



# The Corporation of the Town of Milton

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Report To: Council

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From: Meaghen Reid, Director, Legislative & Legal Services/Deputy Clerk

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Date: April 27, 2020

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Report No: CORS-014-20

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Subject: Ranked Ballot Voting - Recommendation

**Recommendation: THAT the first-past-the-post election model be maintained for municipal elections in the Town of Milton;**

**AND THAT staff be directed to monitor developments in Ontario and other relevant jurisdictions with respect to use of the ranked ballot voting model and report back to Council after the 2022 municipal election.**

## EXECUTIVE SUMMARY

- Ontario municipalities have the option to use ranked ballot voting model for council elections.
- Staff have reviewed considerations associated with implementing a new election model, including: public consultation, election administration, voting equipment and testing, appointment of an auditor, ballot implications, accessibility and results.
- Staff reviewed three options for consideration: 1) maintaining first-past-the-post (FPTP) model, 2) implementing a ranked ballot voting model, and 3) question on the ballot.
- Staff recommend maintaining the FPTP election model for the Town of Milton 2022 municipal election due to voter familiarity, estimated cost increase, and the need for further experience in Ontario.

## REPORT

### Background

Beginning in 2018, municipalities in Ontario have had the option to use ranked ballots for council elections, as a result of the Municipal Elections Modernization Act, 2016.



On February 10, 2020, staff provided an information presentation to Council with regard to a ranked ballot voting model, which outlined the ranked ballot voting process, legislative requirements and considerations for the implementation of a ranked ballot voting model.

As a follow-up to the previous information presentation, the purpose of this report is to provide a recommendation to Council with respect to the voting model for the 2022 municipal election. This report will provide an overview of the first-past-the-post (FPTP) model, the ranked ballot voting model, considerations for changing to a ranked ballot voting model and the options available for Council's consideration.

With respect to the timing of this recommendation, staff are seeking Council direction regarding the election model to be used for municipal elections in order to have sufficient time for planning and to prepare for any necessary, legislated timelines of the Municipal Elections Act, 1996, as amended.

### **First-Past-The-Post**

The current voting model used by the Town of Milton for municipal election is a FPTP election model. Within this FPTP model, voters cast their vote for the candidate of their choice and the candidate who receives the most votes wins, even if they did not receive a majority of the votes. This election model is used for federal elections in Canada, provincial elections in Ontario and for all but one municipality in Ontario, as of the 2018 Municipal Election.

### **Ranked Ballot Voting**

Ranked ballots allow voters to rank candidates in order of preference for a particular office. Ranked ballots allow a voter to express additional preferences if their first choice is eliminated in the first (or in a later) round of counting.

To pass the threshold in a ranked ballot election (single-member), votes are distributed among candidates based on the rankings indicated by the voter on the ballot. The first choice votes are counted for each candidate. If a candidate receives at least 50 per cent plus one of the votes, they are elected. If none of the candidates receive enough first choice votes, subsequent rounds of vote counting would be completed. The candidate in the contest with the fewest votes is eliminated from future rounds of counting and his or her votes are redistributed to one of the remaining candidates on the same ballot according to the next highest choice on the ballot. This process is repeated until a candidate has enough combined votes to pass the winning threshold.

$$\text{Threshold} = \left( \frac{100\% \text{ of Votes Cast}}{1 \text{ candidate will be elected} + 1} \right) + 1 = 50\% + 1$$

An illustration of this process for ranked ballot voting has been included within Appendix A of this report.

In the 2018 Municipal Election, the City of London, Ontario was the first municipality in Canada to use ranked ballot voting. The experience of the City of London's ranked ballot election has been a learning opportunity for other municipalities.

In 2018, City of Kingston and the City of Cambridge opted to put a question on the ballot asking whether they should allow electors to vote on using ranked ballot voting in future elections.

## Discussion

### Considerations and Implications for the use of Ranked Ballot Voting:

#### Why Ranked Ballot Voting?

As discussed during information presentation to Council at the February 10, 2020 Council Meeting, there are claims made in support of using ranked ballot voting, including that it could:

- reduce strategic voting
- reduce negative campaigning
- result in a winning candidate better reflecting the desires of the majority of the voters
- encourage more candidates to remain in the race until voting day without the threat of "vote splitting" between like-minded candidates

#### Public Consultation and Education

Before passing a by-law to switch to using ranked ballots, Council must hold a two-step consultation: 1) host an open house to provide information to the public about ranked ballot elections; and 2) hold a public meeting to hear feedback from residents.

During the consultation, at the open house and the public meeting, Council must make all of the following available to the public:

- information about how ranked ballot elections work, including how the votes are counted
- an estimate of how much ranked ballot elections would cost
- a description of any voting equipment and vote-counting equipment that is being considered for use in the election
- a description of any alternative voting method being considered for use in the election

Since the implementation of a ranked voting model would be a significant change from voters' experience in selecting one candidate only, there would need to be a considerable amount of communication tools developed and utilized. These tools, intended to provide education to voters, would be essential for voters to provide informed feedback during the consultation process.

With regard to the implementation of ranked ballot voting, following the passage of a by-law, communication tools and messaging specific to ranked ballot voting would need to be

developed and executed as part of a comprehensive communications plan. Without adequate public education, there is a significant risk that public confusion may increase the amount of spoiled and/or rejected ballots from voters who have taken the time to cast a ballot.

A significant amount of time, resources and funding would be required to notify voters about a new election model in order to prepare voters for change and to prevent as much confusion as possible at polls during voting.

### Election Administration

An elections team at the Town of Milton, comprised of the Legislative and Legal Services Division staff, with a dedicated election coordinator and three co-op placements undertake the work of conducting a municipal election. Based on the experience of the City of London, the implementation of ranked ballot voting required approximately two years of preparation. The full-time elections coordinator position would need to commence at least four months earlier than with previous elections to work with staff to initiate election plans, work to secure vendors, equipment, etc. The co-op placement positions would need to be in place for a full-year during the election year (previously eight month contracts) in order to assist with the legislative requirements for conducting the election and to assist with process changes related to any implementation of ranked ballot voting.

For the implementation of ranked ballot voting, additional support would be required from a communications advisor in order to finalize communications plans, develop and implement the strategies to educate voters and to connect with voters prior to and during the election period.

### Voting Equipment and Testing

The implementation of a ranked ballot voting model would have an effect on the amount of time needed to prepare and test vote counting equipment and systems, including the testing of accessible devices.

In 2018, the Town of Milton used optical scan voting equipment (also referred to as voting tabulators) to tabulate the ballots at the voting locations. This equipment ensured the consistent and accurate counting of votes, as well as, the timely production of election results. In-depth logic and accuracy testing was undertaken prior to the election to ensure that votes were counted accurately and consistently according to election procedures.

Since ranked ballot voting involves multiple rounds of vote counting based on a more complex mathematical formula to determine the winning candidate. Prior to any election, a considerable amount of testing would have to be conducted on all vote counting equipment and systems to guarantee that votes are counted correctly, as well as, to confirm the security

and integrity of the systems. Programming tabulators for ranked ballot voting would be more complex and this would increase vendor costs.

Additionally, new testing procedures would need to be developed for the logic and accuracy testing phase of testing the vote counting equipment in accordance with the mathematical formula. This testing would take longer than in the previous elections as testing would involve multiple rounds of vote counting and would require additional staffing and supplies to complete.

### Auditor

Prior to the 2018 Municipal Election, in which the City of London was the first municipality in Canada to use ranked ballot voting, no vendor had tested and certified software that supports the algorithms set out in the Ontario Regulation. It is critical to the integrity of an election that the tabulator system can be properly tested and certified, therefore, the City of London hired an independent auditor with expertise in ranked ballot elections. While the City of London was successful in working with their auditor and a vendor to produce accurate results data and tabulator procedures, staff is of the opinion that an independent auditor may be required for the first-time implementation of ranked ballot voting in the Town of Milton.

The City of London appointed an auditor, based in Florida, in the absence of provincial certification of ranked ballot voting equipment. In this instance, the auditor provided verified processes, procedures and tested the algorithm to the provincial regulation. The City of London reported auditor costs for the 2018 Municipal Election at just over \$147,000.

### Ballot Implications

A composite ballot has been used in previous municipal elections in the Town of Milton. A composite ballot displays all offices of elected officials on the same ballot face. Previously, one ballot would display the offices of Mayor, Councillor, school board trustee and Regional Chair.

Should a by-law be passed to use ranked ballot voting, this would apply to the offices on council, including the Mayor and Councillor offices. However, there have been no changes to the provincial legislation with respect to school board elections. Therefore, first-past-the-post will still be required in order to vote for the office of school board trustee.

Also, it is important to note that the directly-elected Regional Chair for the Region of Halton may also require the first-past-the-post voting model. In accordance with the legislation, the council of an upper-tier municipality can only choose to use ranked ballots for directly elected offices if all of its lower-tier municipalities are using ranked ballots to elect their council members. At this point in time, the Town of Oakville, the Town of Halton Hills and the City of Burlington have not resolved to proceed with implementing ranked ballot voting.

With some offices (ie. school board trustee and, possibly, Regional Chair) still required to use the FPTP election model if the ranked ballot voting election model were implemented in the Town of Milton, this could result in a more complex ballot for voters.

Depending on the number of candidates for the Office of Mayor and Councillor, paper ballots may need to be larger, may need to use the front and back of the ballot face or a voter may need to use multiple ballots to vote, which could add to election costs.

In addition, ranked ballot voting will have an impact on the speed with which a voter can complete the ballot process at the polls due to the additional time election workers will need to educate voters with questions at the voting and potentially to issue, manage, balance and reconcile multiple ballots or dual face ballots.

### Accessibility

In previous municipal elections, the Town of Milton has utilized accessible voting devices at poll locations in an effort to alleviate potential barriers to voting. These devices give the voter the opportunity to listen to an audio ballot with candidate options read out over headphones. A consideration for ranked ballots is the length of time it will take to have an audio ballot read out if a voter is now presented with the opportunity to rank each candidate three times, or more. Depending on the number of rankings permitted and the number of candidates for an office, the voter experience for marking a ballot using an accessible voting device could be significantly longer. This is a voting feature that would need to be given consideration with the implementation of a ranked ballot voting model.

### Election Results

Counting the ballots in a ranked ballot election will take longer than counting the votes in a traditional election. The unofficial results for certain offices may not be reported until the next day, based on the number of rounds of counting required.

### Options Available for Consideration:

The following options are available for Council's consideration with respect to the use of ranked ballot voting in the 2022 Municipal Election:

#### Option 1: FPTP (recommended)

Staff recommends that the Town maintain the existing FPTP voting model until otherwise directed by a Milton Council for the following reasons:

- 1) FPTP is a voting model that is familiar to voters at this time, as the ranked ballot voting model has been tested only once in Ontario.
- 2) The FPTP model offers a lower cost of implementation relative to ranked ballot voting (further costing difference outlined below).

- 3) This option includes a continued review of ranked ballot voting in Ontario and other relevant jurisdictions during the 2022 Municipal Election with subsequent report back to Council.

**Option 2: Ranked Ballot Voting**

At this time, staff do not recommend proceeding with this option for the following reasons:

**Financial considerations:**

Based on the experience of the City of London in the 2018 election, it is estimated that the additional costs to the Town would be approximately \$358,000, the details of which are identified below:

|   |                  |
|---|------------------|
| Staff Resources (Election and Communications) | \$146,000        |
| Auditor Costs                                 | \$160,000        |
| Marketing Initiatives                         | \$30,000         |
| Ballots                                       | \$15,000         |
| Poll Staff                                    | \$7,000          |
| <b>Total</b>                                  | <b>\$358,000</b> |

It should be noted that these are estimated costs and do not include some of the costs that are unknown at this time such as increased vendor costs associated with programming tabulators. Should Council direct staff to proceed with ranked ballot voting, a comprehensive and detailed costing would be developed to validate the costs outlined above as well as consider other potential costs.

The estimated costs shown above equates to approximately 0.52% of the Town's 2020 property tax levy. In order to manage annual fluctuations in cost, the impact of each election is generally recovered over a four-year time period, suggesting that the result of the ranked ballot voting would be an approximate 0.13% pressure on property tax rates. Should Council direct staff to proceed with ranked ballot voting, staff will further validate the costing estimates and evaluate funding strategies before reporting back to Council.

**Need for further experience in Ontario:**

Staff recommends that further experience with ranked ballot voting in Ontario take place prior to any further consideration of this election model in the Town of Milton. Ranked ballot voting is a relatively new way of voting in Ontario, which has been currently tested once in Ontario municipal elections. Further experience in Ontario elections would allow for staff to make an informed recommendation with respect to implementing ranked ballot voting, should Council choose to do so for future elections. While the City of London implemented a ranked ballot voting method in 2018, the Town of Milton is part of a two-tier governance structure, rather than a single-tier governance structure like the City of London. The Town of Milton is part of the Region of Halton and, therefore, the direct election of the Regional



Chair would be an additional consideration for the Town of Milton with regard to voter education, composite ballot implications and algorithm development.

Should Council wish to direct staff to pursue this option, the following resolution would need to be adopted by Council at this time:

THAT staff be requested to initiate the process to implement ranked ballot voting for Mayor and Councillors in the 2022 municipal election recognizing that the required by-law would have to be passed by May 1, 2021;

AND THAT staff be directed to bring a report back to Council in advance of the public consultation process outlining the key dates in the process along with detailed costing and funding recommendations.

### **Option 3: Question on the Ballot**

At this time, staff do not recommend proceeding with this option.

The Municipal Elections Act, 1996, allows for municipalities to pass a by-law in order to submit a question to the electors. According to the Act, a question shall be passed on or before March 1 in the year of a regular election at which it is intended to submit the question to the electors. As part of this process, the Clerk is required to give at least 10 days notice of the intention to pass the by-law to the public and the Minister and Council must hold at least one public meeting to consider the matter. There is also an appeal process under the Act for persons or entities to object to the wording of the question.

The City of Kingston and the City of Cambridge placed a question on the ballot during the 2018 Municipal Election to ask electors if they are in favour of using ranked ballot voting to elect the offices on council. In order for the result of a question on the ballot to be binding, more than 50% of the electors need to vote on the question and more than 50% of those electors must be in favour of the question. In both municipalities, the results of the question on the ballot were not binding.

While a question on the ballot may provide information from some voters with respect to their support or opposition for the use of ranked ballot voting, it would not replace the requirement of hosting an open house and holding a public meeting prior to making a decision with respect to passing a by-law to implement ranked ballot voting.

In order to ensure informed feedback was received, placing a question on the ballot would require a comprehensive communications plan to educate voters on the purpose of the question, as well as on the topic of ranked ballot voting. This communications strategy, including videos, a social media campaign, printed materials and other means of connecting with voters, would be estimated at \$25,000 to \$30,000 based on the experience of the City of Kingston and the need to use many of the same marketing initiatives associated with a





communications plan required for the implementation of ranked ballot voting. Further evaluation of the resulting implications on the work plan for the Town's Communication Division will be required prior to initiating such a campaign.

Should Council wish to direct staff to pursue this option, the following resolution would need to be adopted by Council at this time:

THAT staff be directed to bring forward a staff report with respect to the necessary public consultation and by-law required to submit a question to electors on the 2022 municipal election ballot with respect to ranked ballot voting in municipal elections along with detailed costing estimates and funding recommendations.

### Conclusion

Staff recommends that FPTP election model be maintained for municipal elections in the Town of Milton. Staff will continue to monitor the implementation of ranked ballot voting in Ontario for future municipal elections and recommends that a report be presented to Council at an appropriate time following the 2022 election.

### **Financial Impact**

Assuming the Town maintains the FPTP election model, the 2022 election is projected to cost \$746,070. This figure is based on the 2018 election costs adjusted for growth and inflationary impacts. The Town maintains an Election Reserve to mitigate budget pressure resulting from the expenditures of a municipal election. Annually, one quarter of the estimated costs of the election are transferred to the Election Reserve and drawn upon in the year of the election. The result is that the costs of the election are evenly distributed over four years.

As outlined in this report, the additional cost associated with the ranked ballot election model is estimated at \$358,000. Should Council direct staff to proceed with Option 2 or 3 as outlined through this report, a more detailed costing analysis along with a funding strategy would be developed and reported back to Council in advance of proceeding.

Respectfully submitted,

Troy McHarg  
Commissioner, Corporate Services / Town Clerk

For questions, please contact: Nina Lecic, Manager,                      Phone: Ext. 2131 or  
Legislative and Legal Services      2109  
and Brett Stein, Legislative  
Coordinator



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| Attachments                               |
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| Appendix A - Ranked Ballot Voting Diagram |

CAO Approval  
Andrew M. Siltala  
Chief Administrative Officer

# What is Ranked Ballot Voting?

