The Corporation of the City of Kawartha Lakes

Council Report

Report Number CLK2017-003

Date: February 21, 2017
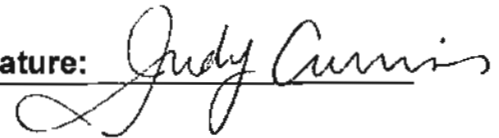**Time:** 2:00 p.m.
Place: Council Chambers
Ward Community Identifier:

Subject: **Ranked Balloting**

Author/Title: Judy Currins, City Clerk   **Signature:** _Judy Currins_
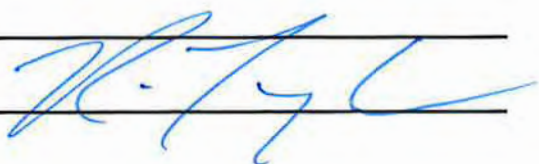
Recommendation(s):

RESOLVED THAT Report CLK2017-003, **Ranked Balloting**, be received; and

THAT the existing "first past the post" election model for vote counting be maintained for the 2018 Municipal Election.

Department Head: _____

Corporate Services Director / Other: _____

Chief Administrative Officer: _____

Background:

Ranked Balloting

Previously provided to Council within Report CLK2016-013 was the following section relating to Ranked Balloting;

Currently all candidates in a municipal election including members of council and school board trustees are elected when they receive the most number of votes known as first-past-the-post. The legislative amendments now allow municipalities the option of using ranked ballots to elect members of Council. School Board Trustee elections must be conducted in the traditional manner of first-past-the-post. In Appendix A, attached to this Report, the Ministry of Municipal Affairs has prepared a document that explains the Ranked Balloting Option. To the knowledge of the Clerk, there has not been a municipality in Ontario as of the writing of this Report that has authorized this counting method. (An update – there are a few municipalities currently in the public consultation process including – Cavan Monaghan, London and Cornwall and there may be others).

The amendment to the legislation establishes the framework for ranked balloting. The legislation also sets out the requirements for the passage of a by-law to authorize this action as well as a public meeting prior to the passage of the by-law. (An update – there is also a requirement to hold an Open House prior to the public meeting and notice requirements that will be addressed later).

There are two types of counting options depending on the number to be elected per office. For offices where only one person is elected it is known as the single-member ranked ballot and for offices where there is more than one person elected for the office (example two councillors/ward) then it would be a multi-ranked ballot process. As noted earlier, these are explained in Appendix A.

This report is in follow-up to the 2016 Report.

Rationale:

It was the intention of the writer to bring forward this report at the March 7, 2017 meeting so it could be addressed at the same time the ward boundary issue is presented for decision. However, during the preparation of the report for that date, it was discovered that to meet the required timelines for notice for an open house, public meeting and to have passage of a by-law prior to May 1st, this matter needed to be dealt with at the February 21st meeting.

General

Ranked ballot voting in a ward for a single member election, instead of voting for a single candidate, the elector ranks the list of candidates in order of their preference (first choice, second choice, third choice, etc.). The first place votes are totaled and if a candidate receives 50% or more of the votes, they are declared the winner. However, if no candidate receives more than 50% of the first place votes, the contender with the fewest votes is dropped from the ballot and his or her supporters' second choices are counted and added to the vote totals for the applicable remaining candidates. This process continues until one candidate emerges with a majority. The goal is to ensure that the winning candidate(s) receive support from a majority of voters more often.
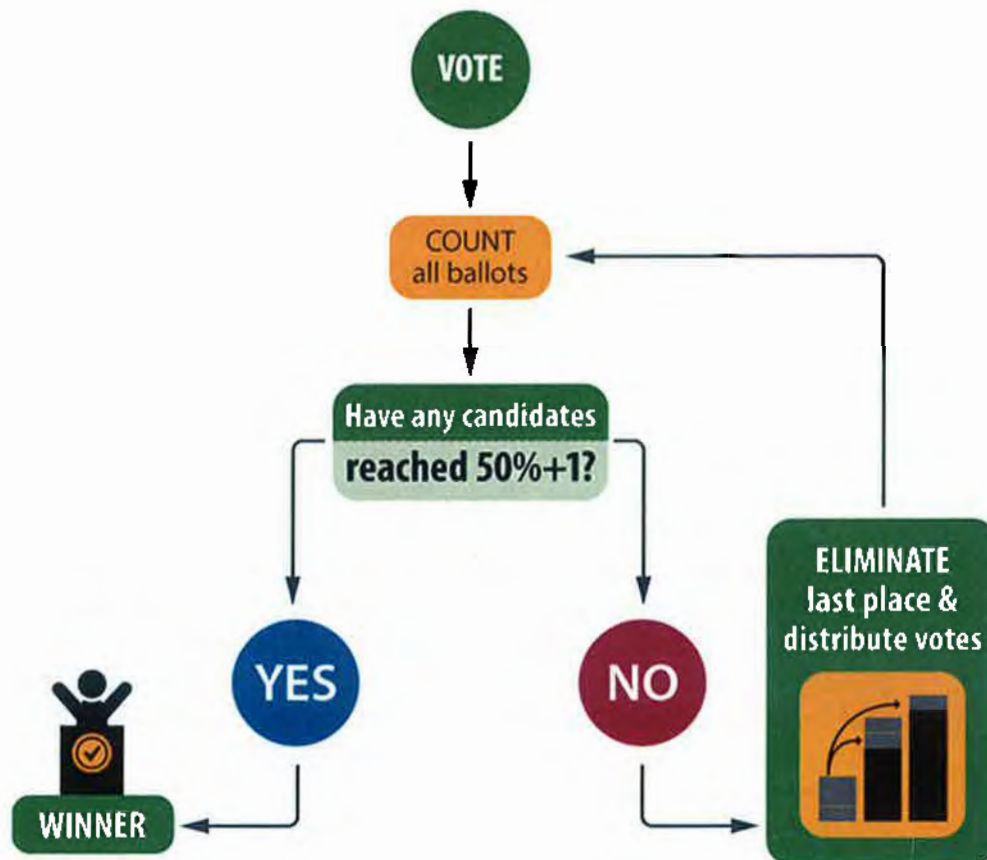
In a multi-member ranked balloting scenario, to cross the threshold, votes would similarly be distributed among candidates based on the rankings indicated by the voter on the ballot. Unique to multi-member elections, if any candidate receives more than the number of votes that they need to be elected, their surplus votes

are re-distributed according to each voter's next choice. This is to ensure that there are enough votes remaining to elect all candidates with the same threshold.

The threshold in a multi-member ranked ballot is

$$\text{Threshold} = \frac{\text{Number of votes Cast}}{\text{Number of Candidates to be elected} +1} + 1$$

Therefore, if a candidate receives more votes than they need to cross the threshold, the voters for the first winning candidate receive a fraction of their vote back to be re-distributed to their second choice candidate based on the number of total voters who voted for that candidate. Surplus votes must be re-distributed before eliminating the candidate with the fewest votes. If surplus votes are re-distributed and the required number of candidates still have not crossed the threshold, then the candidate with the fewest votes is eliminated and those votes are re-distributed according to the voter's next choice. Subsequent rounds of elimination would continue until the required number of candidates cross the threshold and are elected.

Legislated Process

The regulation for Ranked Ballot Elections has been attached as Appendix B. This regulation sets out the process that must be followed to have ranked balloting for the next municipal election. A summary includes:

> If chosen, this method applies to all municipal council offices, it **does not** apply to School Board Trustees, they will remain first past the post;
> Before passing a by-law,
   o the municipality must hold one open house to provide the public with information about how the elections will be conducted, including a description of vote counting; estimated costs of conducting the election; any voting and vote-counting equipment that is being considered for use in the election; and any alternative voting method being considered or decided for the election.
   o This open house needs to be 15 days prior to the required public meeting and requires a minimum of 30 days notice.
   o A public meeting is required with the notice of such meeting to be a minimum of 30 days notice and can be advertised prior to the open house.
> Passage of By-law – this is required to be completed by May 1st in the year prior to the election. The by-law may contain the maximum number of rankings for each office and the number of rankings can be different for each office. If the by-law is silent on this, the default is three (3).

> If ranked ballots are authorized for a regular election, ranked ballots must also be used in any by-elections that are held to fill council vacancies during the council term.

Other Considerations

Certainly if this is adopted, there would need to be a large education component. A considerable amount of staff time and a relatively large expense would need to be dedicated to the public education and resource development to inform voters about this new system, along with new wards and new voting method. More extensive testing would be required to ensure the ranking calculations are accurate. Ranked ballot counting with an internet/telephone system would be programming which could result in an estimated 3 – 5 cent additional cost per elector. In the case of the City, it adds $2,100.00 to $3,500.00 to the overall election costs. That on top of additional advertising, it is estimated it could cost $10,000.00 to $30,000.00. Vendors for internet/telephone elections have confirmed that their equipment is capable of this type of count.

There is no way to measure or predict the impact this type of system may have on voter turnout – positive or negative. On one hand, voters may not vote if the system confuses them and on the other hand, voters may support the ranking system and vote when they may not have before.

Required Decision

Council has two options at this point –

a) if Council does not want to consider ranked balloting for the 2018 election, then a motion as follows should be adopted at this meeting:

THAT the existing "first past the post" election model for vote counting be maintained for the 2018 Municipal Election.

However, if Council wishes to go through the public consultation process and then make a decision whether or not to use ranked balloting for 2018, that decision must be made at this meeting, with the following resolution:

THAT the City Clerk commence with the public consultation required prior to consideration of the passage of a by-law to adopt the ranked ballot counting method for the 2018 Municipal Election.

At this time, staff is not recommending that ranked balloting be used for the City of Kawartha Lakes for the 2018 election for several reasons, namely;

- With ward changes and voting method change, there may be elector confusion as to what ward they can vote in which may be enough to deal with administratively
- No one else has tried this type of counting in the Province, using any method of tabulation so there is no prior experience, lessons learned, etc.
- Confusion with electors when there is different counting method instructions between the municipal council candidate and school board trustees. Trustees must use first-past-the-post;
- Extensive training and outreach to electors would be required at additional cost to the election budget. The communication challenges that are faced by this municipality make this point very critical to the success of any election;
- Ward configuration has not yet been confirmed by Council, therefore, public meetings may be even more confusing having to explain both single and multi-member scenarios not knowing which would apply; and
- The electorate has not built up confidence in the current changes and the election process including the changes as a result of the Municipal Elections Act amendment.

The City Clerk is working on a budget for telephone/internet voting to be presented to Council prior to May 1st and consideration of the final decision on ranked balloting should Council decide to proceed with the public consultation process.

Other Alternatives Considered:

The alternatives have been discussed above.

Financial Considerations:

As noted above, there would be additional costs to the election budget for education, staffing costs, promotional material and testing.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

There is no direct link of this report to the Strategic Plan.

Review of Accessibility Implications of Any Development or Policy:

N/A

Servicing Comments:

N/A

Consultations:

Attachments:

Appendix A – Ministry Handout
Appendix B - Regulation

Please ensure that all attachments are forwarded with the signed report.

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Department Head: Ron Taylor, CAO

Department File:

Appendix A – Ministry of Municipal Affairs

http://www.mah.gov.on.ca/Page11118.aspx

Follow Your Ballot: An example of a ranked ballot election

Follow a ballot and learn what happens in a single-member and multi-member ranked ballot election.

Single-member election: an election where one candidate is elected

In this election, you are being asked to vote on the kind of fruit that will be served as a snack.

Ranking the ballot

With ranked ballots you can rank your choices from your most preferred to least preferred option. You rank the choices as follows:

- Cherry 1
- Pear 2
- Strawberry 3
- Apple 4

Calculate the threshold to be elected

Thirty people voted, and only one fruit can be chosen. Sixteen votes are needed for a fruit to be elected (50 per cent of 30 votes is 15 votes, plus one makes it a majority).

Count the first choice votes

After the ballots are distributed according to first choices, the vote count looks like this:

	cherry	strawberry	pear	apple
1st count	5	6	9	10

None of the fruits has received enough votes to be elected.

Eliminate the option in last place and redistribute those ballots to other candidates

Your first choice, Cherry got the fewest votes. Your ballot will now be given to your second choice, Pear. (The ballots of everyone else who voted for Cherry as their first choice will also be redistributed to their second choices).

After the 5 Cherry ballots are distributed, the new vote count is:

	cherry	strawberry	pear	apple
	5	6	9	10
		1	4	0
2nd count		7	13	10

After the second round of counting, none of the fruits has received enough votes to be elected.

Drop the last place and redistribute those ballots

Strawberry now has the fewest votes. Your ballot stays with your second choice, Pear.

After the 7 Strawberry ballots are redistributed, the new vote count is:

Pear is elected with 17 votes. Even though your first choice didn't get elected, your ballot helped your second choice to win.

Multi-member Election: an election where more than one candidate is elected

In this election, you are being asked to vote on what new equipment should be installed in your neighbourhood park. Three pieces of equipment will be chosen out of a possible six.

Ranking the ballot
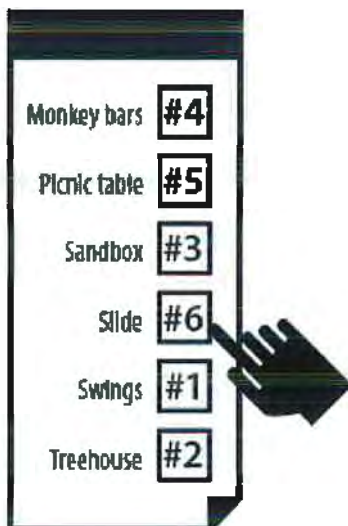
With ranked ballots you can rank your choices from your most preferred to least preferred option. You rank your choices as follows:

- Monkey bars 4
- Picnic Table 5
- Sandbox 3
- Slide 6
- Swings 1
- Treehouse 2

Calculate the threshold to be elected

In a multi-member ranked ballot election, the number of votes needed to be elected will depend on how many seats are being filled.

In this example, one hundred people voted, and three pieces of equipment will be chosen.

In order to be elected, a piece of playground equipment must earn twenty-six votes.

To do the math, one hundred votes divided by 4(3 pieces of equipment will be chosen, plus one is 4) is 25 votes, plus one is 26.

Count the first choice votes

After the ballots are distributed according to first choices, the vote count looks like this:
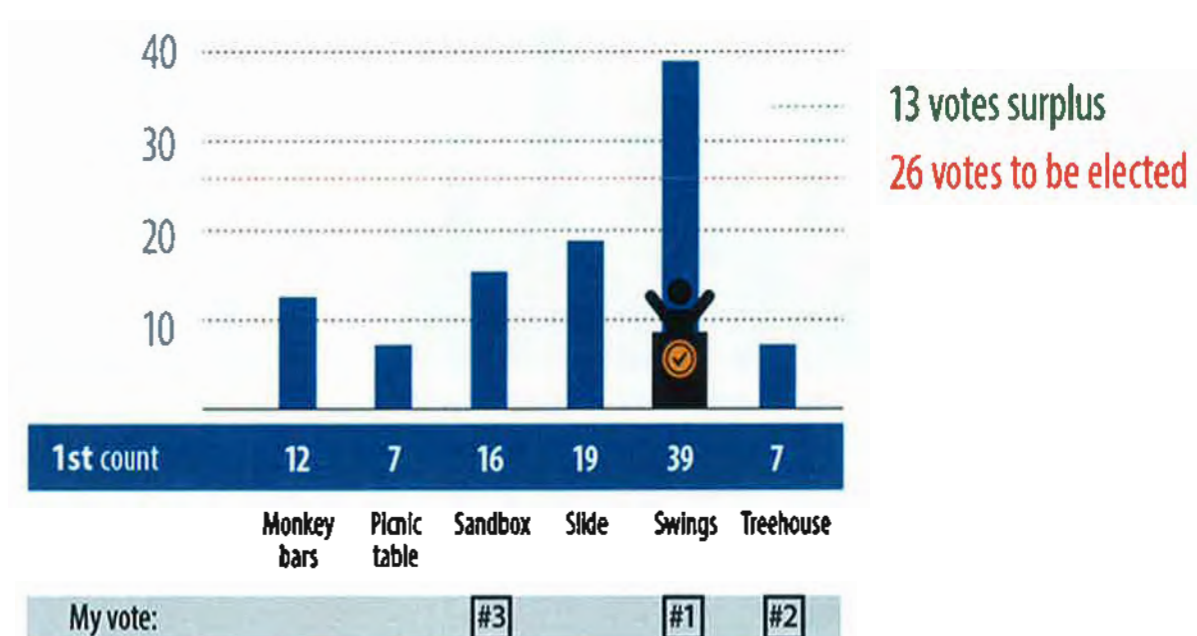
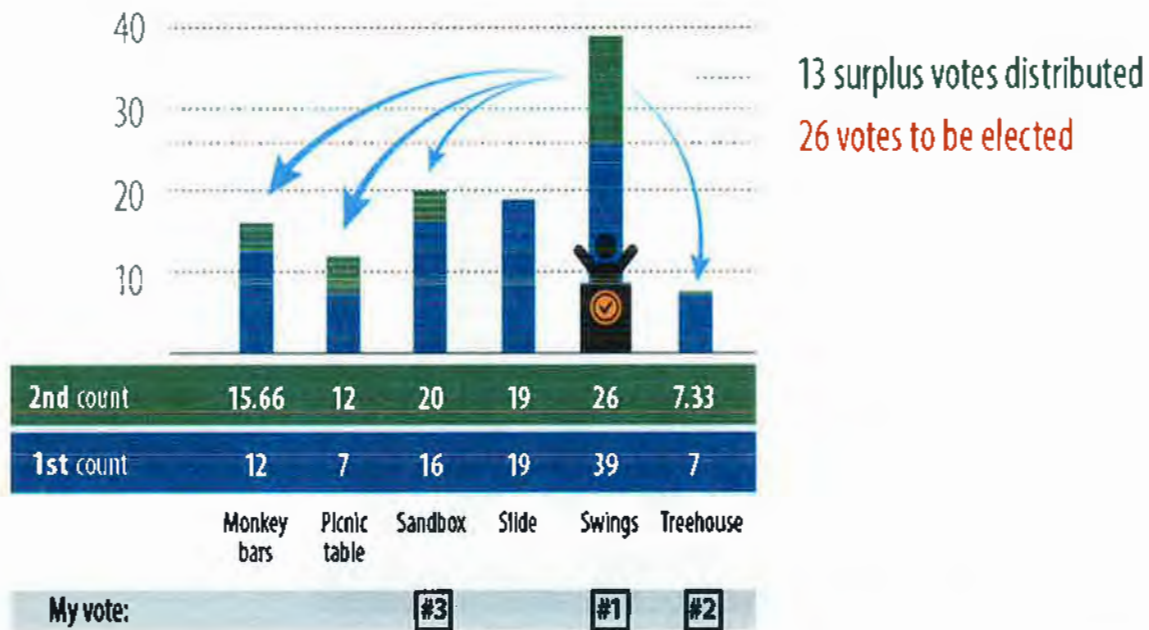Swings has received more than 26 votes, and is declared the winner.

Distribute the surplus

Since the threshold is 26 votes, and Swings got 39 first choice votes, Swings got 13 more votes than is needed to be elected.

Swings has a surplus of 13 votes. Thirteen divided by 39 is one-third. This means that Swings only needed two-thirds of your vote (along with two-thirds of the vote of everyone else who had Swings as a first choice) to be elected.

The two-thirds of your vote that Swings needs to be elected will stay with Swings. The other one-third of your vote will be given to your second choice, Treehouse. Each ballot that had Swings as the first choice will give one-third of their vote to their second choice.

After the ballots are redistributed, the new vote count is:

13 surplus votes distributed

26 votes to be elected

	Monkey bars	Picnic table	Sandbox	Slide	Swings	Treehouse
2nd count	15.66	12	20	19	26	7.33
1st count	12	7	16	19	39	7
My vote:			#3		#1	#2

	Round 1 total	Votes added	New total
Monkey Bars	12	11 ballots worth 1/3 each: 3.66 votes	15.66
Picnic Table	7	15 ballots worth 1/3 each: 5 votes	12
Sandbox	16	12 ballots worth 1/3 each: 4 votes	20

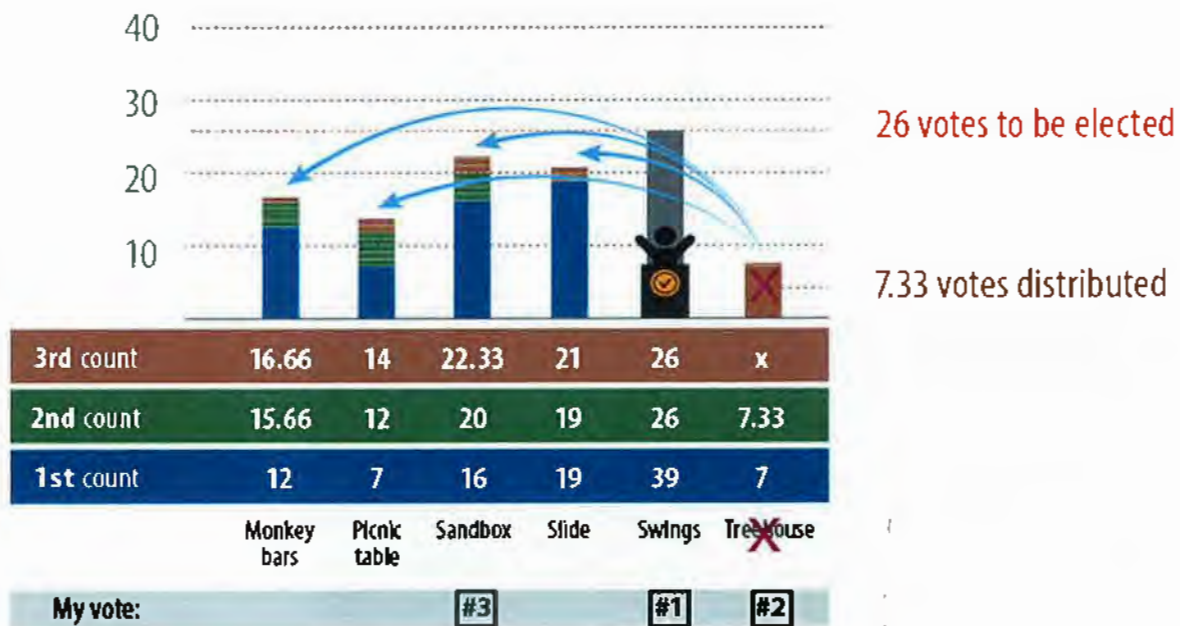| Slide | 19 | 0 votes | 19 | |
| Swings | 39 | - 39 ballots worth 1/3 each: - 13 votes | 26 | elected |
| Treehouse | 7 | 1 ballots worth 1/3 each: 0.33 votes | 7.33 | |

As it turns out, yours was the only ballot of the one hundred votes that chose Swings as the first choice and Treehouse as a second choice. Treehouse's vote total increased by one-third of a vote.

None of the candidates other than Swings has earned the 26 votes needed to be elected.

Drop the last place and redistribute those ballots

Treehouse got the fewest votes, so it is eliminated. Treehouse's votes are now redistributed. Your one-third of a vote will be transferred to your third choice, Sandbox.

After the Treehouse votes are redistributed, the new vote count is:

26 votes to be elected

7.33 votes distributed

	Monkey bars	Picnk table	Sandbox	Slide	Swings	Treehouse
3rd count	16.66	14	22.33	21	26	x
2nd count	15.66	12	20	19	26	7.33
1st count	12	7	16	19	39	7
My vote:			#3		#1	#2

	Round 2 total	Votes added	New total
Monkey Bars	15.66	1	16.66
Picnic Table	12	2	14
Sandbox	20	2.33	22.33
Slide	19	2	21
Swings	26 elected	0	26 elected
Treehouse	7.33	-7.33 votes redistributed	0

None of the other candidates has earned the 26 votes needed to be elected.

Drop the last place and redistribute those ballots

Picnic Table has the fewest votes, so it is now eliminated. Picnic Table's votes are now redistributed according to their next choice.

26 votes to be elected

14 votes distributed

	Monkey bars	Picnic table	Sandbox	Slide	Swings	Treehouse
4th count	21.66	x	26.33	26	26	x
3rd count	16.66	14	22.33	21	26	x
2nd count	15.66	12	20	19	26	7.33
1st count	12	7	16	19	39	7

| My vote: | | | #3 | | #1 | #2 |
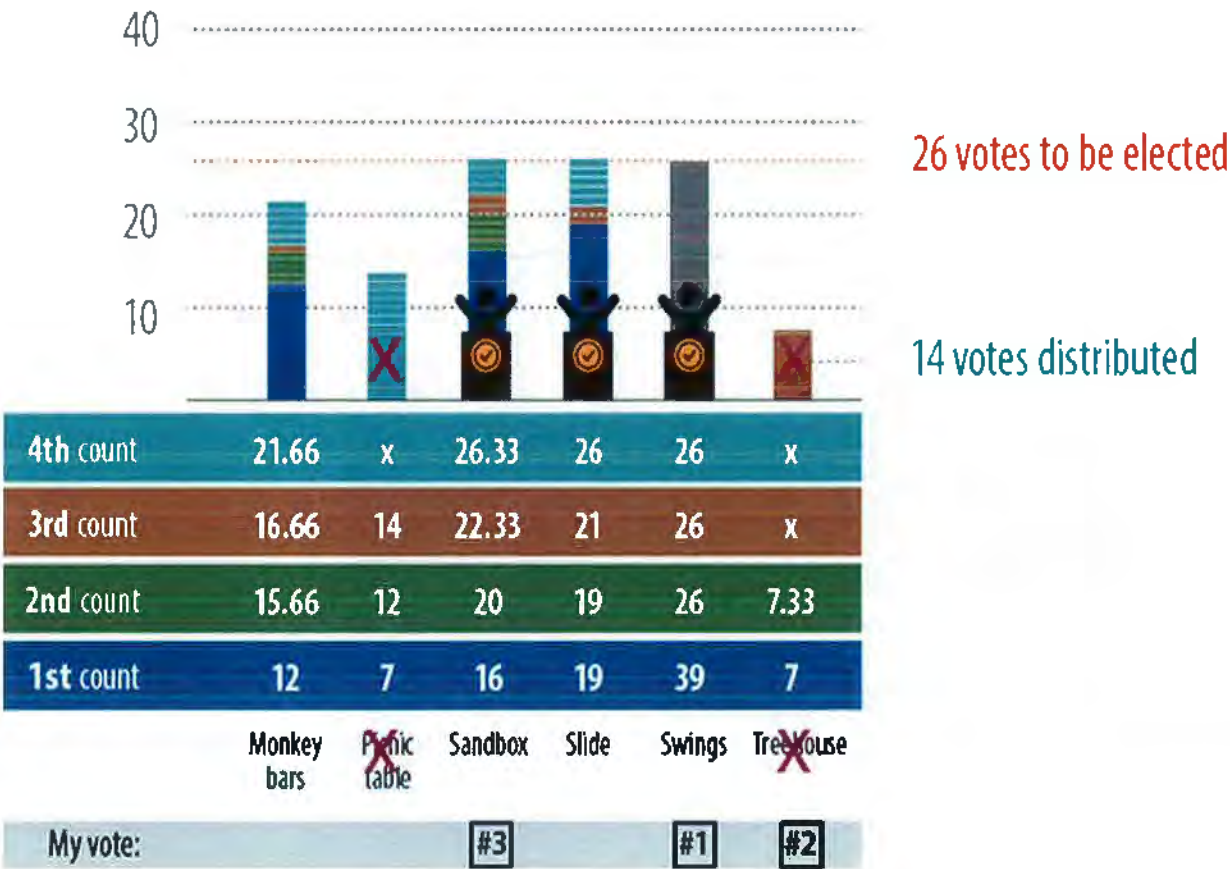
	Round 3 total	Votes added	New total	
Monkey Bars	16.66	5	21.66	
Picnic Table	14	-14	0	
Sandbox	22.33	4	26.33	elected
Slide	21	5	26	elected
Swings	26 elected	0	26	elected
Treehouse	0	0	0	

Sandbox and Slide have each earned 26 votes, so they have reached the threshold to be elected.

Recall that in this election, three pieces of equipment were to be elected out of a possible six. Since three candidates have reached the threshold, the counting stops.

The three winning candidates are Sandbox, Slide and Swings.

http://www.mah.gov.on.ca/Page11122.aspx

Frequently Asked Questions about Ranked Ballots

1. **What are ranked ballots?**

   Ranked ballots are used in voting systems in which voters are able to rank candidates based on their preference (i.e. first preference candidate, second preference candidate, etc.).

2. **Would my municipality have to use ranked ballots?**

   No. Ontario is working on introducing changes to the Municipal Elections Act, which, if passed, would give municipalities the option to use ranked ballots in future municipal elections, starting in 2018, but ranked ballots would not be mandatory for municipalities.

3. **Why has the government committed to allowing the use of ranked ballots?**

   We want to allow more choice in how municipal elections are run. Ranked ballots are an additional tool that would give municipalities more flexibility to meet the needs of their local communities.

4. **When will the option to use ranked ballots be available to my municipality?**

   The proposal would give municipalities the option to begin using ranked ballots in the 2018 Ontario municipal elections.

Counting Votes

1. **What happens if there is a tie?**

   Under the current voting system, ties are decided by lot (i.e. by putting the candidates' names in a hat or other container and drawing to see who will win). This method can also be used with ranked ballots.

2. **What would happen if all my choices were eliminated?**

   If all the candidates that a voter had listed as their preferences were eliminated, their ballot would become "exhausted." Exhausted ballots would be removed from the count, as they could not be redistributed to any of the remaining candidates.

3. Would the ballots have to be counted by an electronic tabulator?

Ranked ballots can be counted manually or electronically. For instance, in their 2009 municipal election, Minneapolis, Minnesota counted all of the ballots cast in its first ranked ballot election by hand.

4. Why isn't the threshold in a multi-member election 50 per cent plus one, like it is for a single-member election?

Unlike a single-member election, the threshold is not 50 per cent plus one because it would not be possible for more than one candidate to receive more than half of the votes cast.

5. Why does the surplus have to be redistributed?

The surplus votes must be redistributed because, without doing so it may not be possible for any other candidate to reach the threshold of votes required to be elected.

6. How are candidates' surplus votes to be redistributed in a multi-member ranked ballot election?

In the event that a candidate receives more votes than the threshold (i.e. the number of votes required to be elected), they are declared a winner and their votes are redistributed to the other candidates. There are a few ways to redistribute these votes. One method is to calculate the percentage surplus received by the successful candidate. Every vote cast for that candidate is then redistributed to next preferences at a fraction of a vote equal to that percentage. This is necessary to ensure that enough votes remain in the count so that other candidates can meet the threshold.

Appendix B

Appendix B - Regulations.pdf

Ontario

Municipal Elections Act, 1996

ONTARIO REGULATION 310/16

RANKED BALLOT ELECTIONS

Consolidation Period: From September 16, 2016 to the e-Laws currency date

No amendments.

This is the English version of a bilingual regulation.

CONTENTS [−]

INTERPRETATION

Interpretation

1 In this Regulation, a reference to a by-law with respect to ranked ballot elections means a by-law that may be passed by a municipality under section 41.2 of the Act

AUTHORITY TO CONDUCT RANKED BALLOT ELECTIONS

Authority conferred, single-tier or lower-tier municipality

2 (1) Subject to subsection (2), ranked ballot elections for offices on the council of a single-tier or lower-tier municipality are hereby authorized to be conducted in accordance with the rules set out in subsection 41.1 (1) of the Act

(2) Ranked ballot elections for offices on the council of a single-tier or lower-tier municipality are authorized only if they are to be conducted for all offices on the council

Authority conferred, upper-tier municipality

3 (1) Subject to subsections (2) to (4), ranked ballot elections for offices on the council of an upper-tier municipality are hereby authorized to be conducted in accordance with the rules set out in subsection 41.1 (1) of the Act

(2) Ranked ballot elections are not authorized for any office on the council of an upper-tier municipality unless they are authorized for all offices on the council of every lower-tier municipality within the upper-tier municipality.

(3) Ranked ballot elections are not authorized for any office on the council of an upper-tier municipality unless both of the following circumstances exist:

1 One or more members of the council of the upper-tier municipality are elected to the council by the electors of all or part of one or more lower-tier municipalities within the upper-tier municipality.

2 The members referred to in paragraph 1 who are elected to the council of the upper-tier municipality are not also elected to the council of a lower-tier municipality within the upper-tier municipality.

(4) Ranked ballot elections are authorized only for the offices of members described in paragraphs 1 and 2 of subsection (3) and they are authorized only if they are to be conducted for the offices of all of those members of the council of the upper-tier municipality.

Elector's right to vote

4 (1) An elector is entitled to rank as many candidates for an office as the by-law with respect to ranked ballot elections specifies or, if the by-law does not specify the number of rankings, three candidates.

(2) Paragraph 3 of subsection 51 (2) of the Act does not apply with respect to a ranked ballot election.

BY-LAWS WITH RESPECT TO RANKED BALLOT ELECTIONS

Matters to be considered by council

5 (1) Before passing a by-law with respect to ranked ballot elections, the council of a single-tier or lower-tier municipality shall consider the following matters:

1 The costs to the municipality of conducting the elections

2 The availability of technology, such as voting equipment and vote-counting equipment and software, for conducting the elections

3 The impact the proposed by-law would have on election administration

(2) Before passing a by-law with respect to ranked ballot elections, the council of an upper-tier municipality shall consider the following matters:

1 The costs to the municipality of conducting the elections.

2 The technology, if any, being used by the lower-tier municipalities within the upper-tier municipality for conducting their ranked ballot elections

Contents of by-law

6 (1) A by-law with respect to ranked ballot elections may specify the maximum number of rankings for each office on council

(2) The by-law may specify a different number of rankings for each office

(3) In this section, a reference to the number of rankings for an office is a reference to the number of candidates for the office in respect of whom an elector is permitted to indicate a preference when voting

Application of by-law to elections

7 A by-law with respect to ranked ballot elections applies to all regular elections and by-elections of the municipality.

When by-law comes into force

8 (1) A by-law with respect to ranked ballot elections does not come into force until,

(a) if it is passed after May 1, in the case of a single-tier or lower-tier municipality, or after July 1, in the case of an upper-tier municipality, in the year before the year of a regular election, the day a newly elected council is organized following the second regular election after the passing of the by-law; or

(b) in any other case, the day a newly elected council is organized following the first regular election after the passing of the by-law

(2) Despite subsection (1), the regular election that is held immediately before the coming into force of a by-law with respect to ranked ballot elections shall be conducted as if the by-law were already in force.

INFORMATION ABOUT PROPOSED BY-LAWS

Proposed by-law: information for the public

9 (1) Before passing a by-law with respect to ranked ballot elections, the council shall ensure that the following information is made available to the public with respect to the proposed by-law:

1 A detailed description of how the elections would be conducted, including a description of how votes would be distributed to candidates based on the rankings marked on ballots

2 An estimate of the costs of conducting the elections

3 For a proposed by-law of a single-tier or lower-tier municipality, a description of the voting equipment and vote-counting equipment, if any, that is being considered

4 For a proposed by-law of a single-tier or lower-tier municipality, a description of any alternative voting method being considered

(2) If the proposed by-law would repeal a by-law with respect to ranked ballot elections, paragraph 1 of subsection (1) requires only a detailed description of how the elections would be conducted.

(3) The council shall ensure that the information required by this section is made available free of charge to any member of the public upon request.

(4) The council of an upper-tier municipality shall ensure that the information required by this section is made available to the public at least 15 days before the public meeting required by section 11 is held

Proposed by-law: open house (single-tier or lower-tier municipality)

10. (1) Before passing a by-law with respect to ranked ballot elections, the council of a single-tier or lower-tier municipality shall ensure that at least one open house is held in accordance with this section for the purpose of giving the public an opportunity to review and ask questions about the information required by section 9.

(2) The open house shall be held at least 15 days before the public meeting required by section 11 is held.

(3) At least 30 days before the open house is to be held, the council shall publish notice of the open house in a newspaper having general circulation in the municipality.

(4) The council shall give at least 30 days' notice of the open house to every person and organization that has, within two years before the day of the open house, requested that the municipality provide the person or organization with such notice and has provided an address for the notice.

(5) The council shall ensure that the information required by section 9 is available at the open house.

Proposed by-law: public meeting

11. (1) Before passing a by-law with respect to ranked ballot elections, the council shall ensure that a public meeting is held in accordance with this section in respect of the proposed by-law.

(2) At least 30 days before the public meeting is to be held, the council shall publish notice of the public meeting as follows:

    1. For a proposed by-law of a single-tier or lower-tier municipality, in a newspaper having general circulation in the municipality.

    2. For a proposed by-law of an upper-tier municipality, in one or more newspapers that, together, have general circulation in each lower-tier municipality within the upper-tier municipality.

(3) The council shall give at least 30 days notice of the public meeting to every person and organization that has, within two years before the day of the public meeting, requested that the municipality provide the person or organization with such notice and has provided an address for the notice.

(4) The council shall ensure that the notices required by subsections (2) and (3) set out the intention of the municipality to pass the by-law.

(5) The council shall ensure that any person who attends the public meeting is given the opportunity to make representations in respect of the proposed by-law.

(6) The council shall ensure that the information required by section 9 is available at the public meeting.

CONDUCTING A RANKED BALLOT ELECTION

Responsibility of clerks re single-tier and lower-tier municipalities

12. The clerk of a single-tier or lower-tier municipality is responsible for conducting a ranked ballot election for offices on the council of the municipality.

Responsibilities of clerks re upper-tier municipalities

13. (1) The clerk of an upper-tier municipality is responsible for conducting a ranked ballot election for offices on the council of the municipality, except as otherwise specified in this Regulation.

(2) When an upper-tier municipality passes a by-law with respect to ranked ballot elections, the clerk of the municipality shall give a copy of the by-law to the clerks of every lower-tier municipality within the upper-tier municipality.

(3) As soon as possible after the upper-tier municipality passes a by-law with respect to ranked ballot elections, the clerk of each lower-tier municipality within the upper-tier municipality shall tell the clerk of the upper-tier municipality how many eligible electors were on the voters' list for the lower-tier municipality, as the voters' list existed at the close of voting on voting day in the previous regular election.

Responsibility for counting votes re upper-tier municipality

14. (1) In a regular election for offices on the council of an upper-tier municipality, the clerk of the lower-tier municipality within the upper-tier municipality that has the greatest number of eligible electors is responsible for counting the votes in the ranked ballot election for offices on the council of the upper-tier municipality.

(2) In a by-election for an office on the council of an upper-tier municipality,

    (a) if the geographic area of the office is wholly within one of the lower-tier municipalities, the clerk of the lower-tier municipality is responsible for counting the votes in the ranked ballot election; and

    (b) if the geographic area of the office is within two or more of the lower-tier municipalities, the clerk of the lower-tier municipality that has the greatest number of eligible electors is responsible for counting the votes in the ranked ballot election.

(3) For the purposes of subsection (1) and clause (2) (b), the number of eligible electors is determined with reference to the voters' list for the lower-tier municipality, as the voters' list existed at the close of voting on voting day in the previous regular election.

(4) The clerk of the upper-tier municipality shall determine which lower-tier municipality is described in subsection (1) or clause (2) (a) or (b), as the case may be, based on information provided to him or her by the clerk of each lower-tier municipality, and shall tell the clerks of the lower-tier municipalities which clerk is responsible for counting the votes in the ranked ballot election.

(5) The clerk of the lower-tier municipality that is responsible for counting the votes shall promptly report the vote recorded to the clerk of the upper-tier municipality, who shall prepare the final summary and announce the result of the vote.

BALLOTS AND RANKING BY ELECTORS

Ballots

15. (1) Ballots used for ranked ballot elections must comply with the rules set out in this section in addition to the rules in subsection 41 (2) of the Act.

(2) The number of candidates to be elected for each office must appear on the ballot.

Instructions

16. Instructions to electors about the following matters must be made available at the voting place:

    1. How to mark the ballot so that the ranking of candidates can be read by the clerk.

    2. How to rank candidates in the order of the elector's preference.

    3. The maximum number of candidates that can be ranked for each office, indicating that if the number of certified candidates for an office is fewer than the maximum number of candidates that can be ranked for the office, all candidates for the office may be ranked.

Elector's ranking of candidates

17. An elector ranks the candidates on a ballot by marking the ballot, in accordance with the instructions made available at the voting place, to indicate the elector's preferences.

Determining highest ranking

18. At each round of vote counting, the following rules describe how to determine which candidate an elector has ranked as the highest:

    1. The elector's preference for one candidate over the other candidates is indicated by rankings marked on the ballot.

    2. If the ballot is marked to indicate more than one ranking for a single candidate, only the highest of those rankings is considered.

3. If the ballot is marked to indicate the rankings among the candidates, but there is no mark that indicates one or more of the rankings that could be assigned, the relative rankings that are marked indicate which candidate is ranked as the highest

4. If the ballot is marked to indicate the rankings among the candidates, but the mark that indicates a ranking is not made inside the space provided for marking the ballot, only the relative rankings that are marked inside the space provided for marking the ballot indicate which candidate is ranked as the highest.

COUNTING THE VOTES — GENERAL

Threshold: number of votes needed to elect candidate

19 (1) The threshold is the number of votes sufficient for a candidate to be elected to an office and, in a ranked ballot election for an office, is determined using the formula,

$$[(A - B) \div (C + 1)] + 1$$

in which,

"A" is the total number of ballots cast for the office,

"B" is the number of ballots in which the votes for the office have been rejected from the count under subsection 54 (2) or (3) of the Act, as set out in section 4 of Schedule 1 to this Regulation, or under subsection 55 (3) or (4) of Act, as set out in section 4 of Schedule 2 to this Regulation, as applicable, and

"C" is the number of members to be elected to the office

(2) If the formula results in a number that includes a fraction, the fraction is disregarded.

Eliminating candidates during a round of vote counting: single elimination method

20 (1) The single elimination method for eliminating a candidate from a round of vote counting is conducted in accordance with this section

(2) The candidate with the fewest votes in a round, including transferred votes, is eliminated from the next round in accordance with section 24 or 26, as the case may be

(3) In case of a tie between two or more candidates with the fewest votes in a round, the tie is resolved in accordance with section 25 or 27, as applicable in the circumstances

(4) The clerk shall record the details of the resolution of any tie, and the resolution shall be re-used in any recount

Batch elimination method

21. (1) The batch elimination method for eliminating one or more candidates from a round of vote counting is conducted in accordance with this section.

(2) Every candidate who has no mathematical chance of being elected during a round is eliminated from the next round in accordance with section 24 or 26, as the case may be

(3) A candidate has no mathematical chance of being elected if either of the following circumstances exist:

1. If the sum of "D" and "E" for the candidate is less than the amount of "D" for the candidate with the next greater number of votes received, including transferred votes, where,

   "D" is the number of votes received by the candidate, including transferred votes, and

   "E" is the number of votes capable of being transferred to the candidate in future rounds,

   i. from candidates with fewer votes in the current round, and

   ii. from candidates with whom the candidate is tied in the current round,

2. If the amount of "D" for the candidate, as defined in paragraph 1, is less than the amount of "D" for a candidate who is eliminated under paragraph 1

Choice of method

22 (1) On or before December 31 in the year before a regular election, the clerk shall determine whether the single elimination method described in section 20 or the batch elimination method described in section 21 for eliminating candidates during each round of vote counting shall be used in the election and shall notify each candidate in writing when the candidate's nomination is filed.

(2) In the case of a by-election, the clerk shall determine, at least 60 days before the first day on which an elector can vote, whether the single elimination method or the batch elimination method for eliminating candidates during each round of vote counting shall be used in the by-election and shall notify each candidate in writing.

(3) The same method must be used for all offices to be filled by the ranked ballot election, and for all rounds of vote counting for each office.

Exhausted ballots

23 A ballot cast by an elector in a ranked ballot election is exhausted at the end of a round of vote counting if any of the following circumstances exist:

1. The elector has not ranked any of the continuing candidates in the next round

2. The elector's highest ranking for a continuing candidate in the next round cannot be determined

3. The elector has ranked more candidates than the maximum number permitted for the office, and the elector's highest ranked continuing candidate in the next round holds a lower ranking than the lowest permitted ranking

COUNTING FOR ELECTION OF ONE CANDIDATE TO AN OFFICE

Counting the votes, election of one candidate

24 (1) In a ranked ballot election in which one candidate is to be elected to an office, the votes are counted in accordance with this section and in the sequence set out in this section

(2) Threshold: Calculate the threshold for the office under section 19

(3) First round of vote counting: Conduct the first round of vote counting as follows:

1. Count the number of votes cast for each candidate as indicated by each elector's highest ranking on their ballot

2. If the number of votes for a candidate equals or exceeds the threshold, take no further steps under this section and, as soon as possible after voting day, the clerk shall declare that candidate to be elected

3. If no candidate has received sufficient votes to equal or exceed the threshold, eliminate a single candidate or a batch of candidates in accordance with section 20 or 21. If there is a tie between two or more candidates with the fewest votes, resolve the tie in accordance with section 25

4. The candidates who have not been eliminated under paragraph 3 are continuing candidates in the next round

(4) Exhausted ballots: Identify any exhausted ballots

(5) Transfer of votes from eliminated candidates: Transfer the votes from the candidates eliminated in the first round to the continuing candidates in the next round as follows:

1. Transfer each vote received by each candidate eliminated in the first round to the continuing candidate who, as marked on the same elector's ballot, received the next highest ranking of all continuing candidates. If the elector's ballot is exhausted, his or her vote for an eliminated candidate shall not apply to any candidate.

(6) Second round of vote counting: Conduct the second round of vote counting as follows:

1. Count the number of votes cast for each continuing candidate as indicated by each elector's highest ranking of the continuing candidates on their ballot and the number of votes transferred to the candidate after the previous round.

2. If the number of votes received by a candidate equals or exceeds the threshold, take no further steps under this section and, as soon as possible after voting day, the clerk shall declare that candidate to be elected.

3. If no candidate has received sufficient votes to equal or exceed the threshold, eliminate a single candidate or a batch of candidates in accordance with section 20 or 21. If there is a tie between two or more candidates with the fewest votes, resolve the tie in accordance with section 25.

4. The candidates who have not been eliminated under paragraph 3 are continuing candidates in the next round.

(7) For subsequent rounds of vote counting: Repeat the steps set out in subsections (4), (5) and (6), with necessary modifications, for each subsequent round of vote counting until the number of votes received by one candidate equals or exceeds the threshold or until only two continuing candidates remain. Then take the following steps:

1. If the number of votes received by one candidate equals or exceeds the threshold, take no further steps under this section and, as soon as possible after voting day, the clerk shall declare that candidate to be elected.

2. If only two candidates remain, the clerk shall, as soon as possible after voting day, declare the candidate with the most votes, including transferred votes, to be elected.

Resolution of a tie vote, election of one candidate

25. In a ranked ballot election in which only one candidate is to be elected to an office, if there is a tie between two or more continuing candidates with the fewest votes, the tie is resolved in accordance with the following rules:

1. In the first round of vote counting, the tie is resolved by lot and the candidate chosen by lot is deemed to have the fewest votes.

2. In the second and any subsequent round,

i. the candidate with the fewest votes in the preceding round is deemed to have the fewest votes in the current round,

ii. if the candidates who are tied in the current round were tied in the preceding round, the candidate with the fewest votes in the round before the preceding round is deemed to have the fewest votes in the current round, and

iii. if the candidates who are tied in the current round were tied in all preceding rounds, the tie is resolved by lot and the candidate chosen by lot is deemed to have the fewest votes in the current round.

COUNTING FOR ELECTION OF MULTIPLE CANDIDATES TO AN OFFICE

Counting the votes, election of more than one candidate

26. (1) In a ranked ballot election in which more than one candidate is to be elected to an office, the votes are counted in accordance with this section and in the sequence set out in this section.

(2) Threshold: Calculate the threshold for the office under section 19.

(3) First round of vote counting: Conduct the first round of vote counting as follows:

1. Count the number of votes cast for each candidate as indicated by each elector's highest ranking on their ballot.

2. Determine the number of candidates for whom the number of votes cast, as described in paragraph 1, equals or exceeds the threshold.

3. If the number of candidates determined under paragraph 2 equals the number of candidates to be elected to the office, take no further steps under this section and, as soon as possible after voting day, the clerk shall declare all of those candidates to be elected.

4. If the number of candidates determined under paragraph 2 is less than the number of candidates to be elected to the office, determine which of them has the greatest number of votes (the "successful candidate") and, as soon as possible after voting day, the clerk shall declare that candidate to be elected.

5. If there is no successful candidate, eliminate a single candidate or batch of candidates in accordance with section 20 or 21. If there is a tie between two or more candidates, resolve the tie in accordance with section 27.

6. The candidates (other than the successful candidate, if any) who have not been eliminated under paragraph 5 are continuing candidates for the next round.

(4) Exhausted ballots: Identify any exhausted ballots.

(5) Transfer of partial votes from the successful candidate: For each vote cast for the successful candidate, if any, in the first round, determine the surplus portion of the vote and transfer it from the successful candidate to the continuing candidates as follows:

1. Calculate the transfer ratio for the successful candidate in the first round, using the formula,

$$(F - E) \div F$$

In which,

"E" is the threshold for the office, and

"F" is the number of votes cast for the successful candidate.

2. For each vote cast for the successful candidate (referred to in this subsection and in subsection (7) as a "successful vote"), calculate the surplus portion of the vote using the formula,

$$G \times H$$

in which,

"G" is the transfer ratio for the successful candidate, and

"H" is one vote.

3. For each elector who cast a successful vote, transfer the surplus portion of the elector's successful vote to the continuing candidate who, as marked on the elector's ballot, has the highest ranking of all of the continuing candidates. If the elector's ballot is exhausted, the surplus portion of his or her vote shall not apply to any candidate.

(6) Transfer of votes from eliminated candidates: Transfer the votes from the candidates, if any, eliminated in the first round to the continuing candidates as follows:

1. Transfer each vote cast for each candidate eliminated in the first round to the continuing candidate who, as marked on the same elector's ballot, has the highest ranking of all of the continuing candidates. If the elector's ballot is exhausted, his or her vote for an eliminated candidate shall not apply to any candidate.

(7) Second round of vote counting: Conduct the second round of vote counting as follows:

1. Count the number of votes cast for each continuing candidate as indicated by each elector's highest ranking of the continuing candidates on their ballot and count the number of votes, and the surplus portion of successful votes, that were transferred to the candidate after the previous round

2. If the number of votes received by one or more candidates exceeds the threshold, determine which of them has the greatest number of votes (the "successful candidate") and, as soon as possible after voting day, the clerk shall declare that candidate to be elected

3. If the cumulative number of successful candidates equals the number of candidates to be elected to office, take no further steps under this section and, as soon as possible after voting day, the clerk shall declare those candidates to be elected

4. If there is no successful candidate in this round, eliminate a single candidate or batch of candidates in accordance with section 20 or 21. If there is a tie between two or more candidates, the tie is resolved in accordance with section 27

5. The candidates (other than any successful candidates) who have not been eliminated under paragraph 4 are continuing candidates for the next round

(8) Exhausted ballots: Identify any exhausted ballots

(9) Transfer of partial votes from the successful candidate: Transfer the votes received in the second round by the successful candidate, if any, to the continuing candidates as follows:

1. Calculate the transfer ratio for the successful candidate in the second round, using the formula,

$$(J - E) \div J$$

in which,

"E" is the threshold for the office, and

"J" is the number of votes received by the successful candidate, including transferred votes

2. For each vote cast for the successful candidate and each vote transferred from an eliminated candidate after the previous round (each of which is referred to in this subsection and in subsection (10) as a "successful vote"), calculate the surplus portion of the successful vote using the formula,

$$K \times L$$

in which,

"K" is the transfer ratio for the successful candidate, and

"L" is one vote

3. Transfer the surplus portion of the successful vote to the continuing candidate who, as marked on the same elector's ballot, has the highest ranking of all of the continuing candidates. If the elector's ballot is exhausted, the surplus portion of his or her vote shall not apply to any candidate

4. For each surplus portion of a successful vote that was transferred to the successful candidate after the previous round (the "previously transferred portion"), calculate the surplus portion of the previously transferred portion using the formula,

$$K \times M$$

in which,

"K" is the transfer ratio for the successful candidate, and

"M" is the previously transferred portion of one vote

5. Transfer the surplus portion of the previously transferred portion to the continuing candidate who, as marked on the same elector's ballot, has the highest ranking of all of the continuing candidates. If the elector's ballot is exhausted, the surplus portion of the previously transferred portion shall not apply to any candidate

(10) Transfer of votes from eliminated candidates: Transfer the votes received in the second round by the candidates, if any, eliminated in that round to the continuing candidates as follows:

1. Transfer each vote cast for each candidate eliminated in the second round to the continuing candidate who, as marked on the same elector's ballot, has the highest ranking of all of the continuing candidates. If the elector's ballot is exhausted, his or her vote for an eliminated candidate shall not apply to any candidate

2. Transfer each vote that was transferred to the eliminated candidate after a previous round to the continuing candidate who, as marked on the same elector's ballot, has the highest ranking of all of the continuing candidates. If the elector's ballot is exhausted, his or her vote shall not apply to any candidate

3. Transfer the previously transferred portion of any successful vote that was transferred to the eliminated candidate after the previous round to the continuing candidate who, as marked on the same elector's ballot, has the highest ranking of all of the continuing candidates. If the elector's ballot is exhausted, the previously transferred portion of his or her vote shall not apply to any candidate

(11) For subsequent rounds of vote counting: Repeat the steps set out in subsections (7) to (10), with necessary modifications, until the number of continuing candidates equals the remaining number of candidates to be elected to the office, or until only two continuing candidates remain. Then take the following steps:

1. If the number of continuing candidates equals the remaining number of candidates to be elected to the office, take no further steps under this section and, as soon as possible after voting day, the clerk shall declare those candidates to be elected

2. If only two continuing candidates remain, the clerk shall, as soon as possible after voting day, declare the candidate with the most votes, including transferred votes, to be elected.

(12) The amounts referred to in paragraphs 1 and 2 of subsection (5) and paragraphs 1, 2 and 4 of subsection (9) shall be calculated to four decimal places, ignoring any remainder.

Resolution of a tie vote, election of more than one candidate

27. (1) In a ranked ballot election in which more than one candidate is to be elected to an office, if there is a tie between two or more candidates with votes that equal or exceed the threshold, the tie is resolved in accordance with the following rules:

1. In the first round of vote counting, the tie is resolved by lot and the candidate chosen by lot is deemed to have the greatest number of votes in the current round

2. In the second and any subsequent round,

    i. the candidate who had the greatest number of votes in the preceding round is deemed to have the greatest number of votes in the current round,

    ii. if the candidates who are tied in the current round were tied in the preceding round, the candidate who had the greatest number of votes in the round before the preceding round is deemed to have the greatest number of votes in the current round, and

    iii. if the candidates who are tied in the current round were tied in all preceding rounds, the tie is resolved by lot and the candidate chosen by lot is deemed to have the greatest number of votes in the current round

3. The clerk shall record the details of the resolution of any tie, and the resolution shall be re-used in any recount.

(2) In a ranked ballot election in which more than one candidate is to be elected to an office, if there is a tie between two or more candidates with the fewest votes, the tie is resolved in accordance with the following rules:

    1. In the first round of vote counting, the tie is resolved by lot and the candidate chosen by lot is deemed to have the fewest votes

    2. In the second and any subsequent round,

        i. the candidate with the fewest votes in the preceding round is deemed to have the fewest votes in the current round,

        ii if the candidates who are tied in the current round were tied in the preceding round, the candidate with the fewest votes in the round before the preceding round is deemed to have the fewest votes in the current round, and

        iii. if the candidates who are tied in the current round were tied in all preceding rounds, the tie is resolved by lot and the candidate chosen by lot is deemed to have the fewest votes in the current round.

INFORMATION ABOUT ELECTION RESULTS

Report following election

28 As soon as possible after voting day, the clerk shall make the following information about the election for an office available to the public on a website or in another electronic format:

    1 The number of ballots cast

    2. The number of ballots that were declined

    3 The number of ballots in which the votes for the office were rejected

    4 The threshold calculated under section 19 for the office

    5 The number of votes cast for each candidate at the first round of vote counting

    6 The results of each round of vote counting, including the number of votes received by each continuing candidate for the round and the number of exhausted ballots

VARIATIONS TO THE ACT

Ranked ballot election only

29. The variations to the Act set out in Schedule 1 apply with respect to circumstances where a ranked ballot election does not occur concurrently with an election that is not a ranked ballot election

Ranked ballot election concurrent with non-ranked ballot election

30 The variations to the Act set out in Schedule 2 apply with respect to circumstances where a ranked ballot election occurs concurrently with an election that is not a ranked ballot election

    31. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION)

SCHEDULE 1
VARIATIONS TO THE ACT — RANKED BALLOT ELECTIONS

Variations to section 47 of the Act

    1. (1) The reference to "clause 55 (1) (d)" in clause 47 (5) (a) of the Act shall be read as a reference to "paragraph 2 of subsection 54 (1)"

    (2) The references to "the deputy returning officer" in clauses 47 (5) (e) and (h) of the Act shall be read as references to "the clerk"

    (3) Clause 47 (5) (g) of the Act does not apply

    (4) The reference to "clause 55 (1) (c)" in clause 47 (5) (h) of the Act shall be read as a reference to "clause 55 (1) (b)"

Variation to section 51 of the Act

    2. Paragraph 3 of subsection 51 (2) of the Act does not apply

Variation to section 52 of the Act

    3. Clause 52 (3) (a) of the Act does not apply.

Variations to section 54 of the Act

    4. Section 54 of the Act shall be read as follows:

Counting of votes

    54. (1) Immediately after the close of voting on voting day, the following steps shall be taken:

        1. The deputy returning officer shall seal the ballot box for his or her voting place so that ballots cannot be deposited in or withdrawn from it without breaking the seal

        2. The deputy returning officer shall deliver the ballot box to the clerk

        3. The clerk shall, as soon as possible after receiving the ballot boxes, open the boxes and proceed to count votes in accordance with Ontario Regulation 310/16.

Rejection of votes in a ballot

    (2) The clerk shall reject from the count all votes in a ballot, if the ballot,

        (a) was not supplied by the deputy returning officer; or

        (b) contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her.

Rejection of votes for an office

    (3) The clerk shall reject from the count the votes in the ballot for an office,

        (a) if the ballot is marked to indicate that more than one candidate for the office has been given the highest ranking;

        (b) if all rankings for the office are marked outside the space provided for marking the ballot; or

        (c) if no rankings have been assigned to any candidate for the office

Objections

    (4) A scrutineer or certified candidate may object to a ballot, or to the counting of some or all votes in a ballot, on the ground that the ballot or votes do not comply with the rules set out in subsections (2) and (3).

Duty of the clerk

(5) The clerk shall,

(a) decide all objections;

(b) establish a list in which the objections are summarized and individually numbered; and

(c) write the number of each objection on the back of the relevant ballot and initial the number.

Variations to section 55 of the Act

5. (1) Subsection 55 (1) of the Act shall be read as follows:

Clerk's duties re ballot box

(1) As soon as possible after counting the votes, the clerk shall,

(a) place the ballots and all other materials and documents related to the election in a ballot box; and

(b) seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal.

(2) Subsections 55 (2) to (5) of the Act do not apply.

Variation to section 57 of the Act

6. Subclause 57 (1) (a) (i) of the Act shall be read without "or specified".

Variations to section 58 of the Act

7. Subsection 58 (3) of the Act shall be read as follows:

Order, notice

(3) If satisfied that there are sufficient grounds for it, the court shall make an order requiring the clerk to hold a recount of the votes cast for all candidates and shall give the clerk a copy of the order as soon as possible.

Variation to section 59 of the Act

8. Section 59 of the Act does not apply.

Variations to section 60 of the Act

9. Subsection 60 (2) of the Act shall be read as follows:

Rules re recount

(2) A recount shall be conducted in accordance with the following rules:

1. The clerk shall give notice of the recount to,

    i. every certified candidate for an office that is the subject of the recount,

    ii. in the case of a recount requested under subsection 57 (1), the council, local board or Minister, as the case may be, and

    iii. in the case of a recount ordered under section 58, the applicant.

2. The clerk shall open the ballot boxes and conduct a recount of all votes for all candidates.

3. The clerk shall reject from the count all votes in a ballot, if the ballot,

    i. was not supplied by the deputy returning officer, or

    ii. contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her.

4. The clerk shall reject from the count the votes in the ballot for an office,

    i. if the ballot is marked to indicate that more than one candidate for the office has been given the highest ranking,

    ii. if all rankings for the office are marked outside the space provided for marking the ballot, or

    iii. if no rankings have been assigned to any candidate for the office.

Variations to section 62 of the Act

10. (1) Clause 62 (1) (b) of the Act shall be read as follows:

(b) if there are disputed ballots,

    (i) announce the number of them, and

    (ii) write the number of the voting place on the back of, and initial, each disputed ballot, place them in a separate envelope clearly marked so as to indicate its contents, and seal the envelope.

(2) Subsection 62 (3) of the Act does not apply.

Variations to section 63 of the Act

11. (1) The reference to "a recount limited to the disputed ballots" in subsection 63 (1) of the Act shall be read as a reference to "a determination of the validity of the disputed ballots and for a recount".

(2) Subsections 63 (2), (4), (5), (6) and (8) of the Act shall be read as follows:

Who may apply

(2) Subsection (1) applies to a certified candidate or an applicant under section 58.

Summary procedure

(4) The application shall be dealt with in a summary manner, without application records or factums.

Clerk to attend court

(5) The clerk shall attend court on the hearing of the application and provide the court with,

(a) a certified copy of the result of the recount conducted by the clerk;

(b) the sealed envelope containing the disputed ballots from the recount conducted by the clerk; and

(c) any other documents relating to the election that are relevant to the application.

Duty of court

(6) If the court determines that a recount is required, the court shall,

(a) determine the validity of the disputed ballots;

(b) require a recount of the votes with respect to all candidates for the office that is the subject of the recount;

(c) require the clerk to conduct the recount;

(d) return to the clerk the material provided under subsection (5); and

(e) require the clerk to report the results of the recount to the court

Order

(8) When the recount is complete and the clerk reports the results to the court, the court shall,

(a) make an order incorporating its decisions under subsection (6); and

(b) announce to the persons present,

(i) the result of the recount, and

(ii) how the court dealt with the disputed ballots

Variation to section 64 of the Act

12. The reference to "under section 55" in subsection 64 (1) of the Act shall be read as a reference to "under section 24 or 26 of Ontario Regulation 310/16"

Variation to section 88 of the Act

13. The reference to "under section 55" in subsection 88 (1) of the Act shall be read as a reference to "under section 24 or 26 of Ontario Regulation 310/16"

SCHEDULE 2
VARIATIONS TO THE ACT — RANKED BALLOT ELECTIONS CONCURRENT WITH NON-RANKED BALLOT ELECTIONS

GENERAL

Application

1. The variations to the Act that are set out in sections 2 to 6 of this Schedule apply with respect to the election that is a ranked ballot election and the election that is not a ranked ballot election

Variations to section 47 of the Act

2. (1) The reference to "clause 55 (1) (d)" in clause 47 (5) (a) of the Act shall be read as a reference to "clause 54 (6) (d)"

(2) Clauses 47 (5) (e), (f) and (h) of the Act shall be read as follows:

(e) to examine each ballot as the votes are being counted by the deputy returning officer under section 54 or by the clerk under section 55 (but not to touch the ballot);

(f) to object to a ballot or to the counting of votes in a ballot under subsection 54 (4) in respect of an election that is not a ranked ballot election or under subsection 55 (5) in respect of a ranked ballot election;

. . .

(h) to place his or her own seal on the ballot box after the counting of the votes, when the deputy returning officer seals the box under clause 54 (6) (c) or when the clerk seals the box under clause 55 (7) (b), so that ballots cannot be deposited or withdrawn without breaking the seal

Variations to section 54 of the Act

3. Section 54 of the Act shall be read as follows:

Rules re non-ranked ballot elections

54. (1) This section applies with respect to an election that is not a ranked ballot election

Counting of votes

(2) Immediately after the close of voting on voting day, the deputy returning officer shall open the ballot box for his or her voting place and proceed to count,

(a) in the case of an election for office, the number of votes for each candidate;

(b) in the case of an election to obtain the assent of the electors to a by-law, the number of votes in favour of the by-law and the number opposed to it; and

(c) in the case of an election to obtain the opinion of the electors on any question, the number of votes for each possible answer to the question.

Rejection of ballots

(3) The deputy returning officer shall reject from the count all ballots and votes in a ballot that do not comply with the prescribed rules

Objections

(4) A scrutineer or certified candidate may object to a ballot, or to the counting of some or all votes in a ballot, on the ground that the ballot or votes do not comply with the prescribed rules.

Duty of deputy returning officer

(5) The deputy returning officer shall,

(a) decide all objections;

(b) establish a list in which the objections are summarized and individually numbered; and

(c) write the number of each objection on the back of the relevant ballot and initial the number.

Delivery of ballot box to clerk

(6) As soon as possible after counting the votes, the deputy returning officer shall,

(a) prepare a statement, in duplicate, showing the results of the election at the voting place;

(b) place the ballots and all other materials and documents related to the election, except the original statement of results, in the ballot box;

(c) seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal; and

(d) deliver the original statement of results and the ballot box to the clerk.

Copies of statement

(7) A scrutineer or certified candidate is entitled to receive a copy of the statement of results from the clerk, on request

Results of elections

(8) The clerk shall determine the results of the election by compiling the statements of results received from the deputy returning officers

Declaration

(9) The clerk shall, as soon as possible after voting day,

(a) declare the candidate or candidates, as the case may be, who received the highest number of votes to be elected; and

(b) declare the result of any vote on a by-law or question

Information to be made available

(10) As soon as possible after voting day, the clerk shall make the following information available at no charge for viewing by the public on a website or in another electronic format:

1 The number of votes for each candidate

2 The number of declined and rejected ballots

3 The number of votes for the affirmative or negative on a by-law or question

Examination of documents and materials

(11) Despite subsection 88 (6.1), the clerk may, if he or she considers it necessary in order to interpret the statement of results, examine any of the documents and materials in a ballot box in the presence of the relevant deputy returning officer.

Variations to section 55 of the Act

4. Section 55 of the Act shall be read as follows:

Rules re ranked ballot elections

55. (1) This section applies with respect to a ranked ballot election

Counting of votes

(2) As soon as possible after receiving the ballot box from the deputy returning officer under clause 54 (6) (d), the clerk shall open the box and proceed to count votes in respect of the ranked ballot election in accordance with Ontario Regulation 310/16.

Rejection of votes in a ballot

(3) The clerk shall reject from the count all votes in a ballot, if the ballot,

(a) was not supplied by the deputy returning officer; or

(b) contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her.

Rejection of votes for an office

(4) The clerk shall reject from the count the votes in the ballot for an office,

(a) if the ballot is marked to indicate that more than one candidate for the office has been given the highest ranking;

(b) if all rankings for the office are marked outside the space provided for marking the ballot; or

(c) if no rankings have been assigned to any candidate for office

Objections

(5) A scrutineer or certified candidate may object to a ballot, or to the counting of some or all votes in a ballot, on the ground that the ballot or votes do not comply with the rules set out in subsections (3) and (4)

Duty of the clerk

(6) The clerk shall,

(a) decide all objections;

(b) establish a list in which the objections are summarized and individually numbered; and

(c) write the number of each objection on the back of the relevant ballot and initial the number.

Clerk's duties after counting

(7) As soon as possible after counting the votes, the clerk shall,

(a) place the ballots and all other materials and documents related to the election in a ballot box; and

(b) seal the ballot box so that ballots cannot be deposited in or withdrawn from it without breaking the seal

Variations to section 64 of the Act

5. Subsection 64 (1) of the Act shall be read as follows:

Right to sit pending final disposition

(1) A candidate who has been declared elected under section 24 or 26 of Ontario Regulation 310/16, in respect of a ranked ballot election, or under section 55 of this Act as modified by Schedule 2 of that Regulation, in respect of an election that is not a ranked ballot election, is entitled to sit and vote on the council or local board until the recount and all applications under this Act have been finally disposed of and a different candidate has been declared elected

Variations to section 88 of the Act

6. Subsection 88 (1) of the Act shall be read as follows:

120-day retention period

(1) The clerk shall retain the ballots and all other documents and materials related to an election for 120 days after declaring the results of the election under section 24 or 26 of Ontario Regulation 310/16, in respect of a ranked ballot election, or under section 55 of this Act as modified by Schedule 2 of that Regulation, in respect of an election that is not a ranked ballot election

FOR THE ELECTION THAT IS NOT A RANKED BALLOT ELECTION

Application: variation to section 47 of the Act

7. The following variations to the Act apply with respect to the election that is not a ranked ballot election:

1 The reference to "clause 55 (1) (a)" in clause 47 (5) (g) of the Act shall be read as a reference to "clause 54 (6) (a)"

FOR THE ELECTION THAT IS A RANKED BALLOT ELECTION

Application

8. The variations to the Act that are set out in sections 9 to 17 of this Schedule apply with respect to the election that is a ranked ballot election.

Variation to section 47 of the Act

9. Clause 47 (5) (g) of the Act does not apply

Variation to section 51 of the Act

10. Paragraph 3 of subsection 51 (2) of the Act does not apply.

Variation to section 52 of the Act

11. Clause 52 (3) (a) of the Act does not apply

Variation to section 57 of the Act

12. Subclause 57 (1) (a) (i) of the Act shall be read without "or specified".

Variations to section 58 of the Act

13. Subsection 58 (3) of the Act shall be read as follows:

Order, notice

(3) If satisfied that there are sufficient grounds for it, the court shall make an order requiring the clerk to hold a recount of the votes cast for all candidates and shall give the clerk a copy of the order as soon as possible.

Variation to section 59 of the Act

14. Section 59 of the Act does not apply.

Variations to section 60 of the Act

15. Subsection 60 (2) of the Act shall be read as follows:

Rules re recount

(2) A recount shall be conducted in accordance with the following rules:

1. The clerk shall give notice of the recount to,

    i. every certified candidate for an office that is the subject of the recount,

    ii. in the case of a recount requested under subsection 57 (1), the council, local board or Minister, as the case may be, and

    iii. in the case of a recount ordered under section 58, the applicant.

2. The clerk shall open the ballot boxes and conduct a recount of all votes for all candidates.

3. The clerk shall reject from the count all votes in a ballot, if the ballot,

    i. was not supplied by the deputy returning officer, or

    ii. contains writing or marks that may identify the elector, or is torn, defaced or otherwise dealt with by the elector in a way that may identify him or her.

4. The clerk shall reject from the count the votes in the ballot for an office,

    i. if the ballot is marked to indicate that more than one candidate for the office has been given the highest ranking,

    ii. if all rankings for the office are marked outside the space provided for marking the ballot, or

    iii. if no rankings have been assigned to any candidate for the office.

Variations to section 62 of the Act

16. (1) Clause 62 (1) (b) of the Act shall be read as follows:

(b) if there are disputed ballots,

    (i) announce the number of them, and

    (ii) write the number of the voting place on the back of, and initial, each disputed ballot, place them in a separate envelope clearly marked so as to indicate its contents, and seal the envelope.

(2) Subsection 62 (3) of the Act does not apply.

Variations to section 63 of the Act

17. (1) The reference to "a recount limited to the disputed ballots" in subsection 63 (1) of the Act shall be read as a reference to "a determination of the validity of the disputed ballots and for a recount".

(2) Subsections 63 (2), (4), (5), (6) and (8) of the Act shall be read as follows:

Who may apply

(2) Subsection (1) applies to a certified candidate or an applicant under section 58.

Summary procedure

(4) The application shall be dealt with in a summary manner, without application records or factums.

Clerk to attend court

(5) The clerk shall attend court on the hearing of the application and provide the court with,

(a) a certified copy of the result of the recount conducted by the clerk;

(b) the sealed envelope containing the disputed ballots from the recount conducted by the clerk; and

(c) any other documents relating to the election that are relevant to the application.

Duty of court

(6) If the court determines that a recount is required, the court shall,

(a) determine the validity of the disputed ballots;

(b) require a recount of the votes with respect to all candidates for the office that is the subject of the recount;

(c) require the clerk to conduct the recount;

(d) return to the clerk the material provided under subsection (5); and

(e) require the clerk to report the results of the recount to the court.

Order

(8) When the recount is complete and the clerk reports the results to the court, the court shall,

(a) make an order incorporating its decisions under subsection (6); and

(b) announce to the persons present,

    (i) the result of the recount, and

    (ii) how the court dealt with the disputed ballots.