



Committee of the Whole

Meeting Date: December 10, 2024

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Subject: Municipal Elections Act

BACKGROUND:

The Municipal Elections Act (MEA) was enacted in 1996 to provide a framework for municipal election processes across Ontario, setting the rules that govern the conduct of voters, candidates, and election administrators. Over nearly three decades, the MEA has undergone amendments; however, the legislation, combined with provisions in the Education Act and Assessment Act, has become outdated. As Ontario prepares for the 2026 municipal elections, a comprehensive review of the MEA is essential to address evolving challenges, incorporate technological advancements, and maintain public trust in local election administration.

While Middlesex County does not directly administer municipal elections, it recognizes the critical importance of a streamlined, modernized, and future-proof Municipal Elections Act (MEA) to support its member municipalities. Local elections directly influence the composition of County Council and impact governance across the region. Moreover, the administrative challenges faced by municipal clerks in interpreting and applying the MEA are shared concerns that warrant collective advocacy.

At the December 3, 2024, County Clerks meeting, a joint effort to advocate for modernization of the MEA was discussed to support a well-functioning electoral administrative system that enhances the efficiency and transparency of local governance and administration. Strengthening election frameworks ensures consistent and reliable processes across the region, reinforcing public trust in the democratic systems that underpin both local and County-level decision-making.

ANALYSIS:

The Association of Municipal Managers, Clerks, and Treasurers of Ontario (AMCTO) has spearheaded a movement calling for a substantial overhaul of the MEA to simplify compliance, enhance accountability, and align with current realities, such as digital transformation and the threat of misinformation. AMCTO's submission, [Modernizing the Municipal Elections Act for the 21st Century](#), advocates for legislative updates and a long-term re-write, with specific recommendations to streamline processes, harmonize rules, and make compliance easier for all stakeholders. AMCTO and municipal staff from across the province recently met with Minister Calandra to advance this file. Election administration planning is well underway and will further accelerate in 2025.

The MEA, in its current form, poses several challenges for both administrators and participants. These challenges impact election administrators, candidates, and the public in distinct but interconnected ways.

1. Complexity and Fragmentation

The MEA's scattered clauses and conflicting provisions make interpretation difficult for election administrators, candidates, and the public. For administrators, inconsistent timelines for compliance activities, such as reporting and audit deadlines, create additional burdens. Candidates struggle to navigate campaign finance rules and third-party advertising requirements, often resulting in accidental non-compliance. Meanwhile, voters face challenges understanding eligibility requirements, particularly when key terms like "tenant" and "occupancy" lack clarity. These issues collectively undermine confidence in the electoral system.

2. Administrative Burden

Election administrators are tasked with implementing complex electoral processes within tight timelines, often while balancing other statutory responsibilities. This burden is exacerbated by the MEA's lack of harmonization with the Education Act and Assessment Act, which complicates voter eligibility determinations, particularly for school board elections. For candidates, the extended nomination period stretches resources and can contribute to campaign fatigue. Simplifying timelines and providing clearer definitions would alleviate these pressures for both administrators and participants.

3. Campaign Finance and Third-Party Advertising

The existing frameworks for campaign finance and third-party advertising are overly complex and difficult to enforce. Election administrators lack adequate tools to audit contributions or address violations consistently. For candidates, unclear guidance on acceptable contributions and advertising activities creates unnecessary barriers. These issues also affect public trust, as voters struggle to

understand how campaigns are funded and how third-party advertising operates. Simplifying these systems and providing clearer enforcement mechanisms would improve transparency and accountability.

4. Future-Proofing for Technological Advancements

As digital technologies become increasingly integral to elections, the MEA must address the opportunities and risks posed by innovations such as online voting, artificial intelligence, and social media. Election administrators face operational and security challenges in adopting alternative voting methods without clear provincial standards. For the public, inconsistent approaches to online voting across municipalities can limit access and exacerbate confusion, particularly for those in rural or underserved areas. Modernizing the MEA to include electronic voting standards and safeguards against digital interference would support accessible and secure elections.

To address these issues, a phased approach is recommended:

- For Election Administrators, simplify compliance timelines, provide enforcement tools, and clarify key definitions to reduce administrative burdens and enhance operational efficiency.
- For Candidates, streamline campaign finance rules, shorten the nomination period, and provide clear guidance on third-party advertising to support effective participation.
- For the Public, improve accessibility by clarifying eligibility and identification requirements, standardizing voting methods, and introducing protections against misinformation and digital interference.

By addressing the distinct challenges faced by election administrators, candidates, and the public, a modernized MEA fosters transparency, accessibility, and trust across all facets of the local democratic process.

AMCTO's submission categorizes these recommendations into priority, secondary, and long-term actions. Priority actions, such as amending candidate filing requirements, setting campaign finance limits, and harmonizing local election day scheduling, should ideally be enacted by mid-2025 to provide election administrators with sufficient time to prepare for the 2026 cycle. Longer-term recommendations, including a complete re-write of the MEA, are advised for completion by 2030.

In collaboration with local County clerks and municipalities, supporting AMCTO's recommendations to modernize the MEA, affirms the County's commitment to fostering efficient, transparent, and accountable administration and governance systems and

ensures that election administrators are equipped to meet evolving expectations and challenges.

FINANCIAL IMPLICATIONS:

None.

ALIGNMENT WITH STRATEGIC FOCUS:

This report aligns with the following Strategic Focus, Goals, or Objectives:

Strategic Focus	Goals	Objectives
Promoting Service Excellence 	Innovate and transform municipal service delivery	<ul style="list-style-type: none">• Anticipate and align municipal service delivery to emerging needs and expectations• Strengthen our advocacy and lobbying efforts with other government bodies• Collaborate with strategic partners to leverage available resources and opportunities

RECOMMENDATION:

WHEREAS elections rules need to be clear, supporting candidates and voters in their electoral participation and election administrators in running elections.

AND WHEREAS legislation needs to strike the right balance between providing clear rules and frameworks to ensure the integrity of the electoral process,

AND WHEREAS the legislation must also reduce administrative and operational burden for municipal staff ensuring that local election administrators can run elections in a way that responds to the unique circumstances of their local communities.

AND WHEREAS the *Municipal Elections Act, 1996* (MEA) will be 30 years old by the next municipal and school board elections in 2026.

AND WHEREAS the MEA sets out the rules for local elections, the *Assessment Act, 1990* and the *Education Act, 1990* also contain provisions impacting local elections adding more places for voters, candidates, and administrators to look for the rules that bind the local democratic process in Ontario.

AND WHEREAS with rules across three pieces of legislation, and the *MEA* containing a patchwork of clauses, there are interpretation challenges, inconsistencies, and gaps to fill.

AND WHEREAS the Act can pose difficulties for voters, candidates, contributors and third-party advertisers to read, to interpret, to comply with and for election administrators to enforce.

AND WHEREAS while local elections are run as efficiently and effectively as can be within the current legislative framework, modernization and continuous improvement is needed to ensure the Act is responsive to today's needs and tomorrow's challenges.

AND WHEREAS to keep public trust and improve safeguards the Act should be reviewed considering the ever-changing landscape which impacts elections administration including privacy, the threats of foreign interference, increased spread of mis/disinformation and the increased use of technologies like artificial intelligence and use of digital identities.

AND WHEREAS the Association of Municipal Managers, Clerks, and Treasurers of Ontario (AMCTO) reviewed the Act and has provided several recommendations including modernizing the legislation, harmonizing rules, and streamlining and simplifying administration.

AND WHEREAS AMCTO put forward recommendations for amendments ahead of the 2026 elections and longer-term recommendations for amendments ahead of the 2030 elections.

THEREFORE BE IT RESOLVED THAT Middlesex County calls for the Province to update the MEA with priority amendments as outlined by AMCTO before Summer 2025 and commence work to review and re-write the MEA with longer-term recommendations ahead of the 2030 elections.

AND BE IT FURTHER RESOLVED that this resolution will be forwarded to the Minister of Municipal Affairs and Housing (minister.mah@ontario.ca), the Minister of Education (minister.edu@ontario.ca), the Minister of Public and Business Service Delivery (todd.mccarthy@ontario.ca), Minister of Finance (Minister.fin@ontario.ca) the Premier of Ontario (premier@ontario.ca), and AMCTO (advocacy@amcto.com).