



Staff Report

Council Meeting Date: September 25, 2023

Subject: SRCLK.2023.06 – Review of the Electoral System

Report from: Christine Fraser-McDonald, Clerk

Appendices: None.

Recommendation

Be It Resolved that Council hereby,

1. Directs staff to proceed with seeking input from the community on their support for electing Councillors in a ward-based system or electing Councillors through an at-large system;
2. That a public survey be created seeking community input; and
3. That staff to bring a recommendation report and if applicable implementing bylaw to Council in Q2 outlining community feedback received in 2024.

Report Summary

Our current ward system establishes representation of one elected official from each ward and a Mayor and Deputy Mayor at large. In a municipality with wards, anyone can run in any ward – **you do not** have to live in a particular ward to be elected as member of Council.

An eligible elector in Arran-Elderslie is entitled to vote for the Mayor and Deputy Mayor and **only** for the Councillor in the ward in which the voter resides. An at-large election would allow an entitled voter to vote for whomever they choose of the eligible candidates as well as the Mayor and Deputy Mayor.

Background

On March 27, 2023 Council passed the following resolution:

“Be it resolved that the *Municipal Act, 2001, s 222 (1)* states that “without limiting sections 9, 10 and 11, those sections authorize a municipality to divide or redivide the municipality into wards or to dissolve the existing wards.

That the Municipality of Arran-Elderslie currently utilizes the ward system for the election of municipal officials; and

That the current ward system establishes representation of one elected official from each of the five (5) wards, a Mayor and Deputy Mayor who are elected at large; and

An eligible elector in Arran-Elderslie is entitled to vote for the Mayor, Deputy Mayor and the Councillor in the ward in which the voter resides; and

An at-large election would allow an eligible voter to vote for whomever they choose of the eligible candidates for the five Councillor seats as well as the Mayor and Deputy Mayor.

Now therefore, Council directs staff to fully review the reasons for dissolving the wards and to bring back a report at a future Council meeting in 2023.”

Analysis

There is no standard model of representation in Ontario municipalities. The *Municipal Act, 2001, s. 222 (1)*, authorizes a municipality “to divide or redivide the municipality into wards or to dissolve the existing wards” through a by-law, and s. 217 (1) (4) provides that “other than the head of Council, members shall be elected by general vote or wards or by any combination of general vote and wards.” Beyond those points, though, there are no conditions or constraints imposed by the Province to help formulate a local decision to adopt one electoral system or another.

Every Ontario municipality has the authority (*Municipal Act, 2001, s. 217*) to consider dissolving a ward system in favour of a system in which Councillors are elected in an at-large (general vote) system. While there are clearly differences in the impact of each system, there are no “standard” sets of conditions that favour one method rather than the other.

Section 217 of the *Municipal Act, 2001* gives municipalities the authority to determine the composition (including size) of Council, subject to certain limitations as follows:

1. There shall be a minimum of five members, one of whom shall be the head of Council.
2. The members of Council shall be elected in accordance with the Municipal Elections Act, 1996.
3. The head of Council shall be elected by general vote.
4. The members, other than the head of Council, shall be elected by general vote or wards or by any combination of general vote and wards.

To many people, an at-large system is the most appropriate election method in municipalities where the population is small. On that count, a Municipality like the Arran-Elderslie would be considered “small” but, as noted already, there is no definition or conventional benchmark to apply.

Electoral System Alternative Attributes

At-Large Electoral System

Advantages	Disadvantages
<ul style="list-style-type: none"> • Electors have greater choice and flexibility in elections (each voter can consider every candidate in the Council election). • Electors can select the candidates they think will do the best job, rather than having to make a choice among candidates who happen to run in their ward. • The system promotes the concept of a municipal-wide focus, with Councillors being elected by, and concerned for, the municipality as a whole, rather than placing a priority on more local interests. • The likelihood of acclamations is reduced. 	<ul style="list-style-type: none"> • Candidates must campaign across the entire municipality; this may make the cost of a campaign prohibitive. • There would be no designated voices for particular communities or localities within the municipality. At-large elections can lead to significant communities of interest and points of view being unrepresented (or under-represented). • Candidates who appeal to areas where voter turnout is highest tend to be elected disproportionately.

Ward Electoral System

Advantages	Disadvantages
<ul style="list-style-type: none">• Councillors are more likely to be truly local representatives, easily accessible to residents and aware of local issues.• Distinctive communities of interest are more likely to be represented.• It is less likely that one point of view or sectional interest will dominate the Council.	<ul style="list-style-type: none">• Councillors may be elected on minor or parochial issues and lack a perspective of what is to the benefit of the whole municipality.• Ward boundaries may divide communities of interest (which may be difficult to define anyway).• Voters may have a restricted choice of candidates in elections for individual wards.• There is a greater likelihood of acclamations.• There may be problems if a Councillor is not performing effectively or is clashing with some electors, as electors for that ward• May discourage new candidates if an incumbent is generally popular or if an incumbent who is popular with a dominant community of interest is running.• Candidates do not have to live in a particular ward to run in it, but voters can only vote in the ward they live in.

Section 222 of the Municipal Act deals with the process to divide or re-divide a municipality into wards, or to dissolve wards. This process includes:

- passing a by-law that sets out the new ward boundaries or at-large structure;
- providing notice of the passing of the by-law to the public within 15 days; and
- specifying the last date for the public to file a notice of appeal of the by-law.

For changes to ward boundaries to be in effect for the next regular municipal election, by-laws must be passed before January 1 in the year of a regular election.

Electors in a municipality may also initiate ward boundary changes by presenting a petition to their Council asking the Council to pass a by-law dividing or re-dividing the municipality into wards or dissolving existing ward boundaries. The process for presenting a petition to Council is set out in Section 223 of the *Municipal Act, 2001*. The petition must be signed by 1% of the electors in the Municipality or 500 of the electors in the municipality, whichever is less, but, in any event, a minimum of 50 signatures of the electors is required.

If Council fails to pass a by-law in accordance with the petition within 90 days after receiving the petition, any of the electors who signed the petition may apply to the Ontario Land Tribunal to have the Municipality divided or redivided into wards or to have the existing wards dissolved.

Legislation does not require the holding of a public meeting or public consultation. However, Municipal Council could require a notice (of intent to pass a by-law) and consultation and hold a formal public meeting. This notice could be published in the local newspaper and on the Municipality's website and social media channels. Members of the public would be given options to provide written comments to Council, or to request to address Council verbally at a Council Meeting.

Additionally, staff could also seek public input via a survey that could be made available on-line as well as possibly be mailed to every household. Feedback from all the above methods would then suggest whether the public would like to eliminate the ward system and move to an at-large system.

In addition to public input, staff would like to note the following for Council's consideration:

- Perceptions of Representation: the elimination of the ward system may be seen by some residents as "diluting" the representation of a certain ward's concerns, needs and unique history on Council. An argument could be made that the residents will have "enhanced" representation on Council with the elimination of the wards, as residents of the Municipality, would have five Councillors with whom they can address their concerns, instead of just one Councillor.
- There is a perception that to be a Ward Councillor, one must reside in the Ward in which s/he wishes to be elected; this is not the case - anyone eligible to run in a municipal election can reside anywhere in the municipality, regardless of which Ward they are running to represent. Voters can only vote in the ward they reside and may not vote as they do not want to support that Councillor.
- An argument can be made that to strengthen our community relationships, to help eliminate the "us" versus "them" mindset that still exists among some residents, and to eliminate what could be seen as a systemic barrier to a more cohesive community, the elimination of the wards may be warranted. Wards often create artificial, unnecessary boundaries and in some cases, are socially divisive.

Staff recommends that a survey be created for public input and be sent out in the New Year with the tax bills as an option.

Link to Strategic/Master Plan

6.5 Engaging People and Partnerships

Financial Impacts/Source of Funding/Link to Procurement Policy

There are no financial impacts at this time.

Approved by: Sylvia Kirkwood, Chief Administrative Officer