



**City of Kingston
Report to Council
Report Number 17-192**

To: Mayor and Members of Council
From: Denis Leger, Commissioner, Corporate & Emergency Services
Resource Staff: John Bolognone, City Clerk
Date of Meeting: June 20, 2017
Subject: Ranked Balloting Referendum Question – Public Education /
Communications Strategy

Executive Summary:

On November 15, 2016 Council received Report 16-366 with respect to ranked ballot elections and decided to maintain the existing First Past the Post electoral model for the 2018 Municipal Election. As part of Council's motion at that meeting staff was directed to:

- a) initiate the process of submitting a question on the 2018 municipal election ballot for the use of ranked ballot voting for future elections; and
- b) report back to Council in Q2 2017 with respect to a public education plan to engage the public on the addition of this referendum question on the 2018 ballot.

With respect to the process, and in accordance with the provisions of the *Municipal Elections Act*, as amended, Council must pass a By-law to submit a question to the electors by March 1, 2018. Prior to passing the By-law, Council must provide at least ten (10) days notice to the public of the intention to pass the By-law and hold at least one public meeting. In order to meet the March 1st deadline, Council would need to hold the statutory public meeting no later than one of the two regular Council meetings in February, 2018 or at a Special Meeting in February, 2018. As required by the Act, the question must be clear, concise and neutral and must be capable of being answered in the affirmative or negative, i.e. the only permitted answers are "yes" or "no".

As noted in Report 16-366, a ranked ballot election represents a significant change for candidates, election administrators and the electorate. It is a fundamental departure from the current system of First Past the Post and is not currently used in any Canadian elections (only London, Ontario has opted to use ranked ballot voting in the 2018 municipal election). It is important that the electorate have as much information as possible on how a ranked ballot

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election is conducted and how much it will cost before going to the polls in October, 2018 and voting on the referendum question.

In accordance with Council's direction on November 15, 2016, staff has prepared a Public Education / Communication Strategy with respect to the referendum question which is attached hereto as Exhibit A. The key goals of the Strategy are:

- to ensure electors are aware of the ranked ballot voting referendum question;
- to ensure electors know how a ranked ballot election works and how much it will cost;
- to ensure electors know where they can access information about ranked ballot elections; and
- to ensure materials about ranked ballot elections are accessible and understandable to the electorate.

The Public Education / Communication Strategy proposes to provide information to the public with respect to the referendum question and ranked ballot elections through the City's website, signage, print media, social media and news releases. Many of these components of the Strategy would be initiated over the next few months in advance of the initial round of public open houses that are proposed to be held across the City in January, 2018. Council would then hold the statutory public meeting in February, 2018 and pass the required By-law by March 1, 2018 in order to submit the question on ranked ballot voting for the 2018 election ballot. Following the initial series of open houses in January, 2018, there will be approximately 9 months before Election Day in October. Throughout this period information will continue to be provided to the electorate through the various tools noted above. In addition, a second series of Public Open Houses will be scheduled for mid to late August or early September 2018 to ensure that the electorate is aware of the referendum question and how a ranked ballot election would work before going to the polls to vote on the question.

Recommendation:

That Council approve a budget for implementation of the Public Education / Communication Strategy for the Ranked Ballot Voting Referendum Question with an upset limit of \$25,000 to be funded from the Working Fund Reserve.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Denis Leger, Commissioner, Corporate & Emergency Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Lanie Hurdle, Community Services	Not required
Jim Keech, President and CEO, Utilities Kingston	Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:**Purpose**

In accordance with Council's direction to staff on November 15, 2016, the purpose of this report is to:

- a. Provide information with respect to the *Municipal Elections Act* process to submit a question to the electors on the ballot for the 2018 municipal election;
- b. Present a preliminary draft of the referendum question for use in the context of the proposed Public Education / Communications Strategy; and
- c. Present the Public Education / Communications Strategy that is intended to ensure that the electorate is aware of the referendum question and understands how a ranked ballot election works and how much it will cost before going to the polls and voting.

Background

On November 15, 2016 Council received Report 16-366 that provided supplementary information with respect to the recent amendments to the *Municipal Elections Act, 1996* dealing with ranked ballot elections. At that meeting, Council passed the following motion:

"That Council maintain the existing First Past the Post (FPTP) electoral model for the 2018 municipal election: and

That the City Clerk be directed to initiate the process, as outlined in the *Municipal Elections Act, 1996*, of submitting a question to the electors on the 2018 municipal election ballot for the use of ranked balloting for future elections; and

That staff report back in Q2 2017 on a public education plan to engage the public on the addition of this referendum question on the 2018 ballot; and

That Council direct the City Clerk to monitor the use of ranked ballot elections throughout Ontario for the 2018 municipal election and report back to Council in 2019 with a report that outlines the experiences of other jurisdictions that used ranked balloting in their 2018 municipal election; and

That the City Clerk be directed to continue to explore opportunities, other than ranked balloting, which may be implemented to provide broader access and participation in the 2018 Municipal Election as earlier outlined in Report AP-15-009 and report back to Council on the 2018 Municipal Election Plan."

***Municipal Elections Act* Process for Submitting a Question to the Electors**

Sections 8 through 8.3 of the *Municipal Elections Act, 1996*, as amended, set out the process and rules for submitting a question to the electors on the 2018 municipal election ballot. The By-law to submit a question to the electors must be passed by March 1, 2018. The By-law cannot

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be amended after that date but can be revoked on or before nomination day. Prior to passing the By-law, the public must be given at least ten (10) days notice of the City's intent to pass the By-law and at least one public meeting must be held to consider the question. If the By-law is passed, a notice of passing must be issued within fifteen (15) days of the date of passing. The By-law may be appealed to the Chief Electoral Officer of the Province of Ontario within twenty (20) days after the giving of notice of passing, the only appeal grounds being that the question is not considered to be clear, concise and neutral or not capable of being answered in the affirmative or negative.

In order to comply with the March 1, 2018 deadline, Council would need to pass the required By-law no later than one of the two regular Council meetings in February, 2018 or at a Special Council Meeting in February, 2018.

In order for the results of the referendum question to be binding, at least 50% of eligible voters in the municipality must vote on the question and more than 50% of the votes on the question must be in favour of using ranked ballot voting.

Preliminary Draft of Referendum Question

Section 8.1 (2) of the *Municipal Elections Act, 1996*, as amended, sets out the following rules with respect to questions to be submitted to the electors. The question:

1. shall concern a matter within the City's jurisdiction;
2. shall not concern a matter prescribed by the Minister as a matter of provincial interest;
3. shall be clear, concise and neutral; and
4. shall be capable of being answered in the affirmative or negative, i.e. the only permitted answers to the question are "yes" or "no".

The proposed question with respect to ranked ballot voting is a matter within the City's jurisdiction and is not a matter prescribed by the Minister to be of provincial interest. Staff has drafted the following preliminary wording for the referendum question only for the purposes of engaging the public on this matter recognizing that the draft wording is in no way considered to be final:

"Are you in favour of using ranked ballot voting to elect the Mayor and Councillors in the City of Kingston beginning with the 2022 municipal election?"

The proposed wording for the referendum question on ranked ballot voting will be approved by Council for inclusion in the notice of the statutory public meeting and the final wording will be included in the By-law.

Public Education / Communications Strategy

As outlined in Report 16-366, ranked ballot voting is a new concept not previously used in any Canadian jurisdiction (the City of London is the only Ontario municipality that has opted to use ranked ballot voting in the 2018 municipal elections). It represents a fundamental departure

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from the current First Past the Post system and has the potential to be confusing to experienced and new electors alike. The report noted that prior to a decision on the use of ranked ballot voting the City would need to invest significant resources to engage the electorate and explain how a ranked ballot election works and how electors are to fill out their ballot.

Regulation 310/16 for ranked ballot elections requires that certain information be made available to the public prior to Council passing a By-law approving the use of ranked ballot voting. This information includes:

- the costs to the municipality of conducting a ranked ballot election;
- the availability of technology such as voting and vote counting equipment;
- the impacts of a ranked ballot election on election administration;
- how a ranked ballot election would be conducted, including how votes would be distributed to candidates based on the rankings; and
- any alternative voting method being considered.

Staff is recommending that this same information be made available to the public as part of the Public Education / Communications Strategy (see attached Exhibit A) with respect to the referendum question.

The key goals of the Public Education / Communications Strategy include:

- ensuring electors are aware of the ranked ballot voting referendum question;
- ensuring electors know how a ranked ballot election works and how much it will cost;
- ensuring electors know where they can access information about ranked ballot elections; and
- ensuring materials about ranked ballot elections are accessible and understandable to the electorate.

As outlined in the Strategy, the foregoing will be accomplished through the use of the City's website, signage, print media (e.g. newspapers and City publications), social media (e.g. Facebook and Twitter), Council updates and news releases. In addition, a video will be produced to show how a ranked ballot election would work and how the votes are distributed based on the rankings on each ballot. These tools will be used from the commencement of the Public Education / Communications Strategy through to and including Election Day.

An initial series of Public Open Houses are proposed to be held across the City (e.g. west, central, east and rural areas) in January, 2018. At the open houses, there will be staff presentations to explain how a ranked ballot election works (including the video), how much a ranked ballot election could potentially cost and the impacts on overall election administration. The open houses will include time for questions and answers. Representatives from the Ministry of Municipal Affairs will be invited to attend the open houses to help explain the process and to answer questions. By holding the open houses in January, this will help ensure that the public is aware of the referendum question and has sufficient information about ranked ballot

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elections before Council holds the statutory public meeting in February, 2018 and prior to Council passing a By-law to submit the referendum question for the 2018 municipal election.

Following the initial series of open houses in January, 2018, there will be approximately 9 months before Election Day in October. As noted above, throughout this period information with respect to the referendum question and ranked ballot elections will continue to be provided to the public through the City’s website, signage, print media, the video, social media and news releases. In addition, a second series of Public Open Houses will be scheduled across the City for mid to late August or early September 2018 to help ensure that the electorate is aware of the referendum question, how a ranked ballot election would work, and how much it will cost before going to the polls to vote on the question.

Next Steps

The following table summarizes the next steps in the process for submitting a question to the electorate for the 2018 municipal election and the Public Education / Communications Strategy. Specific dates are subject to Council’s approval of the 2018 Calendar of Meetings:

Date	Next Step
June – August, 2017	Prepare components of the Public Education / Communications Strategy (design website and graphics, prepare video, arrange signage, prepare initial news and social media releases, prepare initial ads for newspapers and City publications) and secure locations for public open houses
September, 2017	Launch the Public Education / Communications Strategy (website, signage, print media, the video, social media and news releases)
December, 2017	Prepare and publish notices to invite public to the initial series of public open houses
January, 2018	Hold public open houses (one in east, central, west and rural areas)
January 16, 2018	Provide notice of Council’s intent to pass a By-law to authorize submitting a question to the electorate for the 2018 municipal election with respect to ranked ballot voting (minimum 10 days notice required)
February 6, 2018	Statutory Public Meeting to be hosted by Council – to be scheduled prior to the Regular Council meeting
February 6, 2018	Council gives all three readings and passes By-law (subject to the input received at the public meeting, By-law passing could be deferred to

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	February 20 Council meeting)
February 12, 2018	If By-law passed on February 6 th , Clerk issues Notice of Passing of By-law (Notice must be issued within 15 days of date of passing)
February 26, 2018	If By-law passed on February 20 th , Clerk issues Notice of Passing of By-law (Notice must be issued within 15 days of date of passing)
Monday, March 5, 2018	If Notice of Passing issued on February 12 th , the last day for appeals of By-law (appeals must be submitted within 20 days of the date of the Notice of Passing)
Monday, March 19, 2018	If Notice of Passing issued on February 26 th , the last day for appeals of By-law (appeals must be submitted within 20 days of the date of the Notice of Passing)
March – October, 2018	Information continues to be provided to the public with respect to the referendum question and ranked ballot elections through the City's website, signage, print media, the video, social media and news releases until Election Day
August, 2018	Prepare and publish notices to invite the public to the second series of public open houses
Mid-August to early September, 2018	Hold second series of public open houses across the City (one in east, central, west and rural areas)
October, 2018	Voting on referendum question (online, advance polls, Election Day)

Existing Policy/By-law:

Sections 8, 8.1, 8.2 and 8.3 of the *Municipal Elections Act*, 1996, S.O. 1996, c. 32

Notice Provisions:

In accordance with the provisions of the *Municipal Elections Act*, the Clerk must provide at least ten (10) days notice of the City's intent to pass a By-law to include a question on the election ballot and hold at least one public meeting to consider the matter. If the By-law is passed by Council, the Clerk must provide a Notice of Passing within fifteen (15) days after the By-law is passed.

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Accessibility Considerations:

This report is AODA compliant and may be available in alternate formats upon request.

Financial Considerations:

Council is being requested to approve a budget for implementation of the Public Education / Communications Strategy with an upset limit of \$25,000 to be funded from the Working Fund Reserve.

Contacts:

John Bolognone, City Clerk, 613-546-4291, Extension 1247

Other City of Kingston Staff Consulted:

Janet Jaynes, Deputy City Clerk, 613-546-4291, Extension 1262

George Wallace, Senior Special Projects Manager, 613-546-4291, Extension 1864

Maureen Hyland, Communications Officer, 613-546-4291, Extension 1321

Exhibits Attached:

Exhibit A - Public Education / Communications Strategy Ranked Ballot Voting Referendum Question

Public Education / Communications Strategy Ranked Ballot Voting Referendum Question 2018 Municipal Election

Purpose

This plan sets out the **Public Education / Communications Strategy** to support activities associated with the ranked ballot voting referendum question to be submitted to the Kingston electorate in 2018, primarily the education of electors about how ranked ballot voting works and what a ranked ballot election would cost so they can vote knowledgeably.

Background

In keeping with the City's commitment to open government and public engagement and in accordance with Council's direction on November 15, 2016, in the 2018 municipal election the Kingston electorate will be asked to vote on the use of ranked ballot voting in the next (2022) municipal election.

A ranked ballot election represents a significant change for candidates, election administrators and the electorate and is a fundamental departure from the current electoral system of first past the post. As such, ranked ballot voting may be confusing to electors and a comprehensive public education and engagement program will be required to ensure that the electorate has the information they need to vote on the referendum question.

Education / Communication Goals

- ensure electors are aware of the ranked ballot voting referendum question;
- ensure electors know how a ranked ballot election works and how much it will cost;
- ensure electors know where they can access material about ranked ballot elections ; and
- ensure materials about ranked ballot elections are accessible and understandable to the electorate.

Audiences

- The main audience is the Kingston Electorate; and
- City staff.

Challenges and Opportunities

- Explaining ranked ballot voting can be challenging;
- Ranked ballot voting is an unfamiliar system not currently used in Canadian elections;
- Voter turnout is generally less than 50% which is the threshold required to make the results of a referendum question binding;
- There may be confusion about the referendum question versus how the vote will be done in 2018 (first past the post);
- Opportunity to promote Open Government/ engagement; and
- Opportunity to increase voter turnout.

Messages

- We want to hear how the Kingston electorate wants to vote for their elected officials;
- In 2018, there will be a referendum question on the ballot asking Kingston electors if they are in favour of ranked ballot voting for future municipal elections;

- Not sure what ranked balloting is? Go to CityofKingston.ca/ranked (URL TBD) to obtain information, dates for public open houses/meetings, etc.

Spokesperson(s)

- John Bolognone, City Clerk;
- Janet Jaynes, Deputy City Clerk/George Wallace, Senior Special Projects Manager.

Website

The City's website will be a key tool in educating the electorate about the referendum question on ranked ballot voting.

Provide a permanent presence on the City website that will consist of:

- a landing page with an overview;
- key dates;
- what is ranked ballot voting?;
- how is a winner determined in a ranked ballot election?;
- what are the potential changes and costs of a ranked ballot election?;
- what happens after the referendum?;
- document library; and
- contact information.

Design

Create simple graphics specific to the Public Education / Communications Strategy.

Signage

Utilize electronic signage and Curbex signs (similar to those used in the recent By-Election) visible to vehicle traffic to:

- Inform the electorate about the referendum question;
- Inform the electorate about where they can find information about ranked ballot voting; and
- Inform electorate about public open houses and statutory public meetings on the referendum question and ranked ballot voting.

Printed Materials

- Postcards; and
- Posters.

News releases

Numerous releases pertaining to the referendum question leading up to Election Day to:

- Inform the electorate about the referendum question;
- Inform the electorate about where they can find information about ranked ballot voting; and
- Inform the electorate about public open houses and statutory public meetings on the referendum question and ranked ballot voting.

Print advertisements (Whig-Standard, Kingston This Week, Kingston Heritage, Kingston Life)

- To advise residents that there will be a referendum on ranked ballot voting;
- To advise residents where they can get information on ranked ballot voting;

- To invite residents to information/education sessions and statutory public meetings on the referendum question and ranked ballot voting;
- To explain to residents the next steps after the referendum.

Video

Create a video that explains how ranked ballot voting works. The video will be available for the public open houses, public meetings, on the City's website, etc.

City Publications

Utilize existing City publications to provide information about ranked ballot voting and the referendum question. Publications include Leisure Guide (twice yearly), Voice of the City Tabloid (twice yearly), tax bill insert (twice yearly).

Social Media (Facebook and Twitter)

- To advise residents that there will be a referendum on ranked ballot voting;
- To advise residents where they can get information on ranked ballot voting;
- To invite residents to information/education sessions and statutory public meetings on the ranked ballot voting referendum question; and
- To explain to residents the next steps after the referendum.

Council Updates (sent from the CAO's Office every Friday)

- Regular updates provided by Clerks on what is being done such as: updates to the City website with respect to new information; the dates of public open houses and/or statutory public meetings; statistics on the number of persons that attended the public open houses; statistics on the number of persons visiting the website section on the referendum; etc.

Public Open Houses

Open Houses are proposed to be held in various locations throughout the City (e.g. west, central, east and rural areas) that residents will be invited to attend to learn about ranked ballot voting and the referendum question. It is anticipated that a first round of Open Houses will be scheduled during January, 2018, prior to the statutory public meeting being held. The Open Houses will include staff presentations and an opportunity for questions and answers. Representatives from the Ministry of Municipal Affairs will be invited to participate in the Open Houses to help in explaining how a ranked ballot election would work. Information will be provided at the Open Houses with respect to:

- How a ranked ballot election would be conducted;
- How the votes are distributed in subsequent rounds of counting;
- The estimated cost of conducting a ranked ballot election;
- The impacts on election administration;
- The type of vote-counting equipment likely to be utilized; and
- Any alternative voting methods being considered.

A second round of Public Open Houses will be scheduled for mid to late August or early September, 2018 to ensure that the electorate is familiar with the ranked ballot election process before going to the polls to vote on the referendum question.

Statutory Public Meeting(s):

A By-law must be passed by Council by March 1, 2018 in order for the referendum question to be included on the 2018 municipal election ballot. Prior to passing the required By-law, at least one

public meeting must be held. It is anticipated that the statutory public meeting will be scheduled for one of the two regular Council meetings in February, 2018, or alternatively, at a Special Council meeting in February, 2018.