



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Paula Parker	Report Date: May 3, 2021
Author's Phone: 519 736 0012 ext. 2238	Date to Council: May 25, 2021
Author's E-mail: pparker@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: 2022 Election – Ballot Question and 3 Ward Options

1. **RECOMMENDATION:**

It is recommended that:

1. The ballot question for the 2022 Election, **BE SUPPORTED** as written, “Are you in favour of a Ward Election System?” as clear, concise, neutral and as may be answered with an affirmative or negative (with a Yes or No) as required by the Municipal Elections Act;
2. The Clerk **BE DIRECTED** to bring forward options for both a three (3) and five (5) ward election system, to at least one public consultation session as required by the Municipal Elections Act; and,
3. The Clerk **BE DIRECTED** to bring back a by-law to add “Are you in favour of a Ward Election System?” to the 2022 election ballot once all Act requirements are met.

2. **BACKGROUND:**

The methodology for how the municipal election is run is solely at the discretion of the Clerk, with the exception of a few decisions to be made by Council. Those decisions are:

- Passing a by-law to determine alternative voting methods
(May 1 in the year of the election)
- Passing a by-law to submit a question to electors on the ballot
(March 1 in the year of the election)
- Passing a by-law to consider rules for a recount
(May 1 in the year of the election)

Council, as per the Municipal Act, also has the authority to divide, re-divide or dissolve wards.

On August 12th, 2019, Council passed the following motion (Resolution # 20190812-420):

“That Administration BE DIRECTED to re-evaluate the Town’s election system and a report be brought back with options including at-large, ward or a hybrid approach to the 2022 Election for Council’s consideration.”

On June 22, 2020, Council considered a report that provided 2 options for election systems in the Town of Amherstburg. The preferred recommendation of Administration was to maintain the status quo and continue with an At-large Election System. The other option was to adopt a Mixed Election System, wherein the Mayor and Deputy Mayor would continue to be elected at-large and the municipality be divided into 5 wards with one Councillor elected from each. At the June 22, 2020 Council meeting the following motion was passed (Resolution #20200622-182):

That:

1. The Clerk BE DIRECTED to bring an additional option forward to Council with respect to an At-large vs. Ward System Election; and,
2. The type of election system BE PLACED as a question on the ballot for the 2022 Election.

3. DISCUSSION:

From the discussion and direction of Council on June 22, 2020, it is clear that Council supported hearing the voice of the electorate by placing a question on the ballot for the 2022 Election. Allowing the majority of the electorate to decide on a matter of such great importance to the community is a commendable action taken by this term of Council.

This report fulfills the direction of Council on June 22, 2020.

Ballot Question

As indicated at the June 22, 2020 Council meeting, a municipal council may pass a by-law to put a question on the ballot.

The Municipal Elections Act places conditions on the kind of questions that may be asked:

- it shall be a matter that the municipality has authority for, and that the municipality can implement
- it shall not be a matter of Provincial interest
- the wording of the question shall be clear, concise and neutral
- the possible answers to the question shall be “yes” and “no”
- multiple choice or multi-part questions are not permitted

Prior to adding a question to the ballot for the 2022 Election, Council must pass a by-law by March 1, 2022. Prior to the passing of the by-law the following must also occur:

- At least one public meeting must be held to consider the matter
- At least 10 days notice must be provided to the public and the Minister of Municipal Affairs and Housing (Minister)

After the passing of the by-law:

- Within 15 days the Clerk shall give notice to the public and the Minister of the passing of the by-law
- Within 20 days after the Clerk gives notice, the Minister or any other person or entity may file a notice of appeal to the Chief Electoral Officer
- Within 15 days after the last day for filing a notice of appeal, the Clerk shall forward any notices of appeal to the Chief Electoral Officer
- Within 60 days of receiving notices of appeal, the Chief Electoral Officer shall hold a hearing regarding the appeal of the by-law.

In order to ensure the question is clear, concise and neutral, it is recommended that it be written as **“Are you in favour of a Ward Election System?”** Forming the question in this way ensures the neutrality of Council and is a way to ask a question with an affirmative or negative. A ‘yes’ answer will indicate that the elector supports a Ward System, a ‘no’ answer will indicate the elector supports an At-large System. If a question is written as specifically as **“Are you in favour of a 3 Ward Election System,”** then the affirmative or negative is not as clear. An elector may not support a 3 ward system, but may support a 5 ward system. With a simple yes or no answer to this specific question, Council may not get the result it was originally seeking.

Public education is required prior to the passing of the by-law. If Council agrees to the wording of the question as **“Are you in favour of a Ward Election System?”** the public education session will provide information on how ward elections work and will provide examples of both 3 and 5 ward systems to aid the electorate in understanding what those possibilities could look like when considering the ballot question. It may be necessary to hold more than one public education session. One session would be held as required by the Municipal Elections Act, and one or more sessions could be held during the election year to ensure the information is readily available to the electorate to support their consideration of the ballot question on October 24, 2022.

Once the 2022 Election results are in, if the question on the ballot is determined to be valid, meaning that over 50% of the electorate vote on election day and over 50% of those that voted vote in favour of the question (“yes”), Council can then, as is within their power to do so as per the Municipal Act, consider whether a 3 ward or 5 ward system works best for the electorate. Council may at that time, also wish to consider further consultation from its electorate on both 3 and 5 ward systems by conducting a survey, in-person gatherings (if permitted), through social media platforms or virtual open houses to consider what the electorate favours of the options proposed.

3 Ward Mixed System - At-large and Ward

The current Council consists of Mayor, Deputy Mayor and 5 Councillors all elected at-large. A 3 ward system would propose that the Mayor be elected at-large, with 2 Councillors elected in each ward. This would mean that the position of Deputy Mayor

would not be an at-large election model and could be selected from within the 6 Councillors elected by ward or selected on an annual rotation.

As indicated in the June 22, 2020 report, Town of Amherstburg At-Large vs. Ward Electoral System Review (Review), it was indicated that the review was *“premised on the legitimate democratic expectation that municipal representation in Amherstburg will be effective, equitable and an accurate reflection of the contemporary distribution of population across the municipality.”*

The Review also listed criteria for determining ward boundaries as follows:

- a) community or diversity of interests;
- b) means of communication and accessibility;
- c) topographical features;
- d) population or electoral trends;
- e) recognition of settlement patterns and community groupings;
- f) special geographic considerations, including in particular sparsity, density or relative growth or loss of population;
- g) as far as is practicable, wards should be compact and contiguous. Unnecessary irregularities should be avoided;
- h) as far as is practicable, there should be equal representation for equal population. That is to say, wards with the same number of council members should have approximately the same population, similarly any two-member wards should have approximately twice the population of a single-member ward;
- i) as far as is practicable, the total population in each ward should not be greater or less than 25% of the average population per ward. (The average population is arrived at by dividing the total population of the municipality by the total number of councillors elected by wards).

This criteria is important to reflect on while considering a 3 Ward System.

With this system, each elector is restricted to voting only for the Mayor (At-large) and two (2) Councillors (in their Ward) to represent their interests. While this doesn't allow electors to consider each candidate for each office, it can somewhat simplify the voting process for the electorate. It may also streamline communications for citizen inquiries, however the elector is limited to contact with only the Mayor and representatives within their ward.

In considering the request of Council to address a Mayor (At-large) and 3 Ward system, (with Deputy Mayor chosen from amongst Councillors) it is important to note that voters should be equally represented by having wards with reasonably equal electorate totals to the number of elected officials. Using approximately 2.5 electors per household, the estimated electorate for 2022 is 22,375. This number was used to establish the following:

- Average population per ward = 7458
- Average population per ward councillor = 3729

If appropriate consideration is not made for these guiding principles, ward boundaries may require a more detailed review every 4 years to ensure ward boundaries are still

adequately representative of equal electorate. This is an onerous undertaking during a time when election preparation is already underway.

Option 1 – 3 Ward System – NOT RECOMMENDED

As was suggested by Council at the June 22, 2020 meeting, Administration reviewed the old boundary lines of Anderdon, Malden and Amherstburg, to create 3 wards. Unfortunately these boundaries did not meet the considerations listed above. The electors in each boundary should be no more than 9,323 (25% more than 7458) and no less than 5,594 (25% less than 7458).

The option would have:

- Ward 1 – **4,235** total electors equating to 2,117 electors per elected official
- Ward 2 – 8,348 total electors equating to 4,174 electors per elected official
- Ward 3 – **9,795** total electors equating to 4,898 electors per elected official.

Wards 1 and 3 do not comply with the criteria (i) above. This also reveals a difference of 2,781 electors per elected official from the smallest ward to the largest ward which does not comply with criteria (h) above.

Option 2 – 3 Ward System - RECOMMENDED

Using the criteria listed above, Administration has come up with an alternative 3 ward system. Once again, the electors in each boundary should be no more than 9,323 and no less than 5,594.

This option would have:

- Ward 1 – 7,455 total electors equating to 3,727 electors per elected official
- Ward 2 - 8,855 total electors equating to 4,427 electors per elected official
- Ward 3 – 5,683 total electors equating to 2,842 electors per elected official.

Wards 1, 2 and 3 comply with the criteria (i) above. This option reveals a difference of 1,585 electors per elected official from the smallest ward to the largest ward and does comply with criteria (h) above.

Full size maps of Option 1 and 2 have been attached for ease of reference.

4. RISK ANALYSIS:

Council's decision to change or maintain election systems comes with political risk, as it may not be a popular decision whatever option is chosen. However, choosing to add a question to the ballot to allow the majority of the electorate to have a voice in whether the election system remains at-large or changes to a ward system may mitigate that risk.

By adding "Are you in favour of a Ward Election System?" to the 2022 Election ballot it allows the electorate to provide an affirmative or negative answer which will provide clear direction to Council to either change the current election system or leave it as it is.

5. FINANCIAL MATTERS:

The financial impacts of an At-large Election have been considered in budget deliberations since 2019. Council has approved a transfer of \$33,600 to the Election Reserve in 2019, 2020 and 2021. That same level of annual allocation will be requested again in 2022 in order to fully fund the 2022 Election. Adding a question to the ballot is not expected to change the cost of ballots for the 2022 Election.

It is somewhat difficult to determine the financial impacts of a change to a Ward System at this time, as there are a number of unknown variables.

If assumptions are made that the 2026 Election would be conducted in the same manner as the 2022 Election with the only change being a mixed system, Administration estimates an increased election cost of \$35,000, which would be evenly distributed (\$8,750 per year) in the budget requests for fiscal years 2023, 2024, 2025 and 2026 to fund the 2026 Election at a total estimated cost of \$169,400.

6. CONSULTATIONS:

Tim Ryall, Municipal Advisor, Ministry of Municipal Affairs and Housing was consulted on municipal legislation.

7. CONCLUSION:

Council, at its meeting of June 22, 2020 directed the Clerk to bring back 3 ward options for consideration, in addition to the 5 ward option provided on June 22, 2020. Finding a 3 ward structure that fulfills the democratic expectation that municipal representation in Amherstburg will be effective, equitable and an accurate reflection of the contemporary distribution of population across the municipality was difficult, but Option 2 is believed to fulfill that expectation.

It is recommended that the question on the ballot be worded as **“Are you in favour of a Ward System Election?”** If Council approves this wording, a public education session providing details of ward system elections, both 3 and 5 ward, will be provided to the electorate as required by the Act. Council may also wish to consider further education sessions throughout the election year to ensure the information is front of mind when the electorate is considering the ballot question on October 24, 2022.

It is further recommended that the Clerk bring back a by-law to add the question to the ballot following the requirements of the Municipal Elections Act.



Paula Parker
Municipal Clerk

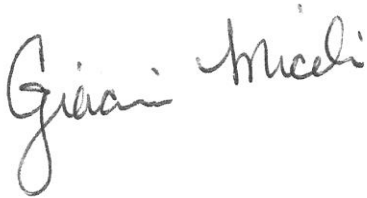
Report Approval Details

Document Title:	2022 Election - Ballot Question and 3 Ward Options .docx
Attachments:	- 3 Ward - Option 1.pdf - 3 Ward - Option 2.pdf
Final Approval Date:	May 14, 2021

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker