

Municipal Elections Act, 1996

ONTARIO REGULATION 310/16 RANKED BALLOT ELECTIONS

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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.

Français

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