

## REPORT

### Council

Meeting Date: November 18, 2024

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**FROM:** Clerk's Department

**DATE:** November 5, 2024

**SUBJECT:** 2026 Municipal Election Preparation

**WARD:** Town-wide

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#### RECOMMENDATION:

1. That the Town Clerk report back to Council in Q2 2025 on a Campaign Contribution Rebate Program for the 2026 Oakville municipal election.
2. That the resolution endorsing the Association of Municipal Managers, Clerks and Treasurers of Ontario's proposed updates to the *Municipal Elections Act*, attached as Appendix B to the report from the Clerk's department dated November 5, 2024, be adopted.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- The next municipal election will be held on October 26, 2026.
- The clerk of a local municipality is responsible for conducting elections within that municipality in accordance with the *Municipal Elections Act, 1996*.
- Advance planning is essential for ensuring an inclusive, transparent, and well-organized election, maintaining public confidence in the election process.
- Ensuring an accessible election is crucial to enabling participation for people of all abilities, aligning with the town's strategic priorities of fostering community belonging and maintaining accountable governance.
- Staff recommend offering the current Council-approved voting methods, vote tabulators and the home visit program, for the 2026 Oakville municipal council and school board election.
- Staff through the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) continue to advocate for amendments to the MEA to modernize election legislation, focusing on enhancing voter access and streamlining election administration and encourage Council's support.
- Campaign contributions to Ontario municipal election candidates are not eligible for federal or provincial income tax credits. Staff recommend that a report be presented to Council in Q2 2025 to consider authorizing a

Campaign Contribution Rebate Program for the 2026 Oakville municipal election.

**BACKGROUND:**

The *Municipal Elections Act, 1996* (MEA) governs the administration of local elections in Ontario. The Town Clerk holds independent legislative authority to administer all municipal and school board elections. These elections are planned and conducted in line with policies and procedures that reflect and uphold the principles of the *Municipal Elections Act, 1996* (MEA), generally recognized as follows:

- The secrecy and confidentiality of the voting process is paramount;
- The election shall be fair and non-biased;
- The election shall be accessible to the voters;
- The integrity of the voting process shall be maintained throughout the election;
- There is to be certainty that the results of the election reflect the votes cast;
- Voters and candidates shall be treated fairly and consistently; and
- The proper majority vote governs by ensuring that valid votes be counted, and invalid votes be rejected so far as is reasonably possible.

The Town Clerk is committed to making voting accessible by removing barriers and ensuring trust in a free and fair election. Staff continuously monitors legislative updates and municipal trends to deliver progressive, innovative elections. Rapid advances in digital technology have transformed how people engage with services. Voter demographics and attitudes are evolving. With technology readily accessible and a variety of options available, today's diverse electorate increasingly expects personalized products and services. At the same time, security concerns must remain a top priority to protect the integrity of the election process.

Staff engaged with the Accessibility Advisory Committee (AAC) on September 12, 2024, to discuss initiatives and considerations for future elections. These included:

- Improved assistive technology – staying current on new emerging technology and tools that may make the voting process more accessible.
- Increased outreach and education efforts.
- Exploring ways to enhance options for voters with mobility challenges.
- Increasing availability of interpreters and a broader range of communication devices.

Feedback from this committee and the public is crucial in ensuring the process is a positive voting experience for all and empowers every voter to fully participate in the democratic process.

**COMMENT/OPTIONS:****Accessible Voting Initiatives**

Accessibility in elections is vital to ensuring participation for individuals of all abilities, supporting the town's commitment to inclusive elections. Under Section 12 of the MEA, the Clerk is responsible for ensuring an accessible election and removing barriers for voters and candidates with disabilities. Decisions on enhancements to accessible voting services fall under the Clerk's discretion.

Staff continually work to review and improve on accessible options for electors, candidates, and election staff. Feedback from the AAC was key in shaping this report and its recommendations. Staff fully comply with legislated accessibility requirements while enhancing the voting experience for all, including:

- Ensuring physical voting locations are accessible, with features inside and outside the location that accommodate voters with disabilities.
- Providing on-site voting at long-term care homes and designated retirement homes to ensure equal access for residents.
- Implementing proxy voting options.
- Offering a home vote program.
- Facilitating curbside voting.
- Providing a drive-through voting option for added convenience.
- Utilizing assistive voting technology.
- Committing to continuous improvement through planning and reporting.

Staff commitment to accessibility and removing barriers will continue as staff prepare for 2026 by developing new initiatives and enhancing existing ones. These efforts include extending advance voting periods to reduce crowds and wait times, giving voters more opportunities to cast their ballots. Staff will also implement strategic communication and outreach plans to ease concerns and uncertainties around voting, focusing on engaging and informing individuals. Additionally, election officials will receive enhanced training on accessible customer service to ensure respectful assistance, and greater access to interpreters and language services.

**Alternative voting methods**

As digital solutions for elections become more prevalent, measures to safeguard outcomes and promote electoral integrity are increasingly important. Technologies like tabulators and digital voting methods have the potential to enhance equity, inclusiveness, and accessibility in the voting process. These technologies also pose risks which could compromise election integrity. Any election technology adopted by a municipality must include risk mitigation strategies to make elections safer. Section 42 of the MEA allows a municipal council to pass a by-law authorizing the use of alternative voting methods. Current Council approved voting methods include the use of vote tabulators, including accessible assistive voting technology, authorized by By-law 1997-157, and the home visit program for home-bound

electors, authorized by By-law 2021-123. **Appendix A** presents extensive staff research, including a risk assessment and analysis of alternative voting methods in Ontario municipal elections. It also covers the development of online voting standards by the Digital Governance Standards Institute, Ontario jurisdictional benchmarking, and a broader review of national and international practices. The evaluation addresses key risks, benefits, and considerations to support informed decision-making on alternative voting systems.

Based on research conducted, staff do not recommend introducing additional alternative voting methods for the 2026 municipal election. Staff support the continued use of paper ballots and vote tabulators, including accessible assistive voting technology, and continuing the home visit program for home-bound electors.

Accessibility, security, and the integrity of the electoral process are priorities, and staff recommendations are based on an assessment of voting methods that can meet our community's needs while upholding high standards of electoral integrity. With global concerns about electoral security, maintaining trust in voting systems is critical. Oakville, like many local governments, is experiencing low voter engagement; therefore, any consideration of alternative voting methods must include evaluating their potential impact on voter participation and trust. Ensuring that voting methods are secure and reliable is fundamental to promoting active participation in local democracy.

Should Council decide to support any additional alternative voting method, a by-law must be approved no later than May 1, 2026. While this is the legislated deadline, procurement and planning require more lead time than provided by the MEA (at least a year prior to the election). This mitigates risk associated with competition in securing supplies and resources from the market and allows staff to plan and implement robust communication initiatives.

Therefore, should Council wish to consider authorizing a by-law to implement an alternative voting method, staff recommend passing a motion for staff to engage a third-party consultant to report back to Council on the associated risks and benefits in Q1 2025 to ensure this is the best decision at this time, for Oakville.

### **Engagement, Education, and Outreach Strategy**

Preparing for the 2026 election, staff are committed to ensuring that all community members, electors, candidates, and third-party advertisers, are well informed. Engagement, education, and outreach plans will focus on understanding and addressing challenges, and building awareness of the election and its processes.

Leading up to the election, targeted communication and engagement tactics will inform the community about key electoral dates, the nomination period, voters' list

information, where and when to vote, and how to access accessible voting options. A crucial aspect of our strategies will involve outreach to specific groups, including new Canadians, Indigenous individuals, youth, educators, tenants/renters, seniors, and persons with disabilities. Through these efforts, staff will identify barriers to voting, familiarize residents with election processes, and provide essential voting information, all while reviewing and establishing approaches with an Inclusion, Diversity, Equity and Accessibility (IDEA) lens.

Given the rising spread of misinformation and disinformation about elections on social media, it is essential to foster genuine engagement in community decision-making. To combat this trend, staff will implement strategies focused on social media monitoring, educating the public about identifying credible information, and enhancing resources to counter false narratives. These plans and initiatives will be informed by best practices, promoting informed participation and strengthening the democratic process within our community.

### **Facilitating Participation**

Offering free transit on voting day can significantly enhance voter participation by providing a convenient and cost-free means for voters to reach voting locations. This initiative aims to ensure that all eligible voters, including those who may face financial constraints or lack personal transportation, have an equal opportunity to vote, fostering a more inclusive electoral process and aligns with broader efforts to promote civic engagement and strengthen democratic participation within the community.

City Of Guelph Council approved free transit service on Election Day for the 2026 election, and the municipalities of Great Sudbury, North Bay, Sault Ste Marie and many in British Columbia are just a few that successfully supported this initiative for the 2022 municipal election in order to support accessible voting and reduce barriers.

Election staff have reached out to Transit on the feasibility of this initiative and will be consulting with them further for possible implementation in the 2026 municipal election.

### **Council Resolution – AMCTO Provincial Updates to the MEA**

The *Municipal Elections Act, 1996* (MEA) legislates the processes for how local elections operate in Ontario. It provides the framework in which to administer municipal elections and provides voters, candidates and third-party advertisers with guidance on qualifications for participating in local democracy. The MEA serves as an important tool for local election accountability, ensuring smooth democratic processes for citizens across Ontario, and is key to voter and public trust in local governments.

The Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) takes the position that a comprehensive review of the MEA is essential in consultation with the local sector. Modernized legislation enables municipalities to improve transparency and accountability. It is important for voters, candidates, and third-party advertisers to participate easily in the local democratic process while election administrators have the necessary tools to efficiently run elections. The MEA in its current form contains a patchwork of amendments, repealed sections, and transitional provisions that are no longer current, making it difficult to follow and enforce. A comprehensive review of the MEA will equip election administrators with the laws needed for efficient, accountable, and transparent elections.

A [submission](#) to the Province was prepared by AMCTO with a goal to improve and modernize the MEA and its regulations. To keep public trust and improve safeguards, a review should apply a lens considering the ever-changing landscape that impacts election administration, including evolving threats of foreign interference, increased spread of misinformation, and supporting candidates and voters. Staff recommend that a resolution (**Appendix B**) be adopted to draw attention to this important advocacy issue and support the call for critical updates to the MEA well ahead of the next 2026 municipal election.

### **Contribution Rebate Program**

The MEA permits the establishment of a Campaign Contribution Rebate Program, which is subject to Council authorization each election. Staff recommend that the Town Clerk be directed to present a report in Q2 2025 on the consideration of implementing a Campaign Contribution Rebate Program for the 2026 Oakville municipal election.

Oakville established its first Contribution Rebate Program in 2003, authorized by a Council-approved by-law. This program is intended to support the election process by encouraging candidate participation and promoting voter engagement in municipal elections. Campaign contributions for candidates in Ontario municipal elections do not qualify for federal or provincial income tax credits. A municipal rebate program allows municipalities to reimburse contributions made by individuals to candidates running for Council. A rebate program aims to encourage participation in municipal elections by alleviating the financial burden on candidates and donors, supporting more candidates to run, and boosting overall engagement in the election process.

Contribution rebates are funded through the general revenues of a municipality and candidate participation in the program is voluntary. Although a contribution rebate program is authorized under the MEA, it is discretionary, with no specified deadline for establishing the program by by-law.

Several municipalities, including Markham, Mississauga, Ottawa, Toronto, Vaughan, and Whitby, have implemented contribution rebate programs in past elections. The eligibility criteria and rebate formulas differ across municipalities, leading to significant variations in payout amounts. **Appendix C** provides a comparative analysis of the contribution rebate programs offered by Ontario municipalities, highlighting the overall scope and financial impact of these programs during the 2022 municipal election, as well as a historical use of Oakville's rebate program.

Education of both candidates and eligible contributors would be a critical aspect to the successful implementation of this rebate program. Appropriate consultation with the Finance and ITS departments in the development and implementation of this program would also be critical. Both steps aim to support Council's strategic priority of accountable governance.

Should Council approve staff recommendation, a report will be presented, detailing program eligibility, the calculation formula for issuing rebates, and the minimum and maximum contributions eligible for rebates.

## **CONCLUSION**

Voter behaviour, and the evolving landscape of community needs, necessitate a forward-thinking approach to modernizing the electoral process through digital technologies, without compromising electoral integrity. The staff recommendations outlined in this report aim to enhance electoral engagement, improve accessibility, and reinforce the municipality's commitment to maintaining the security of the electoral process.

To advance planning and enhance accessibility in the 2026 municipal and school board elections, the recommendations emphasize removing barriers and ensuring an inclusive electoral process. Informed by a thorough jurisdictional scan of best practices and emerging technologies, along with a comprehensive evaluation of risks and benefits, these strategies aim to improve access to voting locations, advocate for modernized election legislation, and promote increased voter engagement while providing equitable support to candidates. This approach balances the diverse needs of the community while maintaining electoral integrity, fostering trust and confidence.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

Public outreach and education through effective communication strategies are a key aspect of the electoral process. Staff will actively engage the public during election planning and implementation, with consultation from community groups, partners, and the town's Accessibility Advisory Committee being vital.

**(B) FINANCIAL**

All costs associated with the election will be covered through the election reserve and the budget process, as applicable.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Information Technology Solutions, Transit, Finance, and Legal have been consulted in preparation of this report. These departments and additional impacted departments would be involved in the implementation of any Council approved recommendation.

**(D) COUNCIL STRATEGIC PRIORITIES**

This report addresses the corporate strategic priority of accountable government, providing accountable government for excellence in service delivery and responsible management of resources, environmental sustainability, and community belonging by engaging residents.

**(E) CLIMATE CHANGE/ACTION**

Staff recommendations supports climate action goals and promotes sustainable urban development and energy conservation.

**APPENDICES:**

**Appendix A** – Comprehensive Risk Assessment and Jurisdictional Analysis

**Appendix B** – Council Resolution regarding Provincial Updates to the *MEA*

**Appendix C** – Contribution Rebate Program Jurisdictional Scan (Ontario)

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