow give that department some kind of authority—

Mr. Jim Karygiannis: Mr. Hardeman, I'm sorry, I'm not trying to cut you off, but you see, there are a lot of small municipalities that might not have the expertise, or the city clerk might not have the staff to do it. So I would make the suggestion that you might want to have it run under the Ontario elections officer, or have a Chief Electoral Officer for all the province, overlooking all the municipalities, so that if we go for questions, then that individual or that body can certainly guide our clerk.

In the city of Toronto, there are three million people, but if you go to—I don't know—Marmora, you're lucky if—

Mr. Ernie Hardeman: But if the province set up a chief electoral office for municipalities, it would have to be the same size of office as, if not larger than, the provincial Elections Ontario, because, in fact, there are more candidates running in a municipal election than there are in a provincial one. Would the municipalities pay for that?

Mr. Jim Karygiannis: Well, look, we're creatures of your thing. I think that the municipalities—there could be something that you could ask candidates also to put up some money. Municipally, you've got people who put 100 bucks and say, "I'm going to stick my name in there." I think if you get 1% of the vote, you get back your deposit.

Provincially, I'm not sure if it's 10% or 15%, but federally, you've got to get 15% of the votes in order to get back your down payment. The down payment should

be—you know, putting 100 bucks down to run—you don't attract serious candidates. You've got to raise that. Federally, it's 1,000 bucks and signatures. I would say to you that, municipally, depending on the size of the municipality, you could go up to \$300 or \$400, and for mayor, it should be 1,000 bucks, and so many signatures, to run.

You don't want to have somebody who goes on a horse to run with only 25 signatures. If you're a serious mayoralty candidate in the city of Toronto, you should be able to at least select 3,000 signatures, and, for municipal councillors, 150, as you do federally. I'm not sure if it's the same provincially.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Hatfield.

Mr. Percy Hatfield: Thank you. Welcome. Good morning.

Mr. Jim Karygiannis: Thank you, Mr. Hatfield.

Mr. Percy Hatfield: When I was on city council and I didn't know if I was in a conflict of interest or not, I would ask the city solicitor, and they would say, "Go ask a lawyer."

Mr. Jim Karygiannis: Well, that's what they told me.

Mr. Percy Hatfield: Yes. Well, their job isn't to tell me if I'm in a conflict, but they would say, "If you think you are, then just declare it."

Did you consider going to the Integrity Commissioner in Toronto and asking them?

Mr. Jim Karygiannis: The Integrity Commissioner, sir, does not overlook elections financing. If you are elected for the first time, the Integrity Commissioner is not something that overlooks you until you are sworn in as a municipal councillor. I would say to you that the Integrity Commissioner's job is slightly different than overlooking electoral returns.

Again, when you've got something like 44 councillors and about seven or eight people running per ward in the city of Toronto, I think the job of the Integrity Commissioner would become inundated.

Mr. Percy Hatfield: The suggestion of a Chief Electoral Officer, versus clear language, clarity of language: What would be your preference, if the wording was there that was easily understood by everyone?

Mr. Jim Karygiannis: Definitely, you need clarity in the language. However, if you're running, you can read the language and be aware of it. But the intention back in 1994 or 1995, when this act was brought forward the first time—having spoken to the gentleman that was looking after this; his name was George Manios—was that municipal councillors call up and get clarity. When I told him about the webinar and everything else, he said, "That was not the intention, for you to get hammered on. The intention was for us to give you clarity."

So with the first act that you had, you had the people in place, but unfortunately, after the change in government—I believe that would be in 1995—that position was taken away so there was absolutely no clarity.

Mr. Percy Hatfield: What is your position on ranked balloting at the municipal level?

Mr. Jim Karygiannis: Sorry?

Mr. Percy Hatfield: Ranked balloting at the municipal level?

Mr. Jim Karygiannis: You know what? You don't have ranked balloting provincially. You don't have ranked balloting federally, although they're looking at it. You tried doing that back a couple of elections ago. As a matter of fact, I met one gentleman on a plane, a member of Parliament from Brampton, Dr.—I can't remember his name, but he was going overseas to look at it. When he came back, you guys vetoed it and you also had a referendum.

So first-past-the-post in the Westminster system works well. For me, it doesn't really matter if you get more than 65% or 70% on the ballot—it really doesn't matter. But to other candidates, it does matter.

Mr. Percy Hatfield: Would you consider giving non-residents the vote, since they pay municipal taxes and use your municipal services?

Mr. Jim Karygiannis: Would we consider giving the people who also pay provincial tax and the federal tax—citizenship must count for something. If you can get citizenship within four years, that must count for something: the duties and responsibilities of a citizen. Would we consider people that own a house because they pay municipal tax and they live outside the country, giving them the right to vote? I'm sorry. You've got to be a citizen in order to vote. It must count for something. Citizenship must mean something to you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much, sir.

Mr. Jim Karygiannis: Thank you.

The Chair (Mr. Peter Z. Milczyn): If you wish to submit something in writing to the committee, you might do so—

Mr. Jim Karygiannis: I have sent to the Clerk the email that I received, and I would say to you this is more from what I read. I think that email specifically outlines to me the difficulties that I have.

Thank you, Mr. Chair, and thank you, members of the committee, for having me.

The Chair (Mr. Peter Z. Milczyn): Thank you.

To members of the committee, just a reminder that today at 12 noon, we have a luncheon with the Financial Accountability Officer. This is something that was mentioned before. It's meant more for the permanent members of the committee, so perhaps pass it on to Mr. Fedeli. That will be in committee room 2 at 12 noon.

Otherwise, committee is recessed until 2 p.m.

The committee recessed from 1003 to 1400.

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair (Mr. Peter Z. Milczyn): Good afternoon, committee members. I'll call the meeting back to order. We'll resume consideration of Bill 181, An Act to amend

the Municipal Elections Act, 1996, and to make complementary amendments to other Acts.

Each witness will receive up to 10 minutes for their presentation, followed by nine minutes of questioning from the committee or three minutes from each caucus. I ask committee members to ensure that their questions are relevant to Bill 181 and to keep them brief so that the witnesses have an actual chance to respond. Any questions? Seeing none, our first witness of the afternoon is Mr. McNamara. Good afternoon, sir.

Mr. Gary McNamara: Thank you, Mr. Chair.

The Chair (Mr. Peter Z. Milczyn): As you begin, if you could please state your name for the official record.

Mr. Gary McNamara: Gary McNamara, president of the Association of Municipalities of Ontario.

Mr. Percy Hatfield: And mayor of?

Mr. Gary McNamara: And the mayor of Tecumseh, Ontario.

It's a pleasure to be here today to speak about Bill 181, the Municipal Elections Modernization Act. This is the only piece of election legislation that is regularly reviewed, and it has been reviewed after every municipal election that I can remember. Every four years, there is a consultation process, and every four years, AMO has provided input and advice.

Our advice has been based on one simple element: trust—trust in municipal governments and trust in the system used to elect our municipal councils. Municipal governments are different from provincial and federal governments. We are not a party-based system. At the same time, through our daily work, we touch and affect those living and working in our communities in ways that the province does not.

While AMO broadly supports this bill as it is written, there are some items that are still worthy of the consideration of this committee. We believe the principles are correct, but there are several changes that we believe would strengthen the bill, manage unintended consequences and bring additional clarity.

First, I want to share with you AMO's first principle, and it is this: Municipal governments are mature orders of government. This is the test that we believe every policy respecting municipal government must meet.

I probably don't need to remind the members of this committee that municipal government organizations in Canada actually predate our current national and federal governments. In New Brunswick, Saint John was established in 1785, and subsequent municipalities were organized after the districts act was passed. The Baldwin Act in 1849 ensured municipal councils were chosen wholly by election and were given the ability to raise taxes. Since that time, municipal governments have evolved and continue to be the government closest to the people of their communities.

We have created numerous means to engage our residents in our decision-making. Our council meetings and committees give notice of meetings, accessible agendas and reports, as well as records of deliberation, and also they're readily available. I would wager that

deputations occur at almost every council or committee meeting across Ontario. Community surveys, open houses, referendum/ballot questions and advisory committees are just a few of the many techniques available to gain public input to councils' decisions.

Access to municipal governments is much greater and accommodating than the other orders of government. Residents can engage us on the street, transit, the supermarket or even on our home phone after hours, and I assure you that many take these opportunities. This speaks to the health of local democracy.

As you can see, I passionately believe that municipal governments are the most open and accessible order of government in Canada. Municipal governments make decisions in consultation with residents. The consequences of not doing so can be perilous. We have been getting municipal government right in Canada for over 200 years. That's an achievement we should all be proud of and respect.

Now that you understand some of the perspective AMO brings to municipal matters, let me move on to some of the more major provisions in the bill, starting with ranked-ballot elections. This is one of the most major changes in this bill. AMO believes that the bill gets this right by leaving ranked balloting as a local choice. Using ranked ballots is a choice that should be left up to the community. A municipal government, with the input of its community, is the democratic expression of that community.

I understand that some members of one opposition party feel that every council should be required to have a referendum on the question of ranked ballots if a municipality wants to consider this change. That would mean that even a municipality with 120 residents, with an annual budget of about \$165,000, would need to hold a referendum to use ranked ballots in their own elections. Councils will use a referendum if they think it's needed. However, AMO believes that requiring a referendum to determine whether to try ranked ballots is excessive and does a disservice to local governments and our residents.

As I've said, municipal governments have evolved in numerous ways to engage our public. These methods allow for better conversation, and even more so when you consider that 85% of Ontario municipalities have fewer than 50,000 residents.

I assure you that if a municipal council chooses a ranked ballot election and our residents don't like it, there will be pressure to change it. And if members of council don't listen to their residents, then, no doubt, there will be a different set of municipal leaders after the next election, and they will ask for change. That is how democracy works.

AMO, the public, councillors and others will appreciate the changes to the election period. While AMO's preferred option is to have a fundraising period from January until the nomination day, when the election period would begin, setting the nomination date to May I will still reduce the period.

However, debate in the Legislature has raised some legitimate potential issues around the withdrawal date of

the fourth Friday in July. The concern is that this earlier date may disadvantage volunteers and others who can't afford a longer leave of absence from their jobs to campaign. We don't know if the concern will be borne out, and I know AMO and every member of the Legislature would be alarmed if it did. You could amend the bill to revert to the current date in September, to be safe, or you could decide to try the proposed date and revisit it during the act's next review, in 2019.

There have been a lot of discussions lately in the provincial Legislature, and outside of it, about whether it's appropriate for unions or corporations to donate funds for elections. There is also discussion about whether it is appropriate for them to communicate about election issues.

This bill sets up a permissive framework for municipalities to determine whether to ban corporate or union donations and, if banned, then how third-party advertising is to be handled. The bill, as drafted, is leaving the choice for local determination.

Let's be clear: Municipal governments are not organized on a party system. Candidates are not supported by communications from a central headquarters, and municipal candidates do not get funding from a party. Their funding comes from willing contributors. Furthermore, the Municipal Elections Act has strict limits on contributions to candidates, and candidates can't raise funds outside of the nomination period. These are major differences between the provincial and federal systems and the municipal system in Ontario. It gets challenging to take a one-size-fits-all approach, given these differences.

We would recommend that this discretionary aspect of the bill not be amended to effect a full ban across the province.

What would happen if you make such an amendment? I would suggest that you must change the contribution limit of \$750 for municipal candidates to match the individual limit of provincial candidates, and this is before riding and party contributions are calculated. In fact, the \$1,500 federal contribution limit for individuals might address this differential.

Why should you think about adjusting the contribution limit upward? The bill shortens the municipal campaign period, and municipal candidates can only raise funds in the nomination period, so the bill already limits fundraising abilities before taking union and corporate donations out of the picture. This means that a candidate for the position of head of council in a major city would need to raise \$3,000 per day during the campaign to meet the spending limit. Again, there is no party system at the municipal level. If this committee considers banning corporate and union donations, it must turn its mind to, and adjust, the \$750 contribution limit. In fact, the act provides the mayor of Toronto with a contribution limit of \$2,500.

For some time, AMO has raised the issue that late filing for election finance documents should not automatically result in losing council seats, along with the ability to run in the next two elections. Minor delays in

filing, or minor errors to a complex set of documents, done in good faith, could be better dealt with with a suspension from council until complete, correct documents are submitted. Deliberate and major contraventions should still result in the maximum penalty. Our own recently elected Prime Minister even needed a little time to get his documents in order.

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AMO appreciates the changes in the bill that reward filing on time and allow extra time with a fee. This is a step in the right direction, but we would still appreciate the introduction of tiers of penalties that include suspension for minor breaches.

One of the best ways to inspire confidence in elections is to ensure an accurate and up-to-date voters list. The municipal voters list has many inaccuracies. Some of the most hurtful for constituents include deceased relatives. Part of the challenge is getting timely information from the body collecting it. We understand that the Ministry of Municipal Affairs and Housing, the Municipal Property Assessment Corp. and municipal clerks are working to improve the list. We look forward to seeing the results of their work, as it's critical in the run-up to the next election.

One item of the bill that should help us is the discretion of the clerk to remove a name of a deceased person. This improvement is positive. However, we also note that the role of the clerk has been expanded substantially, and we hope that this will not unnecessarily stretch municipal election staff's capabilities.

Finally, for some time, AMO has been advocating for the flexibility of municipalities to have an earlier first meeting after an election, as eager councillors will want to get to work serving their communities. We believe the current Municipal Act requirements are appropriate for some councils but are too long for others. As a result, we think that municipalities should have the flexibility to set their first meetings between mid-November and the current date of December 1.

The Chair (Mr. Peter Z. Milczyn): Mr. McNamara, that's your 10 minutes. We'll move to questions. First, Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. President. I just wanted to quickly go to your comments about the history of local government and the fact that it has a greater history than the provincial one. I don't disagree with anything you said there, but of all the things that have changed since the original in 1785 and then the Baldwin Act in 1849, never once did any of those changes include changing how we elect people to those councils. It was set up then, it seemed to work pretty good in 1785 and it's still working good. Could you tell me why you think that's never changed?

Mr. Gary McNamara: Well, if we go back to the original first-past-the-post, I don't think there was a referendum back then either. I think that was the governing rule of the day and—

Mr. Ernie Hardeman: I'm not talking about a referendum. I just wondered about why there should be a need to change how we get elected.

Mr. Gary McNamara: Well, again, as I stated earlier in my submission, we're a mature order of government and we should have that capability at home to make that decision, working collaboratively with our residents to make that decision on how we elect our officials.

Mr. Ernie Hardeman: But when the provincial government, the other order of government, wanted or thought that we should look at how we got elected and change that, they decided we needed a referendum. That's also a mature level of government. Don't you think in elections that somehow the people should have a say and should not have to wait to throw out the change, rather than be able to say whether the change should take place at all?

Mr. Gary McNamara: Again, we converse with our residents on an ongoing basis. Everything we do is open and transparent, whether it's changing bylaws or anything, and the intention here is obviously to have that conversation with our constituency. I believe we are mature enough to make the decision in terms of how we want to elect our people.

Mr. Ernie Hardeman: I totally agree with you about the timing of your election and the registration going to May 1, and then the balloting. I'm more concerned with the fact that they're moving up the deadline for nominations to close. In fact, we're going to have a lame duck. If we have enough people running in the election, we're going to have technically a lame-duck council from mid-July till December 1. Have you got any comments on that?

Mr. Gary McNamara: Well, obviously, again in the submission, we feel that it should be left to September. That shouldn't change. I agree with the fact that that period could be lame duck. What we need to do is to make sure that our elected officials are still very active and they're able to continue to administer good policy with their communities.

Mr. Ernie Hardeman: Thank you.

Chair (Mr. Peter Z. Milczyn): That's your three minutes.

Mr. Hatfield.

Mr. Percy Hatfield: Good afternoon, Mr. President. The proposed \$750 contribution limit is so different than the provincial limit and the federal limit. What is your opinion on having one limit, regardless what amount we determine, but to have everybody equal on how much money we can accept from a donor?

Mr. Gary McNamara: You mean, Mr. Hatfield, in terms of just municipally or everybody?

Mr. Percy Hatfield: I'd like to know if there's any chance of having a universal limit so everybody understands it.

Mr. Gary McNamara: First and foremost, we're not governed by parties, as you know, at the municipal level, so there's no central party that helps fund candidates and so forth. Our period where we can actually raise dollars is during that nomination period itself. Obviously there's a constraint there. Instead of having 100—I believe 150-some-odd days?

Mr. Craig Reid: Right; about 150 days.

Mr. Gary McNamara: The period is actually shortened. You've got to remember as well that that number—if this is going to be the new rule of law, big cities and regions—when you look at campaigns that exceed \$300,000 to \$400,000, you can see where the constraints are going to be and there should be an up-limit in terms of—and it should be uniform. A city of Toronto mayor gets the allocation of \$2,500 and everybody else gets \$750. The mayor of Ottawa and I'm sure all the regional chairs who are seeking re-election—that's going to constrain them dramatically in raising funds.

Mr. Percy Hatfield: Ranked ballots: Has that been an issue in your part of the province?

Mr. Gary McNamara: No.

Mr. Percy Hatfield: Given the choice in your municipality, what do you think council would decide?

Mr. Gary McNamara: Again, we're going to talk to our constituents and we're certainly going to have the conversation to see how they want their elected officials to be elected. But certainly, that has not been an issue in our region.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker.

Mr. Yvan Baker: Mr. McNamara, thank you so much for joining us here today. First of all, as I thought about your intro, you talked about the importance of clear rules and how municipal leaders are elected. I think that's actually one of the key reasons why this bill was pulled together.

One of the things you talked about also was the maturity of the municipal level of government. I guess I wanted to ask you if you could weigh in a little bit more on—do you support the measures of the bill that provide for local choice or municipal choice, such as the option to introduce ranked-ballot voting?

Mr. Gary McNamara: Yes.

Mr. Yvan Baker: And if so, why?

Mr. Gary McNamara: Again, one-size-fits-all doesn't apply. I think it's an opportunity for us to have that conversation with our constituency. We've done that on numerous occasions on anything that we do within the confines of our municipality. We have that conversation with our residents. For us, it's a guiding principle as well because we're there to represent the best interests of our residents. In my opinion, that's why we feel there should be that ability to have the choice.

Mr. Yvan Baker: I agree with your points you just made, but also the points you made earlier around why a referendum is not required, not just the point around the fact that municipalities are a mature level of government, but that our democracy functions on a basis where electors can engage. There's a consultation process mandated through this bill, but also that electors can engage with municipal leaders if they're not happy with how those municipal leaders have chosen to have themselves elected. I agree with that point.

1420

One of the things we heard this morning was about the need for guidance for candidates who are running in

municipal elections. The ministry, I know, has produced a Candidate's Guide for elections, and it includes a section on campaign finances etc., and there's a Q&A. I know the minister's regional staff also provide information and guidance to clerks, candidates and the public.

I was wondering if you could share—I know we've only got about 30 seconds—whether AMO has any experience with candidates inquiring about these rules, and whether you provide any guidance to those candidates.

Mr. Gary McNamara: We advocate on behalf of them, obviously, but we're also a source of information to help guide a lot of our councillors and mayors. We have various programs that we initiate throughout the year, pre- and post-elections, and opportunities to guide our elected officials and make sure that they make the right decisions.

Mr. Yvan Baker: Okay. Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. If you do have anything further that you want to provide in writing, then the deadline is 6 p.m. today.

Mr. Gary McNamara: Thank you, Mr. Chair. Our submission is in. It was basically at the conclusion. But I want to take this opportunity to thank the committee. Good luck.

The Chair (Mr. Peter Z. Milczyn): Thank you.

MS. GLORIA KOVACH

The Chair (Mr. Peter Z. Milczyn): Our next witness is Ms. Gloria Kovach. Good afternoon. You have up to 10 minutes for your presentation, and if you could please state your name for the official record as you begin.

Ms. Gloria Kovach: Thank you for the opportunity to speak to committee today. I'm Gloria Kovach. I had the honour of representing the citizens of Guelph as a Guelph city councillor for the past 24 years. I retired from Guelph city council by not reoffering in the last municipal election, so I have no biases as I speak before you today. I am also the president emeritus of the Federation of Canadian Municipalities, also known as FCM.

I speak to you today as a citizen with diverse experience in the electoral process, locally in Guelph, throughout Ontario, nationally and internationally.

I love municipal government. I'm sorry, Mr. Chair, but I have to give it a little plug: It is the closest to the people. You can meet someone in the morning in a coffee shop and effect change in their life by noon. Our decisions affect our constituents 24 hours a day, from providing clean water when you wake up in the morning and brush your teeth, to water to drink, to waste water capacity, to emergency services, to local parks, culture and recreation, to various transportation needs, to economic development and social services, and the list goes on and on.

Municipalities are a responsible order of government, and it is essential for them to have a Municipal Elections Act that works and allows them to hold modern elections in a way that suits their cities and communities. Muni-

pal elections are the democratic cornerstone of our local governments.

I have done extensive work over the past 24 years on increasing public awareness and participation not only in Guelph but around the world. It is a fundamental belief that public engagement is essential to our democracy. As municipal councils, we welcome discussion and civic engagement on local issues.

I want to acknowledge that there are some positive ideas in Bill 181, but what I fail to understand is how anyone could even consider supporting a bill that takes away democracy by allowing a government to change the way they are elected themselves, without the requirement to consult the people.

Take Guelph, for example. They first held a referendum via ballot in 1988, on the issue of changing from an at-large voting system to a ward system. There was resounding support for that change. The change came into effect in the 1991 municipal election. It didn't cost any extra money to do this, and we heard what the citizens wanted. Yes, there were some unhappy people after it. However, even they recognized the democratic process that had brought about this change.

Given feedback over the years, and some public debate regarding the ward system and its effectiveness, the city of Guelph then placed a question on the 2006 electoral ballot regarding the effectiveness of the ward system and if there was a desire for change. Council received the feedback, through this referendum, from the people they represented. They were resoundingly satisfied with the ward system, and I believe it was just over 83% in favour.

I understand that Oshawa, in 2014, also had a question on the ballot regarding a ward system. Those people also spoke with resounding support to change an at-large system to a ward-type system.

It is of real concern to me that in this proposed bill there is no requirement for municipalities to hold a referendum or even do the public consultation before changing the voting system. Essentially, the way the proposal as I understand it is written, politicians can make changes to the electoral system whenever they choose. You would hope that they wouldn't make these changes to benefit themselves and put them in a conflict of interest; however, one truly never knows unless these changes are the result of a democratic process.

The second concern for me is that while this bill shortens the municipal campaign period by starting it later, it oddly makes a change that would result in a longer active campaign. We have all seen voter fatigue over the years from long campaigns, and the additional cost to taxpayers is, quite frankly, unnecessary and a waste of money.

I have been involved extensively with women across the country on increasing women's participation in local government. One of the barriers that I heard time and time again was the cost and financial concern of campaigns. The consequences of extending an active campaign period may indeed negatively impact diversity on municipal councils.

While 13 weeks of advertisements, signs, debates and fundraising is well exhausting for the general public, it has a far bigger impact on persons who are required to take a leave of absence to run for municipal office. These aren't just municipal employees—or perhaps volunteer firefighters, as I know this committee has heard in the past. There's often people who work in other industries who are required to take that time off during an election campaign. It's just prohibitive. It will be a barrier and it will discourage good people from running for office. I would respectfully request, and I concur with President McNamara, that you keep the active campaign period status quo, commencing in September.

I have worked through many periods of lame-duck councils. It can be gruelling. People demand representation on local issues, and so they should. Increasing the active campaign period does not serve the people of Ontario well. It only forces municipal councils into inactivity on numerous issues, and it's the constituents who suffer.

Thank you for the opportunity to share with you today the knowledge I have gained from my many years in municipal government. I trust that my first-hand experience will help inform your deliberations and the significant decisions you are charged with making to ensure the democratic process in our cities and communities.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. We'll start this round with Mr. Hatfield.

Mr. Percy Hatfield: Good afternoon, Gloria. Good to see you again.

Ms. Gloria Kovach: Good to see you.

Mr. Percy Hatfield: I guess our experience in Windsor on the ward system—we changed ward boundaries. We went from five wards to 10. We did it without a referendum. Everybody seemed happy. We chose to take fluoride out of the water without a referendum—I'm not saying it was a good decision.

Mr. Tim Hudak: How'd you vote, Percy?

Mr. Percy Hatfield: We won't go there.

But I know the referendum in Kitchener-Waterloo was nasty and expensive. I think it was decided by one percentage point. So referendums on paper—there's good and bad about them. Could you help me out in explaining more about your feeling on the necessity of a referendum before going to a ranked-ballot system?

Ms. Gloria Kovach: Certainly. Well, on the issue of a referendum, it can be done quite inexpensively if it's done in conjunction with an electoral process. These things take time to change. As you well know in provincial government, these kinds of things don't happen overnight. It can be planned for. It can be put on the ballot, so it can be financially not prohibitive.

Then you hear from the people who are going to the polls, people who are engaged in the electoral process. I can tell you from my experience on municipal council—how can I say this?—that often you see the same people in public engagement, perhaps people who are fortunate enough to have the time to attend meeting upon meeting. It is the people who go to work every day and who are

working hard and raising their families who can't get out for the public consultation period to help inform council. So I believe that a referendum-type situation would really inform the council to make the decisions and would really be the voice of the people. It's the only true way that you're not listening to a special interest group.

1430

Mr. Percy Hatfield: Would you need a referendum to decide whether to ban corporate and union donations as well?

Ms. Gloria Kovach: I can't speak for all municipalities. I know our municipality does not allow that, so we are actually not allowed to take corporate or union donations. My personal feeling, if you're asking me—and I'm not sure if you are—is that it should be banned.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you very much for being here, Ms. Kovach, and thank you for your years of dedication at municipal government. That's where my roots started. It is the closest level of government to the public.

I want to follow up on Mr. Hatfield's questioning about the referendum piece. If a municipality so chooses to go down that road—because you know they have a choice; council has a choice.

Ms. Gloria Kovach: Yes.

Mr. Lou Rinaldi: In the regulations which will follow this—actually, they'll probably be posted even before the bill is passed for people to see—there will be a requirement for some type of consultation to engage with the public to get some input on whether that's where they want to go. It's not a referendum, but some type of consultation. We feel that referendums are a fairly cumbersome process. I've been through one of them, for a stupid issue, frankly, and that's my opinion.

I'll look for your answer for that, but the other piece is—and I'm sure you were in government where there was massive restructuring of municipalities in Ontario. I was one of them, mayor at that time. We had four hours of consultation here at Queen's Park and never talked to the public. Do you think there should have been a referendum back then?

Ms. Gloria Kovach: I'll speak to your first question. It doesn't have to be onerous, the issue of a referendum. As I understand the bill—and I apologize if I misread the proposals, but I don't see a clear indication for a mandate for an extensive public consultation prior to allowing a municipal council to change the way the electoral system goes forward for the municipality. That is a concern to me.

I have worked with many, many super people in our city and our province, nationally, internationally, with great intentions and focused on constituents. But I have to say, sir, that I've also worked with people whose intentions, perhaps, aren't quite as honourable. My concern is that you would confuse the public by changing an electoral system at anyone's whim, depending on the makeup of a council. While, as my colleague said,

municipal councils are not party-based specifically, there are people who generally have an interest in politics and throughout the years may develop affiliations. There can be a tug of war, and really, it should be about the people in the municipality and it shouldn't be party-line-based.

I do believe that there should be extensive consultation, there should be education of the public, and I do believe the public has a right to say how they want their elected officials to be elected; I truly do. On the other—

The Chair (Mr. Peter Z. Milczyn): I'll cut you off there because you've used up the three minutes.

Ms. Gloria Kovach: Sorry.

Mr. Lou Rinaldi: Thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Hudak has a question.

Mr. Tim Hudak: Thank you, Ms. Kovach. It's great to see you again. You're right: Of course there should be a referendum when it comes to changing our voting system. We're talking about a fundamental shift in "Whoever gets the most votes wins" to a complicated algorithm where you throw votes into a black box, where sometimes the third vote counts, sometimes the third vote doesn't count; sometimes your second vote counts, sometimes it doesn't. There's continuous ballots, there's an exhaustive ballot, there's ballots that count. It's confusing. No wonder it disenfranchises people in minority communities, low-income communities—and quite frankly, it rewards incumbents. So you're darned right, people should have a say in their electoral system.

Ms. Gloria Kovach: If that's a question, I can—

Mr. Tim Hudak: Right or wrong?

Ms. Gloria Kovach: I agree with you, sir. I can actually tell you from a concrete example from Guelph—actually, we've had many examples. We seem to have very interesting councils in our community made up of very interesting, dynamic people. One of the things we have in our council—we have a ward system. We have six wards in the city of Guelph—the mayor is elected at large—six wards, two councillors per ward. It's a large council, but I won't go there.

When you talk about algorithms—what a nightmare. I spend a lot of time educating people in my ward that there are two councillors elected per ward. They can't seem to—"But I want you, Gloria." "But you also get a second choice." So they go through that, like, "Okay," or, "You don't have to have two. You can choose one, or you can choose two." I have to tell you, that concept is difficult for a number of people.

What we've had in the city of Guelph—oh, we've had recounts, and they are nasty. They go before the court, and the judges are deciding the process of redistributing the ballots. In one case—I can't say for sure how many elections ago. It wasn't this previous election because, of course, I wasn't in it, but I do believe it was probably two elections previously. We had such a discrepancy in the voting—and this is with two councillors per ward—that there was a recount, and then there actually was a draw of a name out of a hat, because it was an exact tie.

I cannot imagine the confusion for the public when you're considering all these algorithms about who wins and how they win and—

Mr. Tim Hudak: You mentioned the coffee shops and such. Has anybody come to a coffee shop and said, "You know, Gloria, what we really need is for my third-place vote to count."

Ms. Gloria Kovach: No, never. In fact, this committee—I think you're doing a really good job at raising some awareness in the public. I have to tell you that when I was visiting a seniors' home just yesterday—and I didn't actually say I was coming here today—there were some elderly people who said to me, "What is this ranked system? I don't understand. You mean we have to say who we want, and then who we may not really want but if we had to take them, we would? Then does that person maybe get in over the person I want?" Trying to explain that was extremely confusing.

I have to say that in municipal governments, people vote for the person. They vote for that person they want. It's not the party base that you've become used to.

You know what? I don't say, in provincial or federal governments, that people don't vote for the person either, because they obviously sometimes do, versus the party. But in municipal government, it's the person they're looking at. That's who they want to represent them. That's the person who touches their lives. That's the person who lives next door. That's the person who, when they pick up the phone, answers their phone calls, writes their letters, helps out in the schools and does that.

So it is about the person, not the second or third choice that may come up through some algorithm, and then they're surprised—"How the heck did that person get there?"—because that was everybody's third and fourth choice.

The Chair (Mr. Peter Z. Milczyn): Thank you. Thank you very much for your long service to the people of Guelph. Thank you for coming this afternoon.

Ms. Gloria Kovach: Thank you.

The Chair (Mr. Peter Z. Milczyn): If there is something you'd like to submit in writing to the committee, you have until 6 p.m. today.

Ms. Gloria Kovach: I thought I would save you a tree, sir, and so I would just make my points.

The Chair (Mr. Peter Z. Milczyn): Always good.

Ms. Gloria Kovach: Thank you very much.

ONTARIO NONPROFIT NETWORK

The Chair (Mr. Peter Z. Milczyn): Our next witness is Ms. Cathy Taylor. Good afternoon.

Ms. Cathy Taylor: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Ms. Cathy Taylor: Great. My name is Cathy Taylor. I'm the executive director of the Ontario Nonprofit Network. This is my colleague Liz Sutherland, who is our policy adviser on this file. Thank you very much,

Chair, and members of the committee, for listening to our submission today.

I'm here on behalf of the Ontario Nonprofit Network. We're a network of Ontario's 55,000 non-profits and charities in this province. We are a non-partisan network that helps them advocate on behalf of the issues they face.

First of all, we applaud the government of Ontario for introducing Bill 181, but we're here to raise some concerns about elements of the bill that would prevent non-profits from participating in non-partisan, issue-based advocacy during municipal election campaigns. A copy of our submission, I believe, has been handed to you.

As you know, non-profits and registered charities are non-partisan entities. They engage in municipal issues not for personal or corporate gain—in fact, their corporations law doesn't allow them to have personal or corporate gain—but to advance the public good. Local non-profits bring the voices often of marginalized communities to the table. By doing so, their participation in public debate advances the cause of democracy. Hearing from these groups and the people they serve helps municipalities serve their residents.

Given this role that non-profits play, it is not appropriate that non-profit grassroots work should be labelled as third-party advertising, which is the issue in Bill 181. Applying this label is a misrepresentation of the role of civil society, and requiring registration for all public policy advocacy activities that incur direct, or even indirect, costs—from the first penny—is an unreasonable administrative burden for non-profits.

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We are asking for your consideration of three amendments. The first two work in tandem, and the third is a stand-alone point.

Our first recommendation is that you establish a non-partisan small-spender category that exempts eligible organizations that spend under \$1,000 in a municipal election campaign from having to register as a third-party advertiser.

Our second recommendation is to redefine the definition of “advertising” so that it focuses on the direct costs for election-related purposes, like paid advertisements in print and social media, and not indirect costs, such as website hosting and routine public communications like newsletters.

Under Bill 181, section 88 of the Municipal Elections Act would require non-profits, because they are legal corporations, to register as third-party advertisers before they can engage in public policy advocacy during municipal election campaigns. Again, it's non-partisan political advocacy. Examples would be advocating for a new sports facility or better fields or a new arts centre.

Bill 181 introduces a definition for “third-party advertising” that includes not just billboards and newspaper ads, but low-cost public communications such as flyers and e-newsletters. Any communication from a non-profit that incurs any cost, directly or indirectly, falls under this definition as the act is currently worded, as long as the

audience goes beyond an organization's own staff and members. Any non-profit that allows non-members, such as donors or the general public, to subscribe to their e-newsletter would have its communications labelled as third-party advertising under the act if it simply paid for web hosting and included an article about local housing, child care spaces or environmental issues that might be top-of-mind in the municipal campaign. This definition of “advertising” is unnecessarily broad. It would have a significant impact on the way community groups can work during the election campaign window.

Given the recent end of the federal advocacy chill where non-profits actually stopped participating in public policy debates for fear of Canada Revenue Agency audits, the last thing non-profits need is a new chill that this bill could start and that we could expect with Bill 181.

For example, we know what happened in British Columbia in 2009, after the government there introduced election advertising rules similar to the provisions in Bill 181. These rules created confusion and anxiety for small spenders during the next provincial election. Some organizations censored themselves to avoid the risk of being labelled a third-party advertiser under the new law. They were concerned that their low-cost advocacy activities—even maintaining their website—could result in a fine if they did not register as a third-party advertiser. Because registration and reporting was perceived to be onerous, many small organizations just simply opted out of the public debate.

I bring up this example from the west coast because the elements of Bill 181 that we are concerned about are based on the BC law in question. That law is currently before the Supreme Court of Canada, subject to a charter challenge concerning the fact that there's no minimum dollar amount that the organization has to spend before being required to register. The contention in the court challenge is that this wide scope is an unjustifiable infringement on our freedom of speech. Some of you will have heard that the BC Supreme Court called that law's definition of “advertising” overly broad.

We also know, from a previous court challenge, that the Supreme Court of Canada has accepted limits on third-party spending only when these limits further the goal of equality. It seems to us that putting up barriers to grassroots participation in issue-based advocacy does not further the goal of equality.

We feel strongly that Bill 181 must leave open a window for non-partisan small spenders to participate in public policy debate without dealing with the onerous requirements of registration, tracking and reporting.

We think it makes sense to follow the lead of the Canada Elections Act, which permits third parties to spend up to a low threshold during each election without having to register. The limit is \$500 at that level, but that amount has not been updated for 13 years, and it's not connected with the cost of living, so we're suggest a threshold of \$1,000 for non-partisan small spenders. Whether or not the definition of “advertising” is amend-

ed, this would allow community groups to maintain their websites, engage in social media and mobilize around local issues using techniques such as flyers and town halls, without having the register under the act.

Finally, our third recommendation is that, regardless of whether a municipality decides to allow or ban corporate or union donations, non-partisan, small-spender campaigns should be permitted. Section 54 of Bill 181, for some reason, creates a link between the right to engage in public communications and the right to donate money to candidates. We think that link is separate; that should be severed.

The way the bill is currently written, in any municipality that exercises its right to ban corporate and union donations, it would be illegal for third parties to spend any money on advertising during the election campaign window. If we think about that in the context of the overly broad definition of “advertising,” which includes both direct and indirect spending, what this would do is effectively silence non-profits entirely in these municipalities, whether they were willing to register or not, as they could legally incur no expenses for communications during election campaigns in these municipalities. In other words, these non-profits would have to fall silent for six months every four years.

It is very troubling to think that in those municipalities, non-profits would be subject to fines for having even raised an issue such as homelessness, the need for more child care spaces, the quality of our sports facilities or other local issues during a campaign.

There is no good reason for linking the right to participate in public policy debate with the ability to make partisan donations to candidates. The consequence of this provision in places where municipalities did proceed with corporate and union donation bans would be significant in terms of silencing grassroots groups.

To summarize, we strongly urge you to consider the role of non-profits in the democratic process and to take care not to put up barriers to participation for community groups that we all rely on to be our eyes and ears on the ground in all of our public policy work—municipally, provincially and federally.

You’ll see in your package that we put together an infographic with Samara Canada about the role of non-profits in democracy. We hope you can gain some insight from that infographic.

To reiterate our key recommendations, we request:

—that you create a non-partisan, small-spender exemption from the requirement to register for third parties that spend under \$1,000 during a municipal election campaign;

—that you refine the definition of “advertising” under the act so that it encompasses only the direct costs of advertising for election-related purposes, such as the cost of paid advertisements in print and social media; and

—that you allow third parties to undertake non-partisan, election-related activities up to the small-spender threshold, even in those municipalities that have chosen to ban corporate and union donations to candidates.

Thank you, Mr. Chair and members of the committee, for allowing us time to present. I’m happy to answer any questions.

The Chair (Mr. Peter Z. Milczyn): Thank you. We’ll start this round with the government. Ms. Hoggarth?

Ms. Ann Hoggarth: Thank you very much for your presentation. As a government, we recognize how important non-profit groups are and the role they can play—an important, valuable role—in dialogues at work in our municipal elections.

In your view, how can the non-profit sector participate more effectively in municipal elections?

Ms. Cathy Taylor: That’s a great question. I think that the benefit of a strong non-profit sector, particularly in municipal elections, is that they’re often the people on the ground. They’re running the food banks; they’re in charge of the sports organizations; they’re managing the theatre groups. They will have a first-hand account of what the community needs are. They will understand where the gaps are. They will be able to help educate people running for municipal office—that one section of the community is lacking a pool and another area of the community needs economic development.

The chamber of commerce is a non-profit as well, as are most business improvement associations.

All of those organizations have incredible data, intelligence and experience to be able to showcase to municipalities and to candidates what’s happening in their community so that, ideally, municipal candidates can do a much better job when they’re in the governing position.

Ms. Ann Hoggarth: My additional question would be: If, for instance, several non-profits were willing to put up \$1,000, they could do different advertising and each get \$1,000, which would influence—the more groups that talked about the same issue, the more they would influence the election.

Ms. Cathy Taylor: Up to \$1,000.

Ms. Ann Hoggarth: Are you saying that if they all wanted the pool in the south end of the city, they would all have to be together and spend \$1,000? Or are you saying that each of those non-profits could spend \$1,000 and that may be \$10,000?

1450

Ms. Cathy Taylor: Right. That’s an excellent point. Certainly we would be saying that each non-profit would have up to \$1,000 to spend on advertising. I’d reiterate that it’s non-partisan advertising, so it’s not endorsing candidates; it’s not saying that this candidate is better than another. But flyers saying that we need a new pool in this neighbourhood? Absolutely.

In each community, the number of non-profits that are actively engaged in municipal elections is very low. We don’t anticipate that there is going to be an increase in the number that are already engaged, but we just anticipate that this bill would create barriers to the ones that are already engaged.

Ms. Ann Hoggarth: But what happens if councillor such-and-such has run on getting a new pool in the south end?

The Chair (Mr. Peter Z. Milczyn): That's your time. Sorry.

Mr. Hudak.

Mr. Tim Hudak: Ms. Taylor, another great presentation. You're always very well prepared and broad-based in your recommendations.

This is an issue that I think a lot of us face in our ridings, and I'm confident it will be in my next one. Along Ms. Hoggarth's questions, there's a big arena project, and I think next election, there will be mayoral candidates and councillor candidates who are very clearly pro or against the big investment. Walk me through what you think the best approach would be for not-for-profits who want to be, let's say, pro-arena, in terms of caps on spending, which the bill doesn't speak to, and then when they would have to register and any other restrictions. They'll have lawn signs, they'll have brochures that may not endorse candidates, but they'll do so indirectly because they'll endorse the project.

Ms. Cathy Taylor: Certainly non-profits in a healthy democracy should have a right to say what they think is needed in their community. If they're a soccer organization and there's a field that needs to be updated, or a hockey organization and there are not enough arenas, those are the constituents you want to hear from because they have lived experience that those are the things we need.

Spending up to \$1,000 is not going to buy a whole lot of lawn signs. It's not going to buy you a full-page ad in even a local, small paper. It's a really insignificant amount. What it will allow you to do is to do some flyers and to go to all-candidates' meetings. I think non-profits know that the best way to advocate at a municipal level is to meet all of the councillors one-on-one, which is outside of advertising anyway, and to make their case around the issue.

I think the real difference is that non-profits and registered charities don't exist for private or corporate benefit. They're not making any money off of their position; they're there to provide for the public benefit.

Mr. Tim Hudak: They can influence an election campaign, though. Would you think there should be some caps on how much they could spend? For example, a well-financed group can spend \$20,000 or \$25,000, which would be huge in some—

Ms. Cathy Taylor: Well, we're saying that they'd have to register as a third-party advertiser and adhere to all of the rules. What we're concerned about is the small, grassroots group that can spend up to \$1,000 without having to register. Otherwise, the third-party advertising rules would be in place for that very reason.

Mr. Tim Hudak: For caps?

Ms. Cathy Taylor: Yes.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman.

Mr. Ernie Hardeman: I just wanted to say that we've heard similar things about being able to spend, and it has to do with everyone when it comes to the registration. You can't register on May 1, and the fact that you can't even set up a website—

Ms. Cathy Taylor: Right, for candidates.

Mr. Ernie Hardeman: —or buy postage stamps to send out a mailer to see if you can encourage people to join your cause prior to May 1, because that would be spending money and you haven't registered. I think there is a need to look at some way of putting something in place, as you say, at a minimal amount to facilitate that being able to spend money even though you're not part of the race yet, because you haven't even decided whether you're going to be part of the race, so that you can actually get involved and have your voice heard.

The one suggestion, of course, is that if you were doing that as an individual and it wasn't partisan, you can do it all.

The Chair (Mr. Peter Z. Milczyn): That's your time.

Mr. Hatfield.

Mr. Percy Hatfield: Good afternoon. Welcome. Can you give me examples of the last municipal election and some advocacy that the non-profits may have done that you fear they would not be allowed to do if this goes forward?

Ms. Cathy Taylor: Sure. A couple of great examples would be around accessible bus passes, which is a municipal issue. Accessibility organizations and committees for accessibility in communities would certainly advocate to their councillors that they want to make sure that there's a reduced rate or accessible bus passes. That's the type of thing where there wouldn't be a lot of advertising money spent. It would really be putting together a flyer or their packages and being able to meet with councillors and talk to the media about why there is the need for accessible bus passes.

Another example could be about the building of a park or the designation of lands around a community space or a community park. The most popular one that I think we're seeing is around poverty. Most communities have an anti-poverty coalition or a poverty elimination task force, usually made up of people with lived experience, as well as local leaders like United Ways and other organizations. They would certainly be advocating for a council to have a plan to reduce poverty.

Mr. Percy Hatfield: Is your organization seized with just this one issue on the third-party advertising, or are there other elements of the bill that you'd like to speak on as well?

Ms. Cathy Taylor: It's particularly this area that affects the non-profit sector, so our comments are specific to that area.

Mr. Percy Hatfield: And of the \$500—was it \$500?

Ms. Cathy Taylor: Well, we're recommending \$1,000. They've used \$500 at the federal level, which was a number of years ago. We know from the BC studies that most non-profits that are involved in municipal spend around \$500, so we're recommending \$1,000.

Mr. Percy Hatfield: All right. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for your submission this afternoon. If there's anything further in writing that you'd like to provide to us, you have until 6 p.m. today.

Ms. Cathy Taylor: Great. Thank you so much.

MR. JUSTIN Di CIANO

The Chair (Mr. Peter Z. Milczyn): Our next witness is Councillor Justin Di Ciano. Good afternoon, Councillor.

Mr. Justin Di Ciano: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): Congratulations on the latest addition to the family.

Mr. Justin Di Ciano: Thank you, Mr. Milczyn.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation. At the start, if you could please state your name for the official record.

Mr. Justin Di Ciano: Great. Thank you. Good afternoon, committee members. On behalf of the city of Toronto, thank you for the opportunity to address with you our concerns on Bill 181. My name is Justin Di Ciano, Toronto city councillor for ward 5, Etobicoke-Lakeshore. I come before you today as one of three members of council appointed by Mayor Tory to review, develop, and provide input to the province's municipal legislative reviews. To my right is Bonita Pietrangelo, who is the director of election services for the city of Toronto.

I am here to speak specifically to the city of Toronto's concerns with respect to our review of the Municipal Elections Act passed by city council on September 30, 2015.

Efficient and effective municipal elections are critical to our local democracies, and nowhere is this more important than in Toronto, Canada's largest city. During Toronto's last municipal election, voter turnout was over 50%, with almost one million votes cast. As Canada's most diverse city, with over 100 languages spoken, residents have a significant stake in the changes made to the Municipal Elections Act. It is important that any potential changes build on the successes of our electoral process of the past 100 years by continuing to ensure that voting is kept simple, and most importantly, residents' right to vote continues to be fully exercised.

Of particular concern in Bill 181 is that Toronto city council's recommendations to not move forward with amendments that provide for ranked-choice voting were not addressed. After a thorough academic review of all nine municipalities in North America that use ranked choice voting, or RCV, Toronto's position remains unchanged that ranked-choice voting suffers from a number of democratic shortcomings which cannot be overcome.

Contrary to what Torontonians and the broader public have been led to believe, ranked choice voting does not guarantee a majority result. RCV is a plurality system, just like first-past-the-post. The federal United States Court of Appeals for the Ninth Circuit has gone as far as ruling that ranked choice voting is not a majority system and in fact remains a plurality system.

Under our current first-past-the-post system, every ballot is counted, every voice is heard and the candidate with the most votes wins. Under ranked choice voting, the winner is defined as the one who wins the majority of what are called "continuing ballots." This means if a voter uses all of his or her three rankings on candidates

who do not have a chance of winning, that ballot will be exhausted and not part of the continuing ballots. The city of Toronto strongly believes that all votes matter. A majority is defined as 50% plus one of all votes cast.

1500

As a real-world example, in the 2010 San Francisco district 10 municipal election, 18,303 people voted under ranked-choice voting. Immediately, 500 people made mistakes and spoiled their ballots. After 20 recounts, it was reported that Malia Cohen beat Tony Kelly by a margin of 53% to 47%. Out of 18,303 votes cast, Malia Cohen received 4,321 votes, or 24% of the vote; 9,503, or 52% of all ballots cast, were exhausted. In other words, 52% of voters' voices were eliminated from the election results. Simply put, you don't need to get a majority to win.

After further election analysis of the nine municipalities that continue to use ranked choice voting in North America, the city of Toronto remains concerned about the results RCV had with respect to lower voter turnout, drastic increases in error ballots by disadvantaged, ethnic and elderly voters who could not understand ranked-choice voting, and the cost to administer a system that, by all official accounts, requires massive education campaigns before each and every election, and hard data shows that it has produced significantly lower voter turnout.

Further review of the RCV election results in the United States over the past 15 years shows no substantive evidence to suggest that ranked choice voting helps elect more women or minorities to public office. Since RCV was established in San Francisco in 2005, the number of elected female supervisors has dropped by 20%.

There is further empirical data from all nine municipalities which directly challenges the argument that ranked-choice voting reduces strategic voting and negative campaigning. A quick Google search into any recent RCV race will result in multiple media articles that shows strategic voting and negative campaigning are alive and well in RCV elections.

If the committee does not remove these provisions, Toronto city council strongly recommends that the committee preserve the language in section 31 of Bill 181 that makes ranked ballot voting optional, and that it only be permitted after holding public consultations. A feature Toronto city council would like specified in the bill is the requirement for a local referendum before ranked ballots can be implemented.

Another request of Toronto city council is to allow permanent residents the right to vote in municipal elections. Toronto's permanent residents are active members of our communities, contributing to Toronto as property taxpayers without representation. While there are a number of legislative and administrative changes needed to achieve this goal, the city of Toronto suggests that amendments to the MEA can start the process that will enfranchise a large segment of the population.

In addition to these items, Toronto city council requested changes that would improve electoral adminis-

tration, accountability and potentially increase voter turnout. The city recommends changes to nominations and the nomination period as follows:

—that the final date to register as a candidate be one week before the final date to withdraw;

—that only residents whose principal residence is in Toronto should be eligible candidates in Toronto.

—clarify section 45 of the MEA to require condo corporations to allow public access to voting places in their condominium; and

—in respect of proxies, the MEA should be amended to meet our shared accessibility goals. Specifically, the committee should amend the MEA to ensure that persons with disabilities who cannot attend voting places can assign their proxies to family members not eligible to vote in Toronto.

Toronto city council also requests that the province review proxy voting procedures as a whole.

Toronto city council also requested a number of changes to campaign financing, none of which are reflected in Bill 181:

—not counting the HST toward campaign spending limits;

—allowing candidates who have been subject to a compliance audit or compliance audit request to re-open the campaign for fundraising purposes to recover these costs; and

—increasing spending limits to reflect the true costs of running campaigns in Toronto and establishing a formula to increase limits annually based on cost of living.

Finally, Toronto city council requested the following changes related to compliance audits:

—extending the process to 60 days from 30 days to ensure sufficient time to respond to a compliance audit application; and

—authorizing the compliance audit committee to award costs when they dismiss a complaint.

I understand that city staff continue to work with the province on potential long-term improvements to the voters list, and that future regulations may address city council's requested changes related to candidate fees and possible refunds.

As contemplated in the Toronto-Ontario Co-operation and Consultation Agreement, we look forward to working with the government on future initiatives related to the MEA to ensure that voting is kept simple and, most importantly, that residents' right to vote continues to be fully exercised.

Thank you for your time, and I look forward to the committee's consideration of these issues or any questions you may have.

The Chair (Mr. Peter Z. Milczyn): Thank you very—

Ms. Ann Hoggarth: Point of order.

The Chair (Mr. Peter Z. Milczyn): Yes, Ms. Hoggarth?

Ms. Ann Hoggarth: I'm sorry to interrupt. I just wanted to know: At the beginning you said you—

The Chair (Mr. Peter Z. Milczyn): No. Excuse me, Ms. Hoggarth. You're not asking questions now.

Ms. Ann Hoggarth: Okay. Never mind. Sorry.

The Chair (Mr. Peter Z. Milczyn): You'll be able to ask your questions when it's your turn.

Ms. Ann Hoggarth: Well, it's not that kind of question.

The Chair (Mr. Peter Z. Milczyn): Do you have a point of order?

Mr. Tim Hudak: Try it.

Ms. Ann Hoggarth: I just want to know if Mr. Di Ciano is representing all of Toronto's councillors. Were you sent here by council?

Mr. Justin Di Ciano: Yes. Council, in October—

The Chair (Mr. Peter Z. Milczyn): Hold it. Sorry, Councillor. That's not a point of order. You're entitled to ask that question when it's your turn.

We'll start with the official opposition. Mr. Hudak?

Mr. Tim Hudak: Thank you, Councillor Di Ciano, for a very informed presentation. I know you've done a lot of research on this. The small group of people who support ranked ballots tend to say that it's widespread across the world. What's the actual case? How often are ranked ballots used?

Mr. Justin Di Ciano: To be technical, there are 11 municipalities that have the ability to use ranked-choice voting. There are only nine municipalities in North America that use it, San Francisco being the largest. They are probably a tenth of the size in terms of voter turnout that Toronto is. And out of those nine, two of those municipalities had less than 1,000 people vote for mayor in their last election.

Mr. Tim Hudak: So it's quite a leap to say that this is a tried and true and tested method of electing councils, especially for cities of Toronto's size?

Mr. Justin Di Ciano: Yes. I mean, if you were to ask Bonita what it's going to take to undertake something like this for a city of our size, I'm sure she could speak to the complexities as the cities get bigger.

Mr. Tim Hudak: The disenfranchising, as you mentioned, particularly of minority communities, seniors and low-income individuals: What has been the experience in the communities that have used ranked ballots? You mentioned San Francisco and Minneapolis.

Mr. Justin Di Ciano: That's a great question. For research purposes, we look at the error ballot rate. We see that in many disenfranchised communities, the error ballot rates go up 15% to 20%. What we're finding out is that a large segment of society just doesn't understand the instructions on how to use the system.

We've researched thousands of error ballots and spoiled ballots—real ballots—and seen that it's hard for certain ethnic groups to follow the instructions that are put before them.

Mr. Tim Hudak: So particularly low-income communities are most in jeopardy?

Mr. Justin Di Ciano: There is no doubt.

Mr. Tim Hudak: And the position of the city of Toronto, to make sure I'm clear about this, is that if the

province were to go ahead with this, you want to see broad public consultation and a referendum in the municipality before it could change?

Mr. Justin Di Ciano: Without a doubt. The city needs to undertake true public consultation, so that we actually go out and register with the broader public, to understand what they truly think of the system. Then, after you get public consultation, I think a system like this, which is fundamentally changing the way in which we elect people—ultimately, I think the people should decide, and council took that position last year.

Mr. Tim Hudak: Supporters of ranked ballots also say that you have to get 50% plus one to win. Would you agree with that statement?

Mr. Justin Di Ciano: Absolutely not. It is only 50% of the continuing ballots. In a 20-member race, if you weren't able to successfully guess or choose the two people who ultimately were going to go in the final runoff, your vote is exhausted. It's eliminated.

Today, when we watch CP24, you see first place, second place and third place. If a million people voted, the three candidates in the race should have a million votes. With this system here, large swaths of the electorate aren't counted in the final tally. They aren't represented.

Mr. Tim Hudak: Thank you, Chair.

The Chair (Mr. Peter Z. Milczyn): The next round: Mr. Hatfield.

1510

Mr. Percy Hatfield: Welcome back to Queen's Park and another committee.

Mr. Justin Di Ciano: Thank you very much.

Mr. Percy Hatfield: I was only on council for seven years in Windsor, but my experience has been that municipalities tend to seek more authority from the province rather than less. So I'm interested to know why you believe council in Toronto should not be trusted with the authority to decide for itself whether to adopt ranked balloting. The option on the table is for municipalities to make up their own minds as to whether they want it or not.

Mr. Justin Di Ciano: I think at the municipal level, whether it's the city of Toronto or any city across the province, we know that on the council floor, decisions can be made very quickly and often without a lot of thought.

This is something that is fundamentally different in terms of how we are going to elect public representatives. The process to undertaking this is something that has major magnitudes—the costs associated with this, and the rights of people to vote and be heard—does their vote count? I think that's a broader issue. It's a serious issue. I don't think it's an issue that just any council, for political gain or purpose, should have the ability to make on the fly.

Mr. Percy Hatfield: Are you saying, then—I'm trying to read into it—that if somebody had a walked-in motion and nobody was paying attention, and it got adopted, then that would lock you into whatever the

motion was, ranked ballots or whatever, as opposed to the clerk or the elections officer giving you a background report and people having time to digest it and make a decision?

Mr. Justin Di Ciano: It would depend on the motion that comes to the floor, whether that motion included public consultation or we'd get a report from the city clerk. Ultimately, the city clerk—I would imagine that most municipalities would include in their motion language that would say, "Have the city clerk advise us on what it would undertake, and then come back to us with a report."

Mr. Percy Hatfield: You guys don't accept corporate and union donations in Toronto. Has that worked out well, and do you recommend it for the rest of the province?

Mr. Justin Di Ciano: I think it's certainly better in one way, but in another way, there are those who argue that it just hides who is behind the name, which company is behind the name. So in one way, you have people saying that if it's a company that donates, then you know who the company is; in the other, if it's the principal owner, then you don't know which company they are.

I have my thoughts on how to bring true transparency, but maybe I'll leave that for another day.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): The next round: Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you, Mr. Di Ciano, for being here. Just a couple of things, just to clarify for the record and follow up on a question from my colleague: We did have another city councillor this morning, who made it very clear he was here on his behalf. It wasn't clear at the beginning: Are you here on your behalf or representing the city of Toronto?

Mr. Justin Di Ciano: I'm here on behalf of the city of Toronto. I was appointed to a three-member panel of councillors, on behalf of the mayor, to look at and review the Municipal Elections Act.

Mr. Lou Rinaldi: That's okay, just to get it on the record. We appreciate the city of Toronto taking the time to do that.

I'm going to stick to the ranked ballot, because that was the majority of the focus of yours, although other suggestions were very, very valid.

There was a reversal of a decision from the previous council to this council. I spent 12 years on municipal council, although much smaller than Toronto, so I've been there. I think the province looks at that as respecting decisions of the council of the day, correct? I think I'm correct in saying that, that we do respect municipal politicians as a democratically elected, responsible level of government.

I guess what leads me to the point is that we made the decision in regulation, and we made it very, very clear: There will be a process where you have to engage the public in some way before you make the decision, or after it; it's your choice. We are working with municipalities and municipal clerks—the ministry is—to try to

create a format where there will be some sharing of information on how this could work. Once again, the municipality has to make that decision.

Do you think that giving the municipality that responsibility is something that would help, to make sure you get the right feedback from your public?

Mr. Justin Di Ciano: I think that over the past 100 years in Canada, we've had many cities try some form of ranked ballot or not, whether it's proportional representation, STV—Calgary started in 1915 and they abolished it in 1960; Winnipeg; Vancouver; all these cities have tried it one way or the other in the last 100 years.

To continue to go through this process—I mean, it is extensive. It takes a lot of resources from your public bureaucracy. Let's go through the debate once. We are here to have that debate. Let's make an informed decision, rather than a decision just on a council floor.

Mr. Lou Rinaldi: I'll just spend a little bit more time. So your position is that—

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi, that is your time. Sorry.

Mr. Lou Rinaldi: Oh, that's too bad.

The Chair (Mr. Peter Z. Milczyn): Thank you, Councillor Di Ciano. If you have anything that you would like to submit in writing to the committee, you have until 6 p.m. today to do so.

Mr. Justin Di Ciano: Thank you, Mr. Milczyn. Thank you for your time.

ASSOCIATION OF MUNICIPAL MANAGERS, CLERKS AND TREASURERS OF ONTARIO

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Stephen O'Brien. Good afternoon, Mr. O'Brien.

Mr. Stephen O'Brien: Good afternoon, Mr. Chair.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Mr. Stephen O'Brien: Certainly. My name is Stephen O'Brien and I am the chair of AMCTO's Municipal Elections Act Advisory Team.

Good afternoon, Mr. Chair and members of the committee. Thank you for having us. My name is Stephen O'Brien, as I said. Again, I am the chair of AMCTO's Municipal Elections Act Advisory Team, as well as the city clerk for the city of Guelph. However, I want to be clear that I am here today to speak on behalf of AMCTO and I do not bring recommendations on behalf of the council of the city of Guelph.

With me is Rick Johal, AMCTO's director of member and sector relations.

I'd like to begin by thanking the committee for allowing us to appear here today. AMCTO is Ontario's largest voluntary association of local government professionals. While the association's membership is made up of a diverse mix of public servants working in a variety of service areas impacting Ontario's communities, we also

represent municipal clerks in almost every municipality in the province.

This piece of legislation is particularly important for us. During the government's consultations on the MEA, we provided 23 recommendations that we thought would help strengthen the administration of municipal elections in Ontario. We're happy to say that Bill 181 incorporates almost three quarters of those recommendations. While we know that no piece of legislation is perfect, we think that this bill represents an important and positive step forward for municipal elections in Ontario.

Our submission was framed around the theme of modernization. We were very pleased to see that a number of changes will help clerks modernize the way that they administer elections. The bill also contains a number of positive changes to improve election administration, make elections more accessible, clarify and improve some campaign finance provisions and streamline the election calendar.

During an election, it's important for us to note that the clerk transitions from an officer of the municipality to an independent election administrator. This is a statutory obligation that is independent from their function as clerk. The most important consideration for clerks when conducting an election is to ensure that the process is fair and accessible, and that the outcome is legitimate. This role is grounded in the notion that the public confidence in the electoral system is paramount to our democratic society. Given the importance that clerks play in municipal elections, we would like to commend the government for taking time throughout its review to incorporate this type of feedback in the bill.

First, I would like to speak about the voters list. Following the last several municipal elections, one of the biggest priorities for clerks in this province has been the poor quality of the municipal voters list. As you can see on slide 4 of the presentation materials that we've provided to you, when AMCTO surveyed its members last May, 92% of them indicated that Ontario needed a new approach to the voters list. I know that several members of this committee have served on municipal councils and will be familiar with this problem.

While this bill contains a number of measures that should create small, short-term improvements in the voters list for the 2018 election, much work remains to be done. We firmly believe that the current problems will only be solved by transforming the way the voters list is constructed. We have been working with the government since the fall on its voters list working group and appreciate Minister McMeekin's commitment to fixing this problem.

While we know there is no magic bullet, AMCTO believes that there are opportunities for improvement. We know from our experience with the voters list working group that any meaningful solution to fixing the voters list must be based on a commitment from provincial ministries to do a better job of collaborating across the board and sharing the information that they retain.

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I will speak briefly to ranked ballots. AMCTO has not taken a formal position on ranked ballots, and we do not believe that it is our role as election administrators to do so. However, I would like to highlight some of the concerns that clerks have about this change. As you can see on slide 6 of the materials, more than 75% of the clerks that we surveyed indicated that if their council decided in favour of using ranked ballots for the 2018 election, they would not feel prepared to do so.

Perhaps most important around this is that public engagement and public education are the biggest challenges for municipalities that choose to opt for ranked ballots in 2018. Municipalities will need to invest resources in engaging their citizens and explaining to them how this process works. This will be even more complicated in communities across the province that elect their members in multi-member wards or multi-member contests. There will obviously be resource and time implications at what is already a very busy time, and we would encourage the province to serve as a partner and share this burden with us.

There are a range of additional factors that make ranked balloting complex from an administrative perspective and an elections administration perspective, from ballot design, logic and actual testing of the IT equipment that we use to the voting technology that's implemented in the polls. While these challenges are not insurmountable, they become more daunting the closer that October 2018 gets.

Moving from ranked ballots, I would like to talk briefly about one of the new enforcement provisions of Bill 181 that is a significant concern for us. Section 88.35 of Bill 181 states: "The clerk shall review the contributions reported on the financial statements submitted by a candidate ... to determine whether any contributor appears to have exceeded any of the contribution limits." A similar requirement exists for third-party advertising.

This is a problematic requirement for clerks. As you can see on slide 9, in our survey, 21% said that they would feel comfortable fulfilling this responsibility.

The most troubling aspect of this provision is as it relates to the clerk's relationship with his or her council and their role within the municipality. Municipal clerks occupy a unique position within local government. During an election, they take on and serve effectively as chief electoral officer for their municipality. Unlike Ontario's Chief Electoral Officer, however, municipal clerks have close working relationships with their councils, much like I am sure you have with the Clerk of this committee, perhaps.

Municipal clerks are responsible for a variety of other functions and serve as the principal procedural adviser for their councils. Put in provincial terms, the clerk is at once the Chief Electoral Officer, committee Clerk, Clerk of the Legislative Assembly and head of the Legislative Library and Research Services.

This new requirement puts the clerk in an impossible position. They must on the one hand build a positive

working relationship with council, while on the other hand monitor campaign contributions to those very same councillors—and bear in mind that we're also appointed and serve at the pleasure of our councils. While collaboration with members of council is important for the healthy functioning of a council-clerk relationship, it places the clerk in a potential conflict whenever they have to deal with election compliance.

As I mentioned earlier in my presentation, the clerk's responsibility is for administering elections, and it is a statutory responsibility that we carry. The public's confidence in the democratic process requires an election to be administered without prejudice or preference. In order to ensure that this happens, the clerk must remain truly neutral and free from political influence, focused on fairness and procedural integrity.

Moreover, most municipalities do not have electronic filing systems and may lack the IT infrastructure or staffing ability to manage the process of reviewing said financial statements.

Our recommendation would be to shift this responsibility from the clerk of the municipality to the municipality's compliance audit committee. Every municipality is required to establish such a committee, which is specifically tasked with auditing and reviewing candidates' financial statements. These bodies are better positioned to handle this responsibility within the act's current enforcement structure. They are designed to be arm's-length, with greater financial literacy, and are expressly set up to handle financial compliance issues.

In conclusion, to the committee members, AMCTO has a long-standing tradition of working with the province to ensure that municipal elections are free, fair and accessible to everyone who chooses to participate. We think that the best outcomes happen when the clerk and the province are able to work together—AMCTO and the province—in their partnership, and we look forward to continuing the tradition in the run-up to the 2018 municipal elections.

Thank you very much, Mr. Chair. I'm happy to take any questions.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. O'Brien. We'll start this round with Mr. Hatfield.

Mr. Percy Hatfield: Good afternoon. Welcome.

Just looking at one of your slides, it says that 1% of your members are very prepared for ranked balloting and 7% somewhat prepared, which leaves a great deal not even close. Should it be determined to go forward with ranked balloting in the next municipal election, how long would it take for your membership to feel very prepared?

Mr. Stephen O'Brien: Through you, Mr. Chair, I think the crux of the issue is that each community is very different. There is a lot of education that is going to be required to bring the public and the electorate up to speed on how to properly rank a ballot. We believe that it's important for the elector to understand what it means to mark, for example, "1, 2, 3." That's the big piece.

The simple answer to that is, "As much time as possible." We know that this bill is proceeding through

the standard processes. We look eagerly towards the enactment of regulations that tell us more about what that means. It's difficult to say how much time without knowing what the regulations will say.

Mr. Percy Hatfield: Currently, the suggestion is that municipalities would have the option of going to ranked balloting should their council choose. I would expect that if the clerk gave a report and said, "We're not really prepared. As you make your decision tonight, be aware that we're not really prepared and won't be prepared for a long time if you adopt this system"—I would imagine you would expect that that type of suggestion would carry some weight with your council.

Mr. Stephen O'Brien: Municipal clerks will have to evaluate and do whatever work is needed to get themselves ready for such a recommendation to their councils. We believe, again without taking a formal position, that it's probably different in every community in terms of willingness and interest on the part of municipal councils to pursue ranked balloting. We would want the ability for communities to be able to make that decision in whatever means that is, whether it's really formal public engagement, all the way through and up to a referendum. That should be a choice for municipalities to make based on what they feel is best for their communities.

Mr. Percy Hatfield: Don't answer this if you think it's unfair, Stephen, but when you filled in the questionnaire from Guelph, were you very prepared, somewhat prepared, or somewhere else on it?

Mr. Stephen O'Brien: I would rather not answer said question. Thank you.

Mr. Percy Hatfield: Thank you, Chair.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Baker?

Mr. Yvan Baker: Thanks very much for coming in and for your testimony. I want to comment on a couple of things you had mentioned and then ask a couple of questions, time permitting.

One thing you talked about, which I can completely understand, is this idea that clerks would want support or need support with a ranked ballot, should a ranked ballot go forward. I know there are a number of things that the ministry is currently doing to engage with clerks around the ranked ballot initiative, but I'm pretty confident that in the future, should this go forward, should this bill be passed as is, the ministry would continue to provide that support and that there would be an educational campaign attached to that. That's one thing I wanted to highlight in terms of the support point that you had raised, or the point around the need for support.

The other thing that I wanted to highlight—and I appreciate the survey that you've done and the effort you have taken to pull this together. Similar to Mr. Hatfield's point, my hope would be that if a clerk feels that his or her municipality is not prepared—if they're at the bottom part of this graph, which is the majority, currently—they would feel that the elected officials who might otherwise want to go ahead with the initiative would consider that pretty significantly in their considerations around the

decision as to whether to move forward. Again, I just want to highlight that this is an option. This would be optional under the bill; it's not a mandatory initiative.

What I did want to ask you is this: Do you believe that municipal clerks are an important steward of accountability in municipal elections?

Mr. Stephen O'Brien: Through you, Mr. Chair: Absolutely, 100%. As I alluded to in my commentary, our chief goal when we put on that returning officer hat is to ensure that elections are fair, accountable, transparent and legitimate at the end of the day. We recognize the fact that the province will be potentially working on educational materials, and that's very valuable. And the association has been involved very heavily with the ministry on the ranked ballot working group, so that has been much appreciated.

The other aspect is that the results of the survey highlight the fact that we still quite don't know what it means yet. There's a lot that goes into the nuances of managing an election, and I alluded to it: logic and actually testing of some of the equipment we use. Municipalities have been at the forefront of advancing technology in the election world, Internet voting being a really good example. We would need to make sure that the tools that we use are able to actually logically count and tabulate the results of an election. So until we see regulations, it's sort of difficult for us to put a finger on it and say, "Yes, we're ready to go."

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I would imagine, without having spoken to all of my colleagues in the association, that that's probably where some of the results are rooted.

Mr. Yvan Baker: I appreciate that. Based on what you just said, the way I would interpret the results of your survey, where a large number of clerks said they weren't prepared, is that I could look at this and say that a lot of them may have said that because there's a lot of detail yet to be determined, a lot of planning yet to be done, and that would determine whether they're prepared or not.

The Chair (Mr. Peter Z. Milczyn): Unfortunately, that's your time, Mr. Baker.

Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. I just wanted to focus a little bit on the responsibility of the clerk during an election. This morning, we heard reports from a presenter that, in fact, what we needed to do was to have a much better process within the bill to deal with not only monitoring the finances after an election, after the returns are in, but for the candidates, to give them advice as to what's legitimate and what isn't. He said that in Ontario, we can call the elections office; in Canada, they can call the Elections Canada office. Municipally, who are you supposed to call? How do we guarantee that I can depend on that advice when they give it to me? It was suggested that the chief returning officer in every municipality is the clerk.

Do you see a way of satisfying the needs of that individual by using the administrative staff that we presently have in the municipalities?

Mr. Stephen O'Brien: I think the crux of the issue for us is that, like you alluded to, you've got independent, arm's-length bodies—in fact, officers of the Legislature at the provincial level, for example—that are providing that advice. They're not interacting necessarily with members of provincial Parliament on a day-to-day basis following an election process. That's the challenge that we have.

In some municipalities, it may not be a staffing resource issue; it just may be the compromise that that plays. We've got to be able, on one hand, to provide unbiased, neutral, evidence-based policy advice to our councils on a myriad of issues, like our other staff colleagues do. Then, on the other hand, it would be vetting financial statements. So it's that challenge.

The legislation already—albeit it could see some tweaks, there is a compliance audit process.

Mr. Ernie Hardeman: If I could just quickly—you mentioned in your presentation the compliance audit committee, and to give them the responsibility for the auditing. Is there a way that we could give them the responsibility of also being the chief electoral officer—in fact, to make the total process arm's-length from the clerk's office?

Mr. Stephen O'Brien: I would suggest that that would be very problematic, the reason being that municipal clerks have—in areas where we do need resources, we can leverage those quickly. I think about the technology statement I just made about municipal elections. I know in my own municipality, we partner heavily with our IT friends and we're able to leverage that. We're able to use staff resources on the day of an election to help augment the hiring we do in the communities.

I would suggest that an arm's-length committee would be challenging, to assume the whole body of work that is a returning officer's role. We're looking more at the separation of the vetting and reviewing of financial documents.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. If there's anything further that you'd like to submit to the committee in writing, you can do so until 6 p.m. today.

Mr. Stephen O'Brien: Thank you.

MS. SUSAN LLOYD SWAIL

The Chair (Mr. Peter Z. Milczyn): Our next witness is Ms. Susan Lloyd Swail. Good afternoon.

Ms. Susan Lloyd Swail: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation. As you begin, if you could please state your name for the official record.

Ms. Susan Lloyd Swail: Thank you. My name is Susan Lloyd Swail. I am a former deputy mayor and municipal councillor for King township. Good afternoon.

First of all, I want to thank the committee for your work on Bill 181. It's really an important part of our legislation. As a former municipal councillor, I want to

say that I support the recommendations outlined in Campaign Fairness' report *If It's Broke, Fix It*.

Today I'll be speaking to two specific areas in their report. One of particular concern is the influence of corporate and union donations, and also the importance of including ranked ballots in municipal elections.

I'll be commenting on research done by Professor MacDermid, and Nobel prize recipients Partha Dasgupta and Eric Maskin, who studied electoral systems in an effort to find the fairest system of all.

The committee has heard that candidates receiving financial support from the development industry are more likely to get elected than those who do not. I was one that did not accept these contributions. Professor MacDermid has conducted compelling research that indicates corporate funding unduly influences election outcomes. I understand that he spoke to the committee last week, so I won't elaborate on his research, except to say that I agree wholeheartedly with banning corporate and union donations.

Voter apathy is a real threat to our democracy today. I think we really need to work to encourage participation and instill confidence within our election system. Changing to a ranked ballot system and reducing the influence of corporations will do just that.

An analysis of the 2002 US presidential election by Nobel prize winners Partha Dasgupta and Eric Maskin, published in the *Scientific American* magazine in 2004, clearly identified that the first past-the-post-system alone is not the best system to represent the wishes of the voters. When there are more than two candidates running, as was the case in the 2002 election, where four candidates competed—Buchanan, Bush, Gore and Nader, I believe it was—a ranked ballot can make a difference in the results. That was their analysis. The research completed showed that ranking candidates removes ambiguity and addresses the shortcomings of our current electoral system. They found that the fairest electoral system and the one that most accurately represents voters' wishes is one that ranks candidates.

The ranked ballot should be incorporated in the Municipal Elections Act, not left up to individual municipalities, as the bill currently stands. We need one clear, consistent and fair system. We think it will be confusing to the electorate if there are different systems in municipalities throughout the province. As ranked ballots are proven to make the system fairer, they should be instituted across the board.

In my personal experience, when I was running as an incumbent, my opponent asked a third candidate to run and shadow my campaign then withdraw at the end of the campaign after the deadline so their name would still appear on the ballot. I'm sure you're all aware of this practice. When the vote was counted, it was clear the strategy to take me out had worked. The third party took the few votes—it was less than 25—that I had lost by. If the election had followed a ranked ballot system, the outcome would have been different, and I might not be here today.

In closing, to instill confidence in the electoral system we need to ensure our system is as fair as possible, consistent and accountable to the public. Corporate interests do not vote and they should not influence the outcome of our elections. Banning union and corporate donations is just the right thing to do. It's vital to our democracy that these reforms are made to the electoral system to ensure it is the fairest system it can be.

I'd like to thank you for your indulgence today. It's a beautiful day out there, and I'm sure you want to get out as soon as possible.

The Chair (Mr. Peter Z. Milczyn): No, we actually enjoy staying here and working hard.

We'll start this round with the government side: Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you very much for your presentation. The option for the ranked ballot voting was a campaign 2014 platform and a mandate letter commitment. But it definitely is to be an option, so that municipalities are able to decide whether they want to do it or ask their constituents, the citizens of the town or village or whatever, if they want to do it that way. Do you not think that's fair?

Ms. Susan Lloyd Swail: I think it would be better if it was implemented across the board. I think if individual municipalities get to choose, you're going to have different voting in different—I mean, if I move to London, I have to vote differently than if I live in King. I think it's going to be more confusing to the electorate unless there's one clear rule right across the board.

Ms. Ann Hoggarth: But you agree that if it is implemented that it should be a municipal choice?

Ms. Susan Lloyd Swail: No. I think it should be mandated by the province.

Ms. Ann Hoggarth: Okay. You said that you participated—you did not take donations?

Ms. Susan Lloyd Swail: I did not.

Ms. Ann Hoggarth: Is that what I heard you say?

Ms. Susan Lloyd Swail: Yes. I took individual donations.

Ms. Ann Hoggarth: Okay. So you funded your campaign yourself?

Ms. Susan Lloyd Swail: I took individual donations from community members.

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Ms. Ann Hoggarth: Did you use any of your own money?

Ms. Susan Lloyd Swail: I used some of my own money.

Ms. Ann Hoggarth: Do you think there should be a limit on how much of their own money a candidate can use, the same as—

Ms. Susan Lloyd Swail: I think it's a good idea to have a limit on how much an individual can contribute to an election campaign, whether that's a candidate or an individual, yes.

Ms. Ann Hoggarth: Great. Would you tell me: Do you think the shorter campaign periods allow for better municipal elections?

Ms. Susan Lloyd Swail: I think shorter campaign periods are better for the public, definitely.

Ms. Ann Hoggarth: Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Next, Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. Your suggestion that, in fact, ranked ballots would be made mandatory for everyone—is your concern that if it's voluntary, municipalities won't do it?

Ms. Susan Lloyd Swail: Yes. I think a number of municipalities will not do it.

It's an administrative issue. You heard all the barriers that the AMCTO put up. I am sure they're going to be asked by their councils whether this is a good idea or not, and their opinion is clearly that there are too many barriers.

Mr. Ernie Hardeman: Presentations we've been getting from municipalities have suggested that councils are a mature and accountable level of government, and they will make decisions that the people in the municipality want. So if they're not making them in that way, then I have a concern as to whether they should be given the authority at all.

Ms. Susan Lloyd Swail: I don't think the public, in most cases, understands the importance of ranked ballots and how valuable they would be to our democracy at this point in time. I think it's an educational issue, that we need to educate them on how important ranked ballots are and how they would make the vote more important and count more. It increases the accountability. I don't think they understand that at this point in time, but it's certainly something we can work on.

I personally would like to see it instituted right across the board. I think it's much better.

Mr. Ernie Hardeman: The other thing—and Ms. Hoggarth mentioned it—about the timing or shortening of the writ period for the elections: In fact in the bill, contrary to what was being suggested, the actual writ period is longer, not shorter. The time to raise money is shorter, so you can't start raising money until the first of May, but the actual writ period is longer than it presently is.

In your opinion, what difference would that make? Is that a positive or a negative, to lengthen the writ period for people to go out and knock on doors?

Ms. Susan Lloyd Swail: It depends on the size of your ward, of course, but if you're someone in the community who is well known and well respected, I don't think you're going to have any problem, no matter what time frame there is. If you've got the confidence of your community, I don't think it's going to matter, how much time. It never mattered to me how much time I had. It's a non-issue.

Mr. Ernie Hardeman: Okay. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you, Ms. Swail. If you do have anything you'd like to—

Mr. Percy Hatfield: Ahem. Ahem.

The Chair (Mr. Peter Z. Milczyn): Oh. I am extremely sorry. There is another round of questions from the inestimable Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. It's always a pleasure to be ignored—completely. Only kidding.

Ms. Daiene Vernile: We could never ignore you, Percy.

Mr. Percy Hatfield: No, I know.

Susan, welcome back to committee at Queen's Park.

Ms. Susan Lloyd Swail: Thank you.

Mr. Percy Hatfield: From your experience, how big of a problem is big money, corporate money, during a municipal election?

Ms. Susan Lloyd Swail: Well, you've seen the research from Professor MacDermid. It definitely influences the outcome of elections. My personal experience is that I was ousted by someone who had developer funding and was a developer themselves, actually.

I think it's really important to instill public confidence in the system that we accept funding only from individuals. I also think it's really important to increase participation in campaigns, getting people to know that "I'm not moving forward as your candidate unless you come out and support me."

Mr. Percy Hatfield: From your own municipal experience, would a developer-backed council ever vote to eliminate corporate and union donations during municipal campaigns?

Ms. Susan Lloyd Swail: No. That's why it's so important that the province move forward with this bill.

Mr. Percy Hatfield: Yes, but right now, it's leaving it up to the municipality to decide for itself.

Ms. Susan Lloyd Swail: Well, with the changes—

Mr. Percy Hatfield: The changes that you suggested.

Ms. Susan Lloyd Swail: Yes, the changes that I suggested.

Mr. Percy Hatfield: And from your experience, should it be necessary for a municipality to hold a referendum before switching to a ranked balloting system?

Ms. Susan Lloyd Swail: I think it's always a good idea to go to the public to ask questions. I'd like to see a lot more referendums on the items that we bring forward to the public, but I don't really have an opinion on that one way or the other.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. My apologies to Mr. Hatfield, and to you as well, because it could have deprived you of the opportunity to answer a question.

Mr. Percy Hatfield: Oh, I was only kidding.

The Chair (Mr. Peter Z. Milczyn): If you have anything you'd like to submit in writing, you have until 6 p.m. today.

Ms. Susan Lloyd Swail: Thank you.

ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION

The Chair (Mr. Peter Z. Milczyn): Our next witness is Mr. Michael Barrett. Good afternoon.

Mr. Michael Barrett: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation, and if you could please state your name for the official record as you begin.

Mr. Michael Barrett: Good afternoon. My name is Michael Barrett, and I am president of the Ontario Public School Boards' Association. OPSBA represents public district school boards and authorities across Ontario. Together, our members serve the educational needs of almost 70% of Ontario's elementary and secondary students. The association advocates on behalf of the best interests and needs of the public school system in Ontario.

I'm also chair of Durham District School Board and have been a trustee since 2003, representing the city of Oshawa.

I appreciate the opportunity to speak to you about Bill 181, Municipal Elections Modernization Act, and to highlight the importance of trustees and school boards. As president of OBSPA, I feel obligated to speak out and up for the role of the local democratically elected trustee. We all know that municipal and school board elections occur every four years. We are very fortunate in the province of Ontario that these elections occur on the same day. We believe that this increases overall voter participation and knowledge about both important municipal representatives. Sadly, this is not the case in many provinces.

In previous years, we have actively promoted municipal and school board elections. In the 2014 election, we were assisted in this with financial support from the Ministry of Education. Along with other school board associations, we developed a suite of bilingual election resources to highlight the role of school board trustee, provide in-depth knowledge of school board operations and encourage informed voter participation. Our hope is that this support is continued for the 2018 election and beyond.

With regard to this current proposed legislation, our association did participate in a consultation process last summer that reviewed the 2014 election. My comments today are based upon the feedback collected in last year's consultation, as well as input from trustees and staff from amongst our member boards.

With regard to ranked ballots, although this particular proposed amendment is not applicable to school boards at this time, we note that there would be an option for consideration in the future. At this time, we are not advocating for this option to be extended to school boards, but we'll be monitoring the actual uptake in municipalities seeking this option. We will also be interested in the actual implementation of the ranked balloting system on voting day. We would insist that if a municipality does choose this option, there would be clear communication with voters so that they understand that ranked balloting would only apply to the selection of municipal councillors and not for their local board trustees. This would be confusing for some of the electorate.

With regard to the election calendar, OPSBA strongly supports the shortening of the overall election campaign

to be from May to the end of July. We have previously stated our request to close the gap between the day nominations open in January and voting day in October, noting that most election-related activities intensify towards the end of the campaign period. By also moving up the nomination deadline day, all candidates will have an equal amount of time to develop a campaign strategy and create support materials.

With regard to campaign financing and enforcement, we've seen a move in the recent past to create simpler forms for financial collection and documentation. This has been appreciated. We would continue to request that candidates receive regular information about upcoming financial deadlines.

With regard to the compliance audit committees, some of our member boards continue to struggle with membership and the work required by this committee and the work done by the municipal clerk. We suggest further discussion about this be done between the ministry and the Association of Municipal Managers, Clerks and Treasurers of Ontario.

The voters list: We believe that maintaining an accurate public record for voter registration is a matter of good public policy. For school boards, improving the quality of the data in the municipal voters list would result in more reliable school support information for planning purposes. We have worked and will continue to work with MPAC and the other school board associations to remove obstacles that prevent voters lists from being current. For school board candidates, MPAC is obligated to prepare the preliminary voters list, and a plan must be in place to ensure that this document is as up to date as possible.

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Election administration: This proposed legislation would require school boards to set out in policy a process for conducting recounts. Our intention is to create a template policy to ensure consistency amongst all school boards and our member boards. School boards will also be required to develop policies regarding the use of board resources during a campaign. Many of our members already have such policies in place, and we would suggest that we will be developing a template for all of our 31 member boards.

Accessibility: We support the changes regarding accessibility that ask municipal clerks to make their plans available to the public before voting day, because as you know, many of our schools are used as polling stations for both advance voting and on election day.

So what's missing? Bill 181 is entitled the Municipal Elections Modernization Act. However, we have yet to see a real push for modernization in terms of online candidate nomination forms; more support for telephone and electronic voting options, including smartphone technology and applications; as well as a centralized mechanism that collects and posts election results. We will continue to advocate for this.

We also note that this proposed legislation now allows a municipal clerk to determine the hours for advance

voting. We ask that consideration be given to altering the voting hours on election day by allowing polling stations to be open earlier than 10 a.m., and perhaps later than 8 p.m. Many trustees have told us that even with the ability to leave work early, an earlier start and later closing time would be beneficial to their constituents.

In closing, I'd like to thank the members of the standing committee for listening to our voice as trustees during these public hearings. Our members, the trustees of the Ontario Public School Boards' Association, make decisions that affect more than a million students. They help shape the education experience, the school environment and the future of our children, communities, and the face of Ontario. Locally elected school boards put the "public" in public education. They are the connectors that bring community voices to the table and make democracy meaningful. They influence children's experiences today and expand their opportunities for the future. Trustees are indeed the only elected representatives in the province of Ontario who have, as a sole responsibility, public education.

The changes being sought in this proposed legislation are, for the most part, a step in the right direction to ensuring that we have a vibrant, engaging democratic process in Ontario that inspires individuals such as trustees to seek a role in public service.

Again, I thank you for your time.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. We'll start this round off with Mr. Hatfield.

Mr. Percy Hatfield: Welcome. Thanks for coming in and making your presentation. Earlier, in our first round of discussion, somebody suggested that we might have a higher turnout and more secure elections if elections were held on a PD day, so that if you go to a school to vote, you don't have all those problems. Let me just start with that one. What do you think of that idea?

Mr. Michael Barrett: Certainly, I know that there have been some viewpoints with that too. Some of our member boards have also raised that as an issue. However, if the planning process and advance notice is given early enough, with good communication, we believe that we can handle and manage that process.

It would be nice to have the schools empty, but it would also mean that all municipalities across the province—because I know that there's one municipal election date—would have to coordinate the calendars, which would not be impossible. It could be an issue. Up to this point, I know there have been some concerns, but I still think it could be handled, even during a school day.

Mr. Percy Hatfield: As you note, it's not being suggested this time, and you're not advocating for ranked ballots. Could you expand on the suggestion that municipalities adopt no corporate or union donations? I imagine that that would apply for school board trustees as well.

Mr. Michael Barrett: Certainly, that would apply, and many trustees—I don't have any data to support that, but I could just talk specifically about my area. There are not a lot of donations that take place. I myself, in transparency, received donations from the local teachers'

unions. However, in the recent negotiations, they might regret that. Certainly, I think that the element of not allowing either corporate donations or union donations would be something that our members would support.

Mr. Percy Hatfield: I think the Premier, the education minister, and Catherine Fife from the NDP have all been president of your association.

Mr. Michael Barrett: Correct.

Mr. Percy Hatfield: There could be more MPPs who have been president; I don't know. So when are you going to run?

Mr. Michael Barrett: I am not going to run. I can emphatically state that. I'm not using the role of trustee as a stepping stone. I'm here to be able to serve my community. I'm here to be able to represent my six kids in the school system. It is not a stepping stone for me.

Mr. Percy Hatfield: So I shouldn't give you an NDP membership card application?

Mr. Michael Barrett: Well—

Mr. Tim Hudak: He's wearing a blue shirt.

Mr. Michael Barrett: My political persuasion is that I'm Irish. That's about it.

The Chair (Mr. Peter Z. Milczyn): Well said. Mr. Baker?

Mr. Yvan Baker: Thanks very much for coming in and talking to us today.

Just for clarity: When you were talking about the ranked ballot initiative, I know it doesn't apply to school boards in this bill, and you had talked about the fact that you support that. Is that correct?

Mr. Michael Barrett: As an association, we're looking at the uptake in the municipal arena. We don't really have an opinion on it because we don't know how it would impact or affect us. So we're kind of keeping our powder dry and taking a look to see what the uptake will be, because it may not even be an issue in the sense if it doesn't gain resonance in municipalities.

Mr. Yvan Baker: Okay. But the fact that it doesn't apply to school boards—you support that aspect of this bill, currently. Is that correct?

Mr. Michael Barrett: As an association, no. I would say we don't have an opinion on it. As an individual, I may have another opinion, but as an association—

Mr. Yvan Baker: Fair enough. Okay.

One of the things I wanted to ask you about was the shortened campaign period. Can you just talk about what effect that would have on school board elections and on candidates?

Mr. Michael Barrett: Certainly. As you recognized, last year nominations opened in January. Certainly, I was one of those who filed in January when I saw the flood of individuals being able to put in. So to be able to have a campaign that technically starts in January—it does confuse the populace. In fact, I would say that we had a number of candidates who filed and left the campaign piece.

I don't believe that it's going to have a considerable impact on the campaign or the election and selection process, as the previous witness said. I believe that a

shorter campaign will actually focus individuals and the voting populace on trustees as we fight for attention within the municipal election campaign.

Mr. Yvan Baker: Okay. Do you believe that clearer campaign finance rules would assist candidates?

Mr. Michael Barrett: We would support that on a municipal level, but the reality is that probably 94% of our funding comes from our own individual donations. I would suggest that trustees outside of the city of Toronto get very few donations, and really, it's a self-funded campaign. There's a charity here, and there's a donation. I'm the charity; I'm also the donor as well. So there are not a lot of donations. Within trustees, it's not going to have a considerable impact outside of the city of Toronto.

Mr. Yvan Baker: Okay. Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Mr. Hardeman?

Mr. Ernie Hardeman: I just have a quick comment, and then Mr. Hudak is going to have some questions.

I want to thank you for the presentation. You're the first presenter who has actually identified the positive aspect of moving the nomination date forward, because you would have more time to fix your voters list and get the identification. So I thank you for that positive mention. I was thinking it had no sense at all, and now I know that there's a method to their madness.

Mr. Michael Barrett: There is also—if I could comment quickly, because I don't want to use your time up—another element from the school boards' association, because we have to adjust our boundaries and our representation early in the year. When you have a nomination period of January—we don't get the data until March or April—we've already set it. It means that changes don't take place.

Mr. Ernie Hardeman: Thank you.

Mr. Tim Hudak: Mr. Barrett, thanks for your presentation. It was very comprehensive and well thought out. Thank you.

Thanks, as an aside, too, for your advocacy for kids with autism. I've really appreciated your interventions, and I know a lot of constituents have as well.

You point out an important element of confusion that I think will exist if the municipality has a ranked ballot and, on the same voting day, trustees do not have a ranked ballot.

Mr. Michael Barrett: Correct.

Mr. Tim Hudak: Does the school boards' association have a point of view on a referendum being required before changing the system?

Mr. Michael Barrett: No, we don't. To be quite honest, we have not determined whether or not there would be a referendum.

Mr. Tim Hudak: Fair enough. Tell me how this would be confusing, then, if you have two different types of ballots at the same time.

Mr. Michael Barrett: Again, we see that there would be confusion. An individual going in and selecting a rank—1, 2, 3 or whatever the number is—and then on the same ballot, although it could be specifically laid out, not going 1, 2, 3 on the list. For a trustee—there are 12 of us

running in the city of Oshawa. I could just imagine someone going down that list, going 1, 2, 3, 4, or however that's going to work, and it's on the same ballot. So that's where we see that there could potentially be confusion.

Mr. Tim Hudak: I would think—and then the provincial would be different from that.

The other point I wanted to ask you about: You mentioned support for limits on unions and corporations in advertising, and you also say you're not convinced that individuals should be required to register in order to advertise. Individuals, though, could have an outweighed influence on an election campaign if they spend a lot of money or they're in a smaller municipality. Do you think it should be after a certain cap, for example? If they're spending \$20,000, surely they should register.

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Mr. Michael Barrett: We would suggest, as an association, that we're not looking towards any sort of registration as individuals. We see that as limiting that possibility and we would see that that would limit the democratic process as individuals. We would support individuals having that right. There would be support for suggesting that groups would have to be able to do that, but as individuals, we would not support that.

Mr. Tim Hudak: Let's say I won the lottery and I want to influence my local municipal election. You wouldn't suggest a cap on how much I could spend or any—

Mr. Michael Barrett: Well, there are caps, because we are capped similar to municipal politicians. We also have a limit that we can spend.

Mr. Tim Hudak: Okay.

The Chair (Mr. Peter Z. Milczyn): That's the time we have for today. Thank you very much for your submission. If there is anything further you would like to provide to us in writing, you can do so until 6 p.m. today.

Mr. Michael Barrett: Thank you very much for your time.

OTTAWA123

The Chair (Mr. Peter Z. Milczyn): Our next witness is Colum Grove-White. Good afternoon. You have up to 10 minutes for your presentation, and if you could please state your name for the official record as you begin.

Mr. Colum Grove-White: My name is Colum Grove-White. Good afternoon, members of the committee. I am the spokesperson of Ottawa123, the ranked-choice voting initiative of the city of Ottawa. I'd like to thank you all for inviting me here today, and I look forward to giving you a perspective from Ottawa on the proposed legislation.

Ottawa123 is a non-partisan group of Ottawa residents who believe that ranked-choice voting will bring about friendlier elections, better ideas and increased diversity on Ottawa city council.

Although we are non-partisan, we have a broad range of support from across the political spectrum. We have

supporters and volunteers from the Ontario Liberals, Progressive Conservatives, NDP and Green Party, underscoring that voting reform need not be a partisan issue but rather an issue of fairness.

Municipal elections in Ottawa are in trouble. Voter turnout was less than 40% in our last municipal elections and only four women were elected into 23 of council seats.

When the province announced public consultations in May 2015, Ottawa123 partnered with some Ottawa city councillors, as well as the Make Every Vote Count campaign, to consolidate and provide the Ministry of Municipal Affairs and Housing with feedback on the new legislation. At those consultations, Ottawans said loud and clear that the first-past-the-post voting system is no longer reflective of our city's diversity.

The consultations were more broad than ranked-choice voting, and I invite you to read the other aspects that Ottawa has touched on in their report, which I have included Ottawa123's submission, which I believe will be distributed to you after my presentation.

Before I go into ranked-choice voting in more detail, we do feel compelled to make an observation on some of the changes regarding third-party advertising. We are of the understanding that this new legislation will potentially place burdensome reporting requirements on individuals or small organizations with limited resources, like our own, looking to have their voices heard in elections. This potentially could diminish the quality of local democracy.

A large developer or a union spending thousands of dollars to promote a slate of candidates during an election is not the same as an individual spending \$5 or \$10 to promote a tweet about their neighbour running for city council. You will agree that subjecting both these entities to the same third-party reporting requirements is not the intended spirit of this legislation. I urge this committee to clarify this situation and develop a reasonable threshold to differentiate between these types of third-party advertisers so we don't place unrealistic reporting requirements on those with limited financial and human resources.

Back to the question of ranked-choice voting: Is it better than our current voting system? An election using ranked-choice voting puts the brakes on divisive and negative campaigns. Why? Because with ranked-choice voting, candidates need to appeal to their opponents' supporters in order to be their second or third choice on the ballot. In fact, it should be of little surprise to members of this committee that this is precisely the reason why political parties use ranked-choice voting to select their leaders.

Because voters can rank their preferences, ranked-choice voting would limit vote splitting and minimize strategic voting. In the last city of Ottawa elections, fear of splitting the vote persuaded some voters to vote against certain candidates rather than for their first choice. At best, such tactics discourage voters from voting for their first choice. At worst, these tactics may

dissuade potential candidates from running in the first place. With ranked choice voting, voters can vote with their heart for their first choice and vote with their head for the second.

To be sure, ranked-choice voting is no panacea for all of Ottawa's or any municipality's democracy woes. Any changes to the city's electoral system will need broad public consultations and a strong educational campaign. But for anyone who care about a stronger local democracy, this small, simple change to ranked-choice voting would be a step in the right direction for Ottawa and cities across Ontario.

By putting more choice in the hands of voters, ranked-choice voting may encourage some of those voters who stayed home in 2014 to return to the polls. It will force candidates to concentrate on positive platforms rather than negative messaging.

And who knows? When politicians are forced to be civil to each other, we may even attract a more diverse, gender-balanced slate of candidates who prefer collaboration to confrontation, who come with new ideas and new ways of thinking about Ottawa that capture the imagination of a new generation of voters.

But the clock is ticking. I encourage the committee to finish their work as quickly as possible so that municipalities have the time they need to engage with their citizens and implement a ranked-choice voting system for 2018.

I'd like to thank you all again for inviting me here today. I look forward to your questions.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. We'll start this round with Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you very much for your presentation.

My question would be—you just referred to confrontation. How will that stop confrontation?

Mr. Colum Grove-White: Well, in our current voting system, candidates get points by making themselves as different as possible from other candidates, because if you and I are running in an election together and our platforms are too similar, we're going to split the vote. So there is no incentive for us to be kind towards one another in these elections. In our current system, because I don't need to appeal to your supporters, then I can be as mean to you as I like.

However, in the ranked choice voting system, you need to appeal to your opponents' supporters. That means that I can't start slagging you and telling you what a horrible person you are. I'm going to have to be somewhat complimentary, and we may even agree on some important policy ideas, which would be good for local democracy and decrease confrontation in our elections.

Ms. Ann Hoggarth: But you still need the most people possible to support you, even if it's in the second ballot.

Mr. Colum Grove-White: Well, yes. It will all depend. If we're doing instant runoff voting, then it would really depend, but everyone would still be cordial to each other because they want to get the second- or third-choice support of those voters.

Ms. Ann Hoggarth: Okay. My second question: The ministry has committed to continuing to work with municipalities and the public to share information and guidance on implementing a ranked-ballot system. Can you tell us what forms or approaches to public education would be the most beneficial? Because many people have said that would be very difficult, educating the public on this new system.

Mr. Colum Grove-White: I think that there is a number of municipalities and countries across the world that have changed their voting system from first-past-the-post. Minneapolis comes to mind in the United States. New Zealand comes to mind, as a country. I think that we can learn from all of their experiences and their education campaigns on how best to educate voters on new voting systems.

Ms. Ann Hoggarth: Thank you.

Mr. Peter Z. Milczyn: Thank you.

This round, to Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. We've had a number of presenters speaking on ranked ballots. There seem to be some differing views. The one not too far ahead of yours, just a couple of presentations ago, was suggesting that it should be made mandatory across the board, because that was the only way that it was going to work. What's your opinion on that?

Mr. Colum Grove-White: Mandatory ranked choice voting across the board? I'm of the opinion that cities know best, and I think that the decision should be left to cities to determine what their best voting system is.

Mr. Ernie Hardeman: How do you explain that a little bit more, if that's your opinion? Why do you have that opinion? I have the opinion that I think that they should all have a referendum before they could do it. That's because I think that the people should decide. What makes you think that councillors are so much more knowledgeable than the average citizen, that they should make the decision?

Mr. Colum Grove-White: I would actually say that it's quite philosophical. We live in a democracy, and one aspect of a democracy that makes a strong democracy is the decentralization of power. We have that here in Canada. We have a federal government, we have a provincial government and we also have municipal governments.

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For the province to make blanket statements or make blanket regulations about how cities should change their voting system isn't really democratic. I think cities know best on the best ways in which they can engage their citizenry. For example, a small city wanting to make the change to ranked choice voting might not think that a referendum is feasible. However, another city might think that a referendum is feasible. But it shouldn't be Queen's Park deciding what cities should be doing.

From a technical perspective on the question of a referendum, we can use the city of Ottawa as an example. If we were to have had a referendum in the last election

on whether we should have changed to ranked choice voting, and 100% of those voters said, “Yes, we should,” that referendum would have failed, because we had less than 50% voter turnout. The current Municipal Elections Act states that for a referendum or a question to pass, there needs to be 50% voter turnout in elections. Some people, myself included, believe that making the switch to ranked choice voting is about engaging more voters—

Mr. Ernie Hardeman: Isn't it counterproductive to suggest we shouldn't hold referendums because they tend to fail on the subject?

Mr. Colum Grove-White: I never said that.

Mr. Ernie Hardeman: No, but you said that because of how they structured it, it failed—

Mr. Colum Grove-White: We have a problem of low voter turnout across this province in our cities. One of the reasons why people like myself want ranked choice voting is we believe it will increase voter turnout. To have a referendum in certain cases, we're already engaging with those people who are already going to turn out to the polls. One of the things that we hope to do with ranked choice voting is get new people coming out to the polls who wouldn't necessarily come out in a referendum.

But I do believe, at the end of the day, it's up to the cities to decide how best to do the democratic reforms necessary. It's not up to the province to dictate the best way for—

The Chair (Mr. Peter Z. Milczyn): I'll stop you there, because I want to make sure Mr. Hatfield has time as well.

Mr. Percy Hatfield: Thank you, Chair.

Welcome. Thank you for coming all the way from Ottawa today. I'm a little confused on how diversity would be improved on a municipal council through ranked choice voting.

Mr. Colum Grove-White: There are a number of theories on why people would think that you would increase diversity. One of the reasons is that a lot of people might not become candidates in an election, because they fear vote splitting between candidates who have similar ideologies. For example, if you and I were very similar in how we thought the city should be run, we would be splitting the vote. That could also be true of two women running: “Oh, you're going to split the women's vote.” Or, if different minority groups were running, they would fear that they were going to split some hypothetical minority vote.

What we see with a ranked choice voting system is that there's no fear of vote splitting, so that those candidates can run. The reason that they get elected—and we see Minneapolis as a great example of a city that changed to ranked choice voting and had an increase in minority representation. We see that these groups are actually engaging with a new subset of voters from different minority backgrounds, and they in turn then elect councillors from different minority backgrounds.

Mr. Percy Hatfield: You suggested that political parties choose their leaders on a ranked vote. A municip-

pal ranked vote would be one vote. You cast it once, and you rank your ballots. When the political parties choose a leader, all the first ballots go in the dumpster and they hold another vote. If there's no decision, that goes in the dumpster. They do it again and again and again until they get a leader. How do you compare that to a municipal ranked ballot, which is entirely different?

Mr. Colum Grove-White: Well, it's not entirely different.

Mr. Percy Hatfield: Well, there's one vote, or there's five or 10.

Mr. Colum Grove-White: It's the same principle, though. One is an instant runoff vote, and the other is not an instant runoff vote. In the case of party leaders, what happens is you'll drop off the candidate with the least amount of votes, and then you have another vote.

Mr. Percy Hatfield: But then again, at the party level, you are chosen at your riding association to give first ballot support to somebody. After that, you're free to go wherever you want.

Mr. Colum Grove-White: Exactly, and I think this is one of the arguments—

Mr. Percy Hatfield: But you can't do that at the municipal level.

Mr. Colum Grove-White: But one of the arguments for ranked choice voting is to create less negativity in our elections. One of the reasons that this exists is for the same reason that this exists at the political parties: We want to be able to appeal to our opponents' supporters. That doesn't diminish in these two systems. Just because you have an instant runoff vote versus a non-instant runoff vote, you still get the same benefits of ranked choice voting.

Mr. Percy Hatfield: What's your stance on a ban on corporate and union donations?

Mr. Colum Grove-White: Ottawa123 doesn't take a position on a ban on corporate and union donations, but there has been large discussion in the city of Ottawa. I invite you to read the report of the consultations that we did with Ottawans, and you can get the feedback from there.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. If you have anything you'd like to submit in writing to the committee, you have until 6 p.m. today to do so.

Mr. Colum Grove-White: Great. Thank you very much.

MR. ALEX CULLEN

The Chair (Mr. Peter Z. Milczyn): Our next scheduled witness is Mr. David Mousavi. Is Mr. Mousavi here? We'll skip over Mr. Mousavi. Is Mr. Alex Cullen here? Then when Mr. Mousavi arrives, we'll still give him an opportunity to speak.

Good afternoon. You have up to 10 minutes for your presentation. Please state your name for the official record as you begin.

Mr. Alex Cullen: Thank you very much, Mr. Chairman. My name is Alex Cullen. I'd like to thank you for providing me with the opportunity to address you on Bill 181, the Municipal Elections Modernization Act. I am a former school board trustee and city and regional councillor who has participated in every municipal election since 1982 except for 1997, when I was elected to the Ontario Legislature representing Ottawa West. Of those 10 municipal elections, I was successful in seven. As you can imagine, I have a keen interest in the integrity of our democratic process.

Besides my personal experience, I have also examined in detail the campaign finances of three of the municipal elections in the city of Ottawa: 2003, 2006 and 2010. Copies of these reports have been distributed to you. These analyses, gleaned from examining the public election financial statements of candidates in those elections, provide information that should be helpful in the consideration of this important legislation to improve our local democracy.

As you will see from the three reports that I did on the city of Ottawa's municipal elections, I make the case for restricting municipal campaign contributions to individual voters only for two reasons. Permitting corporations and unions to make municipal campaign contributions is simply undemocratic. While every individual voter is entitled to contribute to the candidates of their choice, allowing corporations and unions to do so creates an elite who contribute twice by virtue of the corporations and unions they control. That is undemocratic.

Let me be more specific. The principle behind our democratic system is equality of vote: one person, one vote. Consistent with that principle, individual voters are able to support candidates for municipal office through contributions to their campaigns, as regulated by law.

As you are aware, contributions over \$100 are recorded on a candidate's election finances report. That's how come we know about the contributions from the Malhotra family in Ottawa, who own Claridge Homes, a major development company. They include Neil Malhotra, who is vice-president; his wife, Ainsley; Shawn Malhotra; and his wife, Louise, who together wrote 11 personal cheques worth \$8,250 to 10 municipal candidates in the 2010 Ottawa municipal election. That's their right to do so, no problem. However, three Claridge Homes companies controlled by the Malhotras wrote an additional 10 cheques to these same 10 municipal candidates, providing an additional \$6,550 in campaign funds. Altogether, the Malhotras contributed \$14,800 in 21 cheques to these candidates through personal and corporate contributions.

They're not the only example. There's the Singhal family, who own Richcraft Homes, another major development company in Ottawa. Krishnan Singhal, who's the president, wife Manju and daughter Angela together wrote 10 personal cheques worth \$6,200 to 14 candidates in that election. It is their right to do so; no issue. However, two Richcraft companies controlled by the Singhals wrote an additional eight cheques to these same municip-

pal candidates, providing an additional \$4,450 in campaign funds. Altogether, that's over \$10,000 in 18 cheques for these 14 candidates through personal and corporate contributions.

There are many other examples in Ottawa of a select class of contributors to municipal election campaigns who as individuals, and again because they control a corporation, can give twice to their favourite candidates. That's inconsistent with the democratic principle of one person, one vote. By allowing corporate and union municipal election contributions, an elite is created who use not only their own personal resources to support the candidates of their choice, but use as well the resources of the organizations they control. This privilege is not available to most voters and is consequently undemocratic.

It may surprise you to learn that most corporations in our community have little interest in municipal elections. They pay taxes, but you will not find Petro-Canada, Tim Hortons, Toronto-Dominion Bank or Loblaws contributing to municipal candidates. The predominance of corporate contributions to municipal elections comes from those corporations who do business with city hall.

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In Ottawa, that includes land development companies: Arnon developments, Charlesfort Developments, Claridge Homes, DCR/Phoenix, Domicile developments, Mattamy Homes, Minto, Monarch, Richcraft homes, Tamarack, Tartan Homes, Trinity Development, Uniform Developments, and Urbandale. These are companies who buy land and apply to city council for land designations to permit the construction of residential and commercial properties, increasing their land holdings significantly.

They also include construction companies as Beaver, Broccolini, CACE, Colautti, EllisDon, Greenbelt, PCL, R.W. Tomlinson, and Thomas Cavanagh. These companies seek contracts from the city of Ottawa to build roads, sewers and other infrastructure.

They also include engineering, planning, architecture, consulting firms, lawyers, waste management companies, street-sweeping companies, and even companies that manage street lighting, companies that are regulated by this city and companies that benefit by special treatment from city councillors regarding taxes, such as Capital Sports Management Inc., who operate the Senators NHL hockey franchise.

These are the corporations that dominate corporate campaign contributions in Ottawa. They are not philanthropic enterprises. They are for-profit operations seeking to protect their interests. Well, this is legitimate behaviour for these businesses. However, city council is elected by residents. They operate on a different basis: to protect the public interest. These interests—corporate self-interest and the public self-interest—are not always compatible. City council's decisions, to be legitimate, must be free of the taint of catering to self-interest. Councillors who accept donations from businesses which depend on city council decisions for their welfare impair the legitimacy of their decisions. It creates an inherent conflict of interest and is bad ethics.

Further, these contributions are a major factor in municipal campaign fundraising in Ottawa and help to determine electoral success. Although corporate and union contributions only account for a fifth of the overall campaign contributions to city council candidates in Ottawa, over \$220,000—nearly three quarters of that money—went to 19 candidates for 23 council seats. That's 19 out of 110 candidates. Of these 19, all won. In other words, these corporate contributions achieved extraordinary success in getting their candidates elected.

It is unhealthy for the democratic process to permit those corporations with an interest governed by city hall to play such an important role in electing the very people who are making decisions affecting their interest. As you know, this is not unique to Ottawa.

If the Legislature of Ontario is going to eliminate corporate and union campaign contributions at the provincial level—as has been announced, and as is currently the case in Quebec, Manitoba and Alberta—then it would be consistent to do the same at the municipal level. The issues are the same.

Section 88.15 in the act would permit municipal councils to choose to eliminate corporate and union municipal campaign contributions, as the city of Toronto and Guelph have done. In my view, the principle of “one person, one vote” and ensuring integrity in the municipal election process would be best served by eliminating corporate and union municipal election contributions.

On to the compliance audit, section 88.24: As you have heard, enforcing compliance of the Municipal Elections Act is a significant concern. The process of enforcement is cumbersome and relies on the individual voter to ensure compliance. As a result, there is flagrant abuse, particularly in the matter of allied or associated corporations providing municipal election contributions, in many cases flouting the election law limit of \$5,000 maximum contributions in a municipal election.

For example, in Ottawa in 2010:

—Arnon developments used nine associated companies to provide \$7,100 to municipal candidates, all from the public record;

—ByTown Investments used three associated companies to provide \$9,000;

—Claridge Homes used three companies to provide \$6,550;

—the Senators hockey club used four allied companies to provide \$8,500;

—DCR/Phoenix developments used four allied companies to provide \$8,600;

—Tartan Homes used three associated companies to provide \$6,000; and

—Urbandale used six associated companies to provide \$13,700 to municipal candidates.

Did I mention that three quarters of this money went to 19 candidates? All of these are above the legal limit of \$5,000 for that election. What is the use of election law compliance provisions limiting associated companies' campaign contributions if the ordinary voter is not able to

use these provisions? The issue is easily resolved: Eliminating these contributions.

The act contains new provisions to improve the compliance process. However, there is a gap in the compliance audit process as outlined in section 88.24 ensuring prosecution upon the finding of an election law violation by the compliance audit committee. This was illustrated recently in the city of Ottawa, where a compliance audit committee—a blue-ribbon committee appointed by city council that included the former Chief Electoral Officer of Canada—acted on a complaint by a citizen on a reporting irregularity, conducted a compliance audit, had a public hearing and unanimously recommended the prosecution of this candidate. However, the candidate involved was an elected city councillor, and the clerk of that council declined to prosecute. Why have it?

Clearly the process did not function as one would have expected and raises questions regarding the integrity of the process. This gap needs to be corrected to ensure that justice is done by those who have that responsibility. The matter should not lie within the discretion of an employee of the council involving a member of that council. From my experience as a city councillor for 16 years, the relationship between the city clerk and his or her council is too close to rely on this method. In fact, you heard from AMCTO on this. Should the compliance audit committee recommend a prosecution, after due process, then it should be up to the courts to dispose of that case.

The last point I want to bring to your attention deals with the review of campaign contributions. This section proposes that the clerk of council review campaign contributions to candidates to determine if election rules have been followed. My research shows multiple examples where violations of these campaign rules have happened with no sanctions. Besides the example that I have already given to you of multiple contributions from associated companies, other examples include candidates filing election returns with no data, and candidates filing audited election returns where the auditor said, “I couldn't even get to the records.” But these reports were accepted by the city clerk, despite their obvious deficiencies.

The Chair (Mr. Peter Z. Milczyn): Mr. Cullen, I'll stop you there. That has been just over 10 minutes.

Mr. Alex Cullen: Okay. You might want to ask me about that.

The Chair (Mr. Peter Z. Milczyn): We start this round with Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Mr. Cullen. It's good to see you back at Queen's Park.

Mr. Alex Cullen: Sure.

Mr. Ernie Hardeman: On the campaign financing, I think, as the Premier has said in the House a time or two, it has become obvious, from the people we speak with, that the corporate and union donations should be limited in election financing. I don't think that's any different in this piece of legislation.

The challenge on this one, of course, is that this one gives the municipality the ability to prohibit it, as opposed to blanket, across the board.

The second thing I would like your comment on is, if we set different limits—you eliminate the ones set, and you set limits on individual donations—what kind of limits should they be?

And last, the third one, what about self-financing? Should there be limits on that?

Mr. Alex Cullen: On the first aspect, if it's good for the goose, it's good for the gander. If you find that selling access to a cabinet minister for \$5,000 a pop is unseemly, then allowing people to go get 40% or more of their campaign finances from corporate and union contributions is equally as bad. They do lobby city hall. They have a right to lobby city hall, whether they're a developer or a construction company or a waste management firm. Everyone has a right to lobby city hall. But the contributions taint the integrity of the process. So make it even-steven across the province. It's not going to hurt democracy. It hasn't hurt democracy in the provinces I've already mentioned. It hasn't hurt it in Guelph. It hasn't hurt it in Toronto. It's not going to hurt anybody across the province. And voters will thank you for it, because it's a more level playing field.

In terms of changing the campaign contribution limits, I say leave them where they are, at the maximum of \$750 for an individual. I ran a \$25,000 campaign with 230 individuals, and it was not \$750 each. That was in my ward in the city of Ottawa, an urban ward. I don't think you need to make any adjustment. I hear some people say, "Well, you've got to make the adjustment." As long as the rules are fair and even for every voter—if you want to change it, that's your business, but I'm content to say that \$750 is a good limit, and it works.

On your last point about self-financing, right now there is no limit on what I can contribute to my own campaign and what my spouse can contribute to my own campaign. We had a mayoral candidate running for office who contributed \$160,000 towards that campaign, and he got elected on that. You do want to differentiate between mayoral and ward councillor. But it was his money, and everyone knew it. So I'm agnostic on whether or not there ought to be a limit on personal finances, but it's reasonable to contemplate it because, obviously, it gives an advantage to people who have deeper pockets.

I'm more concerned about levelling the playing field at city council and getting rid of corporate and union contributions, because it distorts the process. Out of 110 candidates in 2010, 19 got 75% of those donations, and they got elected. There's a problem with this picture.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Hatfield.

Mr. Percy Hatfield: Thank you. Welcome, Mr. Cullen. First, let me ask—you almost finished—what was it you wanted to wrap up with?

Mr. Alex Cullen: Well, it's just on the review process of campaign contributions. You heard from the AMCTO

that the clerk would review a candidate's contributions. I'm just saying that that's too close a relationship with council. That clerk has to work with the electeds. Quite frankly, you should have that particular duty to the compliance audit committee.

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The suggestion that you should hive off all the elections? No. We have a system that works. But to review those campaign contributions—we've already seen, in Ottawa, a clerk taking a unanimous decision from a compliance audit committee and saying, "Nah, I'm not going to do it." I'm sorry. The evidence is clear. The compliance audit was done, it was a unanimous vote by a committee involving the Chief Electoral Officer of Canada, and it's up to the courts to decide that. It's not for a clerk to say, "I think that one's okay, Councillor." That's wrong.

Mr. Percy Hatfield: Do you think we should trust developer-financed municipal councils to do the right thing and vote to ban corporate and union financing, or should it be mandatory?

Mr. Alex Cullen: It should be mandatory. Quite frankly, the people who are there, most of them, get there because they enjoyed that funding. The city of Toronto bailed because they had a huge scandal. This was about three elections ago. They had a huge scandal involving IT systems and—tantamount to bribes, but they dealt with it. But as a result, they said, "This is tainting the political process." They got out of it. It hasn't hurt democracy in Toronto, last I heard.

Mr. Percy Hatfield: What would be your best guess at an appropriate amount for a self-financed campaign limitation?

Mr. Alex Cullen: I think you have to develop a formula by the size of the ward and the municipality, if you were going to go down that path. Right now, \$750 is the max for an individual to a particular candidate. There are candidates who will run campaigns—and you heard from my colleague from the Ontario Public School Boards' Association. A lot of trustees self-finance. They're spending five hundred, six hundred bucks, except in Toronto, where it's another world entirely.

So whether you cap it at half the eligible expenses for a ward—my ward was \$27,000, so we say, "Cullen, you can only put in half for that." Okay, it means I don't go anywhere else. I've never put in that money. But you'd have to look at that. I think, though, that in large part you can leave it alone, because I haven't seen the abuse: only one instance where a deep-pocketed person came in. That was rather unique circumstances.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. Ms. Vernile.

Ms. Daiene Vernile: Thank you, Mr. Cullen, for your presentation. You've clearly done your homework. You've given us a deep dive into who gave what to whom in the city of Ottawa. It's really fascinating to read this.

I want to ask you a question on corporate contributions and get your reaction to the assertion that if the

owner of a company, a CEO or a president really does want to give to a candidate, they'll find another way to do it. So they will do it as an individual. They'll get their wife. If they've got a big family, even better; they get all their kids to donate. Maybe they're going to extend it to other friends and family. What's your reaction to that?

Mr. Alex Cullen: Well, I have no problem when individual voters—I talk to my son and say, “You’re living over here. You should really vote for that person.” That happens all the time. It’s their choice to do it.

You cross the line when you give money to people and then they do it on your behalf. We have laws for that. Most Canadians won’t accept that. We have the Del Mastro case federally, in Peterborough, where there were employees of a firm who found it very distasteful to be given money to contribute to the Conservative candidate and finally blew the whistle. Most Canadians see that as wrong.

A CEO—sure, he can lean on his friends and family. Heck, I’ve got a daughter who’s very much an environmentalist. She leans on me to vote Green. That’s legitimate. It’s when someone gives me a cheque and says, “Here, you give that to that candidate”—we already know that crosses the line. There’s already a law in place for that. I think that’s sufficient.

Ms. Daiene Vernile: You spoke extensively about corporations. What are your objections to unions giving?

Mr. Alex Cullen: It’s the same principle. As much as in Ottawa unions are a practically negligible factor in municipal elections—they are—it comes to the same principle: one voter, one contribution. You shouldn’t be able to use the resources of another organization to double dip. If you say no to corporations and you say no to unions, they are the only players that are engaged in the game, and they’re covered by the legislation. But generally speaking, restrict it to the voter, because it’s the cleanest. There’s one person, one vote.

Ms. Daiene Vernile: The bill also looks at ranked ballots. Do you have a comment on that?

Mr. Alex Cullen: Yes. I favour it. I favour it as a means of improving democracy. But I’m here today to speak to corporate and union contributions and also those two other elements in compliance.

Ms. Daiene Vernile: I really appreciate your comments and all the homework you did. Thank you.

Mr. Alex Cullen: You’re very welcome.

The Chair (Mr. Peter Z. Milczyn): Mr. Hudak.

Mr. Tim Hudak: Just a quick comment. It’s good to see you, Mr. Cullen, again. Mr. Hardeman and I served with you for a number of years. You look great.

Mr. Alex Cullen: Oh, thank you.

Mr. Tim Hudak: You’ve got more hair than you used to, and a very dignified style as well.

Interjection.

The Chair (Mr. Peter Z. Milczyn): Are you telling me the longer I stay here, there will be an improvement?

Mr. Tim Hudak: I just had a quick research request, if I could, because the points that Mr. Cullen brought up were excellent in terms of the influence of union or

corporate donations in municipal campaigns. I asked Mr. Hardeman this—maybe research could help us. The current restrictions on school board campaigns, because similarly I think the points that Mr. Cullen would make on school board campaigns—and if this bill were to pass, how does that impact on school board campaigns? It would just be helpful as we go through clause-by-clause.

Mr. Alex Cullen: It’s the same. They face the same limits, and I’m asking them—some school board trustees take cheques from teachers’ federations.

Mr. Tim Hudak: Precisely.

Mr. Alex Cullen: With my proposal here, that would be eliminated.

The Chair (Mr. Peter Z. Milczyn): Mr. Cullen, I’ll cut you off there.

Mr. Alex Cullen: Sure.

Mr. Tim Hudak: So if the municipality were to—

The Chair (Mr. Peter Z. Milczyn): Mr. Hudak has asked research to report back to us.

Mr. Tim Hudak: Precisely. Thank you, Chair.

The Chair (Mr. Peter Z. Milczyn): By when?

Mr. Tim Hudak: Tomorrow would be fine. No. Jeff, I’m kidding. In time for clause-by-clause.

The Chair (Mr. Peter Z. Milczyn): Before our next meeting?

Mr. Tim Hudak: Yes, sure. Thank you. No particular rush as long as it’s by clause-by-clause.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Cullen. If there’s anything further you’d like to submit, you can do so until 6 p.m.

Mr. Alex Cullen: I believe the Clerk has a copy of my presentation—

The Chair (Mr. Peter Z. Milczyn): Yes, we do.

Mr. Alex Cullen: —and my previous reports were circulated to committee earlier. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much.

MR. DAVID MOUSAVI

The Chair (Mr. Peter Z. Milczyn): We’ll go back on our list: Mr. David Mousavi. Good afternoon, sir.

Mr. David Mousavi: Good afternoon. How are you?

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation, and when you begin, if you could please state your name for the official record.

Mr. David Mousavi: Sure. Good afternoon, ladies and gentlemen of the Standing Committee on Finance and Economic Affairs. My name is David Mousavi. I am a long-time resident of the city of Toronto and a lawyer with experience in governance advisory. I would like to thank the committee for this opportunity to speak to you today and, as well, for all the hard work and countless hours you’ve put into this important bill thus far.

I’ve decided to speak to you today, to some extent, with regard to ranked ballots, but in reference to another tool that I respectfully submit is equally viable and is just as important towards achieving some of the same objectives as ranked ballots, those of ensuring our local

government reflects the communities they serve, building confidence in our local democracy and upholding the principles of good governance. Just as Bill 181 will permit municipalities to adopt ranked ballots by way of passing a bylaw, I'm here to request that this committee consider providing municipalities the option to employ term limits as well.

Before I begin, I'd like to preface my submissions today with two premises for your consideration. First, as I'll explain in more detail shortly, municipal elections have many differentiating characteristics from provincial or federal elections, which necessitate term limits. These characteristics are not found in provincial or federal politics and therefore I'm not arguing that term limits should be imposed at those levels of government. Secondly, my submissions are informed in large part by the phenomenon we have taking place in the city of Toronto, albeit there are many parallels that may be drawn in this respect with other cities in our province.

Today, 51% of Toronto consists of visible minorities, while Toronto city council consists of only 14% visible minorities. Women make up 52% of Toronto, while again, only constituting 14% of Toronto city council. Toronto city council does not reflect Toronto's diversity—be that identifying characteristic age, gender, religion, sexual orientation, ability or disability, income demographic or otherwise—not even remotely. The problem has not been a lack of political enthusiasts, but rather what many academics and commentators have described as an incumbency advantage. As it pertains to municipal elections, the incumbency advantage refers to name recognition, fundraising capacity, the ability to campaign while holding a steady source of income, and the benefit of paid staff who often moonlight between their constituency duties and the re-election campaign of their employers.

Toronto does not have political parties, as provincial and federal governments do, and does not have a robust media that can effectively cover every single local ward issue, but rather primarily covers city-wide issues.

To reiterate these points, I might, if you may, reference a quote from Bill Freeman's *The New Urban Agenda: The Greater Toronto and Hamilton Area*, wherein he states:

"The lack of parties in the GTHA has many unfortunate consequences. Affiliation with a party gives candidates an identity; it shows what policies candidates are in favour of and what they will support if elected. As Myer Siemiatycki, a political scientist at Ryerson, points out, 'It would require the skill and tenacity of a super sleuth to actually identify the record, position, and background of every candidate running for office.'

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"As a result, ward election contests today are almost devoid of city-wide issues. This makes it hard for citizens to figure out the approach candidates will support if elected. Incumbent councillors run on their record, they take credit for the accomplishments of others, and they blame the mayor or other councillors for the problems.

"Once elected, politicians constantly promote themselves. An incumbent councillor is a full-time politician with staff to handle constituency problems and make sure that the local media are carrying" their stories in a positive fashion. "They have money in their budgets to promote themselves to their constituents through mail campaigns.... [They] have such a huge advantage over their opponents that they have to do something that angers a very large number of people to be defeated....

"In Ontario, once a councillor is elected, they have a near sinecure for life. That helps to create conservative councils averse to taking risks or change."

Those are the comments from Mr. Freeman.

Of the 38 incumbent city councillors elected in 2014—sorry, 37 were elected, and the one councillor who did lose lost to a candidate who was running against them for the third time, thereby building up enough name recognition in the ward to win. It took this new entrant 12 years to be successful.

Furthermore, even if we are to accept Bill Freeman's proposition that a sitting councillor could be defeated if he or she were to engage in conduct that angers a large number of individuals, we only need to consider two perverse outcomes that took place in 2014.

In 2014, it was revealed in the media that two long-serving incumbent councillors were renting apartments at well-below-market rates from a property developer that had significant ties to the city and to the councillors themselves. In 2014, despite the outrage and media coverage, both these men were elected, one with 55% of the vote and the other increasing his share since the last time he ran in 2010. When councillors conduct themselves in this manner, quite probably with the knowledge that they cannot be defeated no matter what they do, then simply put, our democratic model is neither ensuring good governance nor building public confidence in the system.

At the provincial and federal levels, because we have party systems, elected members are held accountable by their respective parties and their leaders. I need only ask this panel—rhetorically, of course—whether any of you could behave inappropriately without consequence and instead merely point to a disengaged electorate to tritely state that it is the voters who will decide whether your unethical conduct was sufficient to end your political career.

Ranked ballots are certainly a step in the right direction. They can ensure we elect councillors through a plurality instead of being elected by a small number of electors, as often happens. They also certainly change the tone of elections, giving a more positively constructed debate to the matters at hand. But they do not, in my view, address the primary underlying source of the incumbency advantage, which is name recognition, nor do they ensure greater governance.

We need only look at the two examples of councillors with below-market rents. One was re-elected with 55% of the vote. In that particular race, ranked ballots would have no impact at all on the outcome and electors would

still end up with the same result. City council would be no more diverse and the questionable conduct would not be appropriately denounced.

Furthermore, in the ranked ballot election, there's nothing to say that an elector, even if they are to select a second or third choice, would know of any candidate other than the incumbent. In this instance, name recognition still places a significant barrier to any new entrants to the race. The fact is that unless there is an anybody-but-the-incumbent grassroots campaign by the electorate, we would still end up with the same undemocratic results of no diversity and no new ideas. In the event that there isn't an anybody-but-the-incumbent campaign, then ranked ballots in this sense would be superfluous.

What ranked ballots do ensure is that a plurality of electors does not necessarily by majority elect a councillor. This concept in and of itself is noble and may add some greater legitimacy to our electoral process, but it does not necessarily lead to greater diversity or new ideas.

Those who oppose term limits often cite the fact that an electorate can lose out on an effective representative, and I don't dispute that that is a real possibility. But I will submit this: It has two very troubling implications. The first is that public service is anything other than a privilege and not a right that itself necessitates healthy turnover and renewal—the second implication being that aside from a certain number of councillors who are serving on council, there is no sufficient talent pool of potential candidates in our cities who can perform at least as well, if not better than, the incumbents. So to accept this argument against term limits without at least a healthy degree of skepticism is to accept an incredibly cynical and perhaps even offensive view of new candidates, and particularly youth, and sadly confuses longevity in career politics with expertise.

My request today can be summarized as this: to amend the bill such that it either includes the concept of term limits so that municipalities can—the same way as instituting ranked ballots—do so by bylaw or referendum, or broaden the language such that in the future municipalities can adopt whichever democratic reform they feel they want to adopt at that point in time through the same means—bylaw or referendum.

At the outset of this submission I pointed to a lack of diversity on Toronto city council and I provided examples of poor conduct by some councillors. This is not to say all are poor; many of them are exceptional councillors. One in particular, who is the Chair of this committee, did a very excellent job on city council when he was there.

Mr. Percy Hatfield: So you say.

Mr. Tim Hudak: We'll send him back, if you'd like.

The Chair (Mr. Peter Z. Milczyn): I term-limited myself.

Mr. David Mousavi: He's done it to himself. Thank you very much.

But as I was saying, both these types of issues were the impetus behind the grassroots campaign, so much so that the city of the Toronto in 2014 passed a bylaw that they would support ranked ballots for the city of Toronto but only a year later, after the election in October 2015, passed another bylaw to reject it. This is despite widespread support in the province, in the city, in our municipalities and in the public for ranked ballots.

Mr. Tim Hudak: No—sorry.

Mr. David Mousavi: I would say so.

When it comes to municipal term limits, the same can be said. We have a quarter of city council in Toronto that supports term limits, yet in a Forum poll, roughly 60% of Torontonians said they were in favour of term limits. So city council clearly is in no position to actually reflect that will, nor should they be able to hide behind the inability on their part to pass a bylaw to do so and to point at the province and say, "We don't have the power."

It's not lost on me that there is no perfect answer to this system. I accept that. Are there valid reasons for term limits? Yes. Are there valid reasons against term limits? Absolutely. But ultimately, this will entail a balancing act and, in my opinion, I respectfully submit that the negative consequences for a municipality with term limits are far outweighed by the positive outcomes and new ideas, new energy and a more representative democracy that comes with that.

Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Thank you. We'll start this round with Mr. Hatfield.

Mr. Percy Hatfield: Other than Canada's Senate, which has an age limit—once you hit 75 or something, you're out—can you point to anything in Canada, any elected body of any kind, that has a term limit?

Mr. David Mousavi: No, I can't at this moment and, respectfully, I don't think it's relevant. I think of good governance principles. I can think of many organizations that have term limits in their charter which require board members to step down. It's a good-governance principle that's expressed by the Institute of Corporate Directors. I don't think the fact that it's not seen anywhere in a government body is a rationale to exclude it.

Mr. Percy Hatfield: All right. If I change my name to Ford, could I get elected in Toronto at any municipal level?

Mr. David Mousavi: I think you raise a good point about family members running on name recognition. As I said, there is absolutely no way to have a perfect system, but that said, just because we've pointed to one issue, it doesn't mean we don't try to resolve another one. I think we should cross that bridge when we get there. There are city councillors right now who are heirs, if you will. I'm sure it happens at different levels of government, as well. But as I said, I think the negative consequences are far outweighed by the positives.

Mr. Percy Hatfield: I'm sure if I changed my name to Hardeman and ran in Oxford I could get elected to municipal council too. If I ran as Ernest Hardeman, could I get elected in Oxford?

The Chair (Mr. Peter Z. Milczyn): The questions are to the witness.

Mr. Ernie Hardeman: I'm not sure you could get elected in Oxford with any name under any circumstances.

Mr. Percy Hatfield: They don't like New Democrats in Oxford?

Mr. Ernie Hardeman: No, I didn't say—

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield, I assume you're finished.

Mr. Percy Hatfield: I'm sorry, David—

The Chair (Mr. Peter Z. Milczyn): You are now.

The next question: Mr. Dong.

Mr. Han Dong: First of all, David, it's good to see you. I haven't seen you in a while.

Mr. David Mousavi: Thank you.

Mr. Han Dong: It's good to know that you are still very active in advocating on behalf of the community.

Just for my clarification, in your remarks—I think you believe that the city's reversal of their position on ranked ballots does not reflect or does not represent the overall consensus, if you will, of the city.

Mr. David Mousavi: That's correct.

Mr. Han Dong: Okay, good to know. And also, you talked about the incumbent having a large advantage over any challengers. I just want to point out that in any election the goal is to elect the best person to represent your community. It's perhaps not to elect and change seats and get a new person in all the time. Having said that, I think you probably recognize that in this bill we are proposing changes to ensure transparency, accountability and fair practice, especially in the areas of finance practices. Are you supportive of that?

Mr. David Mousavi: Absolutely.

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Mr. Han Dong: Good. The other thing I want to ask you is: What is your view on giving the municipalities the choice to ban corporate and union donations?

Mr. David Mousavi: I know that the city of Toronto has already done it. I don't think it's a bad decision to let the municipalities decide on their own. Ultimately, anything that allows the electorate to have a greater say in how they are governed, or in the rules that govern their elections, is a much better result than having a situation where some who may be self-interested will point to the province and say, "I don't have the power to make that change." It creates a real moral hazard and a governance issue.

Mr. Han Dong: Okay. My last question is: What's your view on the shorter writ period?

Mr. David Mousavi: Sorry—on the shorter writ period?

Mr. Han Dong: The shorter writ period.

Mr. David Mousavi: In municipal elections?

Mr. Han Dong: Yes.

Mr. David Mousavi: Unfortunately, it tends to favour incumbents far more than it does new entrants. It minimizes the time period that you can fundraise. It minimizes the time that you can advertise. All these things come

back to name recognition. If you're up against someone who has run for a number of years or who has been there for decades, then reducing that time period only acts to work against the new entrants.

Mr. Han Dong: But at the same time, we hear the argument that if there's a longer writ period, they can start early on and they're not doing the work in the office that they're supposed to, but start campaigning very early on.

Mr. David Mousavi: Sorry, can you repeat the question?

Mr. Han Dong: Making them less effective as an elected representative.

Mr. David Mousavi: There's an argument to be made that they're campaigning for four years anyway. I think that the longer scrutiny that there is on the way people spend money vis-à-vis the election campaign, the better. That's why I say it should be longer. Does that necessarily happen now, with the nearly-year-long writ period in municipal elections? No, but I'm not sure if the answer is in shortening the writ period.

Mr. Han Dong: Okay, thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Hudak.

Mr. Tim Hudak: Mr. Mousavi, thanks. Good job. You put in an intriguing question. I've not been here at the committee the whole time, so I don't know if anybody else has talked about term limits for municipal councillors.

Here's my concern. We've got a great country in Canada. People want to be more like us as opposed to us wanting to be more like others. That's why I oppose ranked ballots, because inserting the system that's in Papua New Guinea and Fiji into our democracy, I think, would be a mistake.

Term limits are usually an American phenomenon, so I'm also cautious about this. I usually would be of the view that we should let people decide every three years or every four years.

What's your point of view on a referendum around that, particularly if citizens could initiate a referendum? I think sitting politicians would be very unlikely to impose term limits on themselves. How about—putting the shoe on the other foot—if a citizens' group wanted to do that?

Mr. David Mousavi: If the citizens' group wanted to impose term limits on their councillors by way of a referendum?

Mr. Tim Hudak: Yes, the ability to get a referendum on it.

Mr. David Mousavi: I'm okay with that, as I am with passing a bylaw. I think anything that gives the electorate an option to express that opinion is better than not.

Mr. Tim Hudak: I think you make a good point. If you're worried about incumbency, and that's the greatest sin that you wanted to treat, I think term limits would be probably the most effective method of doing so.

I actually think ranked ballots will strengthen incumbency, based on simple name recognition and the need to develop an even larger consensus to oust somebody. It would be more difficult, and incumbents will like that

system. But I appreciate your point, and I'm going to have to think a lot about that. You actually do believe, though, that municipal politicians would impose term limits on themselves?

Mr. David Mousavi: I think that the grassroots movement wouldn't have to go through a process where all of us are sitting here today.

Mr. Tim Hudak: The other one I worry about is trustees. I think the factors that you pointed out with municipal politicians are even greater for trustees. There just are fewer people that follow trustee elections. Do you have a point of view on school board elections?

Mr. David Mousavi: I don't think it's much different. I should be a little bit clearer: My submissions aren't necessarily—granted, it was based on the city of Toronto and the council. I would say it's more from a governance perspective anyway.

So putting aside the fact that this is elected office, just think of it from a governance perspective. If you are on a board, many of which are possibly funded by the province, the city or the federal government, there are rules in place to ensure, from a governance perspective, that you have healthy turnover. People being able to stay there long, unfortunately, can lead to governance issues. I look at it from that perspective.

I think the best scenario is probably ranked ballots plus term limits. But, you know, that's my opinion.

Mr. Tim Hudak: Super. You did a very thoughtful presentation, and I appreciate it. Thank you.

Mr. David Mousavi: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Mousavi, if you do have anything further you'd like to submit in writing, you have until 6 p.m. today.

Mr. David Mousavi: No. Thank you all very much.

Mr. Percy Hatfield: Have you run before?

Mr. David Mousavi: Sorry?

Mr. Percy Hatfield: Have you run?

Mr. David Mousavi: I have, yes.

The Chair (Mr. Peter Z. Milczyn): Our next witness, Satinder Singh Rai, is not here yet, so we will recess until—

Mr. Percy Hatfield: I don't have him on my list. He's not on the list I have. How many more do we have?

The Chair (Mr. Peter Z. Milczyn): Just one: Sustainable Vaughan.

Interjections.

The Chair (Mr. Peter Z. Milczyn): In any case, this individual is not here. They were scheduled for 5:20. We understand that the Clerk did contact them and they are on their way here, so we shall recess until 5:20.

The committee recessed from 1655 to 1656.

SUSTAINABLE VAUGHAN

The Chair (Mr. Peter Z. Milczyn): Committee is back in session.

Mr. Ernie Hardeman: That was close.

The Chair (Mr. Peter Z. Milczyn): Yes.

Good afternoon. We are running a little bit ahead of schedule, so we had a gap. You have up to 10 minutes for your presentation. If you could, at the start of your presentation, please state your name for the official record.

Before you start, if you have any written materials, please let the Clerk know, to distribute them. You can sit down; the Clerk will come to you.

Start whenever you're ready.

Mr. Satinder Rai: Thank you for giving me the time to speak on this bill. The name is Satinder Rai, and I'm representing Sustainable Vaughan.

I'm here to speak against elements of Bill 181 that may have the unintended consequences that prevent not-for-profits from participating in issues-based advocacy during municipal election campaigns across Ontario. Community not-for-profits like mine do not engage in municipal issues for personal or corporate gain.

I have a role in my community to enhance the public good, and I often take great risk in doing so. I'm not a third party, nor is the work I do advertising. My work advocating for the community is at risk due to the ambiguity in the definitions of both "third party" and "advertising" within this bill. The net being cast is too wide.

In smaller communities where media isn't able to provide a full range of opinions, organizations such as mine are invaluable in informing citizens of much-needed facts. Being from the community I advocate for makes it all the more important that I be allowed to speak out, send emails, create blog posts, write opinion pieces and make flyers, buttons and lawn signs without anyone's formal consent.

Limiting participation erodes democracy; it doesn't enhance it. Informing citizens on issues that impact them allows for healthy debates and should be encouraged, not deterred. The unintended consequences of this bill on deterring participation need to be seriously considered.

Current laws prevent me from making false claims, slander and hateful commentary. If politicians are unable to deal with an organized citizenry, then they should reconsider their career choices.

I'm also here to speak in support of the banning of union and corporate donations to municipal campaigns. The voter turnout in the 2014 municipal election in Vaughan was 30.28%. This is shockingly low for a municipality with both high home ownership and incomes.

I'm just going to jump ahead, to save time.

The banning of corporate and union donations to municipal election campaigns needs to be mandatory. In its current form, subsection 88.15 (1) reads: "A municipality may by by-law prohibit corporations that carry on business in Ontario and trade unions that hold bargaining rights for employees in Ontario from making a contribution to or for any candidate for an office on the council of the municipality." This needs to be changed to state that municipalities must ban corporate and union contributions, and this must happen prior to the next municipal election.

The majority of councillors in Vaughan have no reason to make this change, because the current undemo-

cratic system is working for them. Vaughan has been known to drag its feet for years on other provincially mandated reforms. Don't let them do it to this one.

An example of this is Bill 140, the Strong Communities through Affordable Housing Act, 2011. This act requires all municipalities in Ontario to provide legislation to legalize secondary suites or basement apartments. The province left the timing of legislation up to municipalities. It's 2016, and secondary suite legislation has not been passed in Vaughan. By not placing a mandatory timeline on this legislation, Vaughan will continue to drag its feet.

To reiterate, municipalities must ban corporate and union contributions, and this must happen prior to the next municipal election. I believe that these two changes will help strengthen the current legislation and help to alleviate the current apathy in municipal elections that exists.

Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. In this round of questions, we start with the government side: Ms. Vernile.

Ms. Daiene Vernile: Thank you very much for coming in and appearing before this committee and for showing up right at the right time before we began to lose everyone. You're the last person who stands between us and our dinner and the end of the week, so good to have you here.

You are with a group called Sustainable Vaughan. Do you inform people during an election campaign to endorse a particular candidate? Do you tell voters how to vote?

Mr. Satinder Rai: No. What we do is inform the citizenry. As a not-for-profit, our role has always been to uncover issues that aren't represented in the media. The media is very small in places like Vaughan, believe it or not. Even you do read about some issues, there are a lot of things that are not covered by small local media outlets. What we do is help provide information, to allow people to make an informed decision. That may be calling out politicians on certain things that they voted for or against at council. But, again, that's just to reiterate information that's already available out there. We do not take a stand on actually telling people who to vote for.

Ms. Daiene Vernile: So you don't endorse candidates?

Mr. Satinder Rai: No.

Ms. Daiene Vernile: Are there any other parts of this act that concern you? Ranked ballots, for instance?

Mr. Satinder Rai: No. The one issue that I didn't have time to speak about was just the contributions. I think that one of the issues we have is that you have a lot of developers, that are mainly family-run businesses, that campaign through multiple family members as personal donations, corporate donations and registered Ontario named companies.

I think the other issue is: How do you limit the amount of money that's given per municipality by a particular

individual, so that you're not having a de facto corporate donation through personal means?

Ms. Daiene Vernile: We had a number of individuals before you who spoke to that as well.

In your view, how do you see the non-profit sector participating more effectively in municipal elections? Do you feel that you require a bigger platform or more power?

Mr. Satinder Rai: No. I think that the way it works now, I've been able to operate without having to register—a registered not-for-profit, so that alone allows some accountability and some transparency in terms of the funds and the work I do.

I think that there's a danger, and we've seen it in Vaughan, where there are a lot of organizations that have come out with ambiguous ties to different companies. What does happen in Vaughan is that you do have advocacy against certain campaigns, but you can never find out who was behind it—the corporation, or the not-for-profit, or the individual who is doing it.

I think that with not-for-profits, we're very transparent, allowing us to participate. That may be to advocate for a municipal politician or not. I think that just being a not-for-profit has enough transparency there.

Ms. Daiene Vernile: Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Mr. Hudak.

Mr. Tim Hudak: Mr. Hardeman has a question too, so I'll just be fast.

I can imagine that in Vaughan, there would be a likelihood that a municipal campaign may revolve around a single issue—by way of example, development of part of the whitebelt—and people would be pro or con.

I would think that if your group took a position, though, to me, that would be advertising. You may not endorse a candidate directly, but by advocating a certain position, you're sending a signal. So why should there be an exemption for advocacy here? I think that there should be a fair and level playing field, whether you endorse a candidate or you endorse a position.

Mr. Satinder Rai: The work I do is really information-based. I think that's one of the issues that I've found in Vaughan, at first, living there. People commute a lot. They have families, and their time and ability to actually get engaged in issues is really limited.

Like I was saying, the media is generally focused on Toronto. Smaller communities lack the ability to get engaged into a number of layers, especially land use planning, which is quite complex and involved, and people tend to be turned off.

But by providing information—which I don't find is advertising—I feel that that has only helped the conversation in Vaughan related to land use planning. I'm not anti-development, and my stance is really about promoting current legislation most of the time. I think having informed citizenry is very democratic and something to be championed.

Mr. Ernie Hardeman: I just want to point out, then, that we've had other presenters with the same issue,

wanting to have a clearer definition of what “advertising” is, so if someone is just speaking out in general terms on an issue that is not related necessarily—it’s related to what may happen, depending on who wins an election, but it’s just informing people about an issue—whether that would be advertising. I think a clearer definition of what that is—you mentioned in yours that if you want to send emails, create blogs and write opinion pieces, it should be identified whether that is advertising or whether it isn’t, and I would agree with that.

I just want to point out that the issue of advertising in general, whether it’s a small amount or a large amount, if it’s for the wrong purpose—we should have some method of controlling that. On that, would you think that putting better limits in would be an answer?

Mr. Satinder Rai: I won’t answer that directly. What I’ll say is that what I meant by the net being cast too large is that I don’t want to be limited because I’m living in a community that I advocate for. I don’t have any intentions of running or making money, so the issues are personal. Speaking from that perspective, the scale that I operate on is quite small, yes. But in terms of that larger net, I think that’s a bit more complex issue that I’d probably—

Mr. Ernie Hardeman: But you would see it as appropriate to put a limit on where you started calling it advertising?

The Chair (Mr. Peter Z. Milczyn): That’s the three minutes, Mr. Hardeman.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Hatfield.

Mr. Percy Hatfield: Welcome. Thanks for coming. I’m from Windsor. I don’t know Sustainable Vaughan. What is it?

Mr. Satinder Rai: It’s a not-for profit. It’s an advocacy group started largely to help to limit sprawl and to encourage public transit investment. So it’s a grassroots community organization.

Mr. Percy Hatfield: Okay, good. Thank you.

Should there be, or what should be, a spending limit for non-profits to have a voice but not risk censure for participating in a municipal election?

Mr. Satinder Rai: For myself, I don’t really count how much money I’ve spent of my own. I wouldn’t be ready to speak to a limit.

Mr. Percy Hatfield: Like \$500, \$1,000 or something?

Mr. Satinder Rai: I think it would be hard to gauge. Information and advocacy and enhancing democracy—I don’t know how to put a price tag on it.

Mr. Percy Hatfield: Would you put a price on the value of paid staff from a developer or a real estate office volunteering at a candidate’s campaign office? How would you regulate that?

Mr. Satinder Rai: That’s a different issue. For me, my opinion is, yes, I think that’s one of the things the bill should really take a look at, because it happens both with corporations and with unions, and that’s something that should be enhanced: the ability to help stop what’s called volunteer work but isn’t really volunteer work because it is paid for by someone else.

Mr. Percy Hatfield: We’ve heard from previous presenters that corporate donors spend a lot of money on campaigns. Unions spend not so much, but we’re going to put them all in together. Have you seen in Vaughan, in any experience of yours, that unions make a big input in Vaughan, or—

Mr. Satinder Rai: Well, I think what’s interesting is that in the carpenters’ union case, they’re pro-development, so they are not always at odds with each other in terms of campaign donations; there’s an incentive when there is money involved.

Mr. Percy Hatfield: There are some unions that give—

Mr. Satinder Rai: Yes. I don’t think it’s always black and white, that unions are left-leaning and corporations are right-leaning.

Mr. Percy Hatfield: Okay. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much, sir, for your presentation. We’ve got your written materials. If there’s anything further, you have until 6 p.m. to submit it to the Clerk. Thank you.

Mr. Satinder Rai: Thank you.

The Chair (Mr. Peter Z. Milczyn): To members of the committee, I have a couple of housekeeping things.

Amendments may, of course, be tabled during the clause-by-clause consideration. However, if you could submit them to the Clerk by 6 p.m. on Monday, May 16, then the Clerk will ensure that they’re printed and distributed to all offices. Otherwise, we will adjourn until 9 a.m. on Thursday, May 19, to consider clause-by-clause of Bill 181.

The committee adjourned at 1710.

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